

A. Fisher

EPITOME OF THE DEBATES

IN THE

HOUSES OF LEGISLATURE,

DURING THE

FIRST SESSION

OF THE

FIRST PARLIAMENT

OF

SOUTH AUSTRALIA.

1857-58.

ADELAIDE:

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South



Australian

PARLIAMENTARY DEBATES.

FIRST SESSION OF THE FIRST PARLIAMENT OF SOUTH AUSTRALIA,
EXTENDING FROM APRIL THE 22ND 1857, TO JANUARY THE 27TH, 1858

HIS EXCELLENCY SIR RICHARD GRAVES MACDONNELL, K.C.B., GOVERNOR-IN-CHIEF

OPENING OF PARLIAMENT

UNDER THE ACT NO 2 OF 1855-6 TO ESTABLISH A
CONSTITUTION FOR SOUTH AUSTRALIA

WEDNESDAY, APRIL 22ND, 1858

This being the day appointed for the opening of Parliament, consisting of two houses, a Legislative Council, and a House of Assembly, elected under the provisions of the new Constitution Act, No 2 of 1855-6, the proceedings connected with its inauguration excited much public interest. The hour appointed for both Houses to meet was 1 o'clock, but for some time previously a large number of persons had assembled in front of the Parliament House, anxious to gain admission to the galleries, and at 3 o'clock the number of spectators assembled on North-terrace could not have been less than 1,000. His Excellency arrived on horseback at twenty minutes past 3 o'clock, accompanied by Major Nelson, the Commandant of the Troops, and various other officers and gentlemen, and was received with cheering by the citizens, assembled on the terrace, which he acknowledged, with affability and courteous politeness.

The usual preliminaries of the opening were gone through, and are described below.

LEGISLATIVE COUNCIL.

WEDNESDAY, APRIL 22.

The hon. members of the Legislative Council assembled in the room, in which, until a recent period, the single House of Legislation was accustomed to hold its sittings. At 1 o'clock they were all present, with the exception of Mr. Stirling, prevented by indisposition.

PRELIMINARY PROCEEDINGS.

Mr SINGLETON, Clerk of the Legislative Council, read his Excellency's proclamation for convening the Parliament.

Their Honors, Mr Acting Chief Justice Boothby, and Mr Acting Judge Mann, then entered, and took their seats in chairs provided for them on the raised dais prepared for the President.

The Acting Chief Justice directed the Clerk to request the attendance of the members of the House of Assembly for the purpose of hearing the Commission

read. In a few minutes, upwards of thirty members of the House of Assembly attended, and took their seats on chairs provided for them behind those occupied by the members of the Upper House.

The Clerk of the Legislative Council then read the Commission, which was as follows —

By His Excellency Sir RICHARD GRAVES MACDONNELL, Knight, Companion of the Most Honorable Order of the Bath, Captain-General, and Governor-in-Chief of Her Majesty's Province of South Australia, and Vice-Admiral of the same, &c, &c, &c.

Whereas it is expedient that a Commission, under the Great Seal of the Province of South Australia, should issue, directed to suitable persons, empowering them as Commissioners to do all things necessary to be performed by the Governor-in-Chief of the said province, in the name or on the part of Her Majesty the Queen, or in the name or on the part of the said Governor-in-Chief, in order to the opening and holding of the first Session of the Parliament of South Australia. Now, therefore, I, Sir Richard Graves Macdonnell, Governor-in-Chief, aforesaid, with the advice and consent of my Executive Council, do hereby appoint His Honor Benjamin Boothby, Esquire, Acting Chief Justice, and His Honor Charles Mann, Esquire, Acting Judge of the Supreme Court of the said province, to be Commissioners to do all things necessary to be performed by me as such Governor-in-Chief, as aforesaid, in the name and on the part of Her Majesty the Queen, or in my name or on my part as such Governor-in-Chief, in order to the opening and holding of the first Session of the Parliament of South Australia.

Given under my hand, and the Public Seal of the said Province, this twenty-first day of April, in the year of our Lord one thousand eight hundred and fifty-seven, and in the twentieth year of Her Majesty's reign

By His Excellency's command,
B T FINNISS, Chief Secretary,

Mr. ACTING CHIEF JUSTICE BOOTHBY, senior Commissioner, then acquainted the members of the Legislative Council and House of Assembly, that his Excellency the Governor-in-Chief would, in person, declare the reason of his calling the Parliament together, so soon as it should be notified to him, that the members of both Houses had been duly sworn, and had elected their President and Speaker respectively.

The members of the House of Assembly withdrew, and the Commissioners retired.

Mr DAVENPORT, Commissioner of Public Works

then announced that his Excellency had issued a commission appointing himself and the Hon James Hurtle Fisher to administer the oaths to the members of the Legislative Council

The Clerk of the Council read the commission as follows —

By his Excellency Sir RICHARD GRAVES MACDONNELL, Knight, Companion of the Most Honourable Order of the Bath, Captain-General, and Governor-in-Chief of her Majesty's Province of South Australia, and Vice-Admiral of the same, &c, &c, &c.

Whereas by an Act No 2 of 1855-6, intitled "An Act to establish a Constitution for South Australia, and to grant a Civil List to her Majesty," it is amongst other things enacted, that no member of the said Parliament shall be permitted to sit or vote therein until he shall have taken and subscribed the oath therein prescribed, or made an affirmation in lieu thereof, before the Governor, or before some person or persons authorised by the Governor to administer such oath or affirmation And whereas it is expedient to appoint Commissioners for the purpose of administering such oath and receiving such affirmation, as aforesaid, from the several members of the said Parliament Now, therefore, I, the said Governor-in-Chief, with the advice and consent of my Executive Council, do hereby, in pursuance of the said recited Act, and in exercise of the powers and authorities thereby vested in me as Governor-in-Chief of South Australia, appoint the Honourable Samuel Davenport, Commissioner of Public Works of the said province, and the Honourable James Hurtle Fisher, member of the Legislative Council of the said province, to be Commissioners to administer, first to each other, and thereafter to all other members of the said Legislative Council, the Oath of Allegiance, or receive the affirmation in lieu thereof, required by the said Act to be taken, subscribed, or made by persons claiming to sit and vote as members of the said Parliament.

Given under my hand, and the Public Seal of the said province, this twenty-first day of April, in the year of our Lord one thousand eight hundred and fifty-seven, and in the twentieth year of her Majesty's reign

By his Excellency's command,

B. T. FINNISS, Chief Secretary.

The Clerk of the Council said he had received from the Chief Secretary, the Writ returned for the election of members of the Legislative Council, endorsed as follows:—

I, WILLIAM ROBINSON BOOTHBY, Sheriff and Returning Officer for the Province of South Australia do hereby certify that—

Thomas Shuldham O'Halloran, of Lizard Lodge, Esquire,
John Baker, of Morialta, Esquire,
William Youngusband, of North Adelaide, Esquire,
John Morphett, of Cummins, Esquire,
Edward Castres Gwynne, of Payneham, Esquire,
Anthony Forster, of North Adelaide, Esquire,
Abraham Scott, of North Adelaide, Esquire,
Edward Stirling, of Urrbrae, Esquire,
William Scott, of Port Adelaide, Esquire,
James Hurtle Fisher, of Adelaide, Esquire,
George Hall, of Mitcham, Esquire,
Charles Harvey Bagot, of North Adelaide, Esquire,
Henry Ayers, of Adelaide, Esquire,
Samuel Davenport, of Beaumont, Esquire,
Arthur Henry Freeling, of Medindie, Esquire,
Charles Davies, of North Adelaide, Esquire,
George Eife Angas, of Angaston, Esquire,
Charles George Everard, of Ashford, Esquire,
were on the nth day of March, now instant, duly

lected to serve as members in the Legislative Council of the said province

Given under my hand and seal of office, at Adelaide, the twenty-fifth day of March, one thousand eight hundred and fifty-seven

WILLIAM R. BOOTHBY,

Returning Officer for the Province,

All the above-named members were then sworn in, except Mr Stirling, unavoidably absent through illness, and the Council proceeded to the election of their President

ELECTION OF PRESIDENT.

Major O'HALLORAN moved that the Hon. James Hurtle Fisher be chosen President, he being, both by large experience and otherwise, particularly qualified for the office. If elected, he would act most impartially, and conduct the business of the House in a satisfactory manner.

Mr ANGAS seconded the nomination, considering the hon gentleman the most qualified, both by his former practice, and his perfect knowledge of English usage, to fill the high position to which he was nominated From the agreeable manner in which the business of the former Council was conducted, if he were appointed, he had no doubt they should experience every courtesy at the hon. gentleman's hands.

Captain BAGOT said, whatever course they adopted then would become a precedent for future Presidential elections. He had no fear of anything unpleasant at that moment, but he should like to see the principle of the ballot adopted. The time might arrive when it would be felt a convenience, and he thought it had worked so admirably in sending hon members into that House, that he did not apprehend any objection being raised to its adoption by themselves He would advocate the system of ballot without nomination, and of balloting over again till an absolute majority was obtained

Dr. DAVIES would like the candidates nominated. He feared the suggestion of the hon and gallant member was an underhand way of bringing forward another person for the office of President.

Captain BAGOT protested against the use of such a term. He was not in the habit of doing things in an underhand way

Dr DAVIES meant nothing offensive. He certainly should prefer having candidates nominated, which would prevent their voting for gentlemen who might not be willing to serve

Major O'HALLORAN held the ballot in great abhorrence, and thought they would not do justice to their constituents if they had any hole-and-corner work. Whatever might be done at the election of members, he contended that in that House they should always vote openly and manfully.

Mr FORSTER had hoped the time had passed by when they should hear protestations against the ballot, for the question, so far as regarded the election of members, had been already settled He must certainly concur with the hon. and gallant member on his right, (Captain Bagot,) but, at the same time, he agreed with

the hon. and learned member who had suggested the nomination of candidates. He should be happy to second any motion in favour of vote by ballot, which he hoped would always prevail in that Council in the appointment of individuals

Mr Gwynne presumed there need be no election, whether by ballot or otherwise, unless they knew that there was a second candidate to be brought forward. There was no parity between the ballot for the election of members, and for the votes and decisions of that House. For the former purpose, he would say nothing against the ballot, but for the latter he would oppose it tooth and nail.

Mr. BAKER remarked that in every Legislative Assembly the ballot was resorted to in personal matters, such as the appointment of Select Committees, &c. He should be sorry, whatever might be his private opinion of the ballot, to express, as an hon. and gallant member had just done, an abhorrence of any part of the Constitution, and he must say that he thought it would be well to establish the precedent of electing their President by ballot. He did not, however, understand that the question was now mooted with any view to bringing forward another candidate, but simply with reference to the future proceedings of the House. He would also add that he considered all their proceedings should be conducted with a view to economy, and he did not imagine the business of that House would be so onerous but that whatever gentleman was elected President might easily perform the duties of Chairman of Committees. He would like to take the sense of the House on that subject before the election. The late Council had actually passed a vote to the effect that the two offices might with propriety be united.

Mr ANGAS had no objection to the course suggested by the hon. Mr Baker, but he did not think the question could be settled there.

Mr BAKER had no other wish than to let it be understood as an open question, so that the President, whoever he might be, should not hereafter be unwilling to take upon himself the duties of Chairman of Committees.

Captain BAGOT quite agreed in thinking that the matter should be fully understood before any gentleman was elected. He would therefore move that the election of President be by ballot, and that the President undertake the duties of Chairman of Committees.

Mr. Gwynne submitted that they were not a House at present, and that until they had elected their President they could not pass resolutions.

Captain BAGOT thought they must decide how they should elect their President before they could proceed to the election.

Mr ANGAS remarked that the principle of the ballot could not be carried out, since certain members had already committed themselves in favour of a particular person. If the hon. and gallant member wished to introduce the ballot for the future, he could submit a motion on the subject after the House was legally constituted.

Captain BAGOT could see no objection to the House

deciding upon the mode of election. He therefore put his motion in the following form, by way of amendment upon the motion before the Council, "That the House proceed to the election of a President by ballot."

Mr FORSTER seconded the amendment.

Captain HALL enquired whether it was intended to dispense with nomination.

Captain BAGOT had left that an open question, which might be subsequently discussed. His own opinion was, that they should proceed to ballot without nomination.

Captain HALL was favourable to the ballot, but would still have the candidates nominated.

The COMMISSIONER of CROWN LANDS read the seventh clause of the Act, which requires the President to be elected before the House proceed to any other business. He did not know, however, that they were precluded from deciding in what way they should elect him.

Captain BAGOT observed that they must arrange how they should elect the President, inasmuch as the Act prescribed no particular mode of proceeding.

The Clerk then put the amendment, which he declared to be lost, and the House divided upon the question, "That the words proposed to be left out stand part of the question."

AYES.	NOES
Commissioner of Crown Lands	Surveyor-General
Major O'Halloran	Capt Bagot
Dr Davies	Capt Hall
Dr Everard	Capt Scott
Mr. Angas	Mr. Forster
Mr Morphett	Mr Younghusband
Mr Fisher	Mr Baker
Mr Ayers	
Mr Gwynne	
Mr A. Scott.	

The amendment was consequently lost, and the original motion, for the election of Mr. Fisher, carried.

The hon. member was then conducted to the chair, amidst mutual congratulations and thanks, and was subsequently presented to his Excellency by appointment.

THE "MEMBERS' ROLL."

Pursuant to clause No 8 of the Constitution Act of 1855-6, the Council proceeded to determine by lot the order in which the names of the several members should be entered on the "Members' Roll," with a view to their rethement, with the following result.—

1 Mr. Forster	10 Dr Davies
2 Capt Bagot	11 Mr Angas
3 Mr. Younghusband	12 Mr Fisher
4 Mr. Abraham Scott	13 Mr Ayers
5 Mr Baker	14 Dr. Everard
6 Mr Davenport	15 Capt Freeling
7 Major O'Halloran	16 Captain Scott,
8 Mr Stirling	17 Mr Gwynne
9 Mr. Morphett	18. Capt Hall.

Nos 1 to 6 consequently retire at the end of 4 years, Nos 7 to 12 at the end of 8 years, and Nos 13 to 18 at the end of 12 years. Or it may be put thus.—

Retire in 4 yrs.	Retire in 8 yrs.	Retire in 12 yrs
Mr Forster	Major O'Hallo-	Mr. Ayers
Capt Bagot	ran	Dr Keverard
Mr. Younghus-	Mr Stirling	Capt Freeling
band	Mr Morpheit	Capt Scott
Mr A Scott	Dr Davies	Mr Gwynne
Mr Baker	Mr Angas	Capt Hall
Mr Davenport	Mi. Fisher	

THE GOVERNOR'S ARRIVAL

At half-past 3 o'clock, his Excellency the Governor-in-Chief entered the House, conducted by the President, and attended by Mr Paisley, (Private Secretary), Mr Maturin, (Aide-de-Camp), Major Nelson, (Commandant of the Troops), Capt Vereker, (Lieut Saunders, Ensign Williams, Major Warburton, (Commissioner of Police), Inspector Hamilton, Inspector Reid, and Inspector Holroyd

His EXCELLENCY, having been conducted by the President to the Chair of State upon the raised dais, desired that the members of the House of Assembly should be requested to attend

THE GOVERNOR'S SPEECH

The Speaker and nearly the whole of the members having entered the Chamber, the Governor rose and said—

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,
AND GENTLEMEN OF THE HOUSE OF ASSEMBLY—

1 I have assembled you for the dispatch of business thus early, in accordance with that provision of the Constitution Act which requires that you should assemble within six months from the time of its proclamation.

2 I am happy in being able to announce to you that the present financial position of the province is highly satisfactory. The Revenues of 1856—amounting to four hundred and fifty-six thousand pounds—together with the available balance brought forward from previous years, have sufficed to meet all expenditure for the service of that year, including that on account of Immigration, leaving a balance exceeding two hundred thousand pounds available for the service of the current year.

3 During the past quarter the proceeds of the chief sources of revenue have so far exceeded the moderate Estimate of Ways and Means adopted by the late Legislature, as to afford assurance that a balance, exceeding one hundred thousand pounds, will remain to be appropriated, after defraying all liabilities as yet authorized on account of the service of the current year.

GENTLEMEN OF THE HOUSE OF ASSEMBLY—

4. The details of these amounts will be submitted to you, with the Supplementary Estimates for the current year, at an early period of the session.

HONORABLE GENTLEMEN AND GENTLEMEN—

5 That the sound financial position of this colony is generally appreciated is evidenced in a satisfactory manner by the facility with which Government Securities are disposed of at moderate premiums, in England and the adjacent colonies.

6 It will also be satisfactory to you to learn the following facts connected with our material progress during the past year.—

The population—as nearly as can be deduced from previous returns, from the difference between arrivals and departures, and from excess of births over deaths during the year—may now be estimated at about one hundred and nine thousand souls.

The land sold by the Government during the year ended 1st April, amounted to one hundred and eighty-eight thousand acres, and the price realized to upwards of two hundred and twenty-nine thousand pounds, whilst the quantity under cultivation exceeded two hundred and three thousand acres—of which wheat and other grain crops formed more than one hundred and seventy-two thousand nine hundred acres.

The extent of Crown Lands held under leases comprises about twenty-four thousand square miles, which is divided into four hundred and eighty-five holdings, yielding an annual rental of thirteen thousand three hundred and eighty pounds.

The foreign trade, as exhibited in the Customs Returns during 1856, shows the value of the imports for consumption in the colony, at one million two hundred and five thousand and sixty-nine pounds, and the value of the exports of the staple produce of the colony at one million three hundred and sixty-four thousand nine hundred and four pounds. Of this total export, the value of grain and flour amounted to five hundred and thirty-four thousand seven hundred and eighty pounds, of wool to four hundred and twelve thousand one hundred and sixty-three pounds, and of ore and metals to four hundred and eight thousand and forty-three pounds.

I have much gratification in calling your attention to the indications of advancing prosperity furnished by the above analysis.

7 The repeal of the Act of Parliament which has hitherto regulated the sale of the Waste Lands of the Crown in this Province imposes upon you the task of forming a system for their future management, and I have caused a Bill to be prepared for this purpose, which will be laid before you at an early day. That Bill adopts the main features of the previous law, as regards the mode of disposal of the Waste Lands of the Crown; but it prescribes no fixed appropriation of their proceeds, leaving it to the Legislature, for the time being, to determine, in accordance with the varying wants of the community, to what objects they shall be applied, and in what proportion.

8 There will, at the same time, be laid before you a series of resolutions embodying provisions designed to afford encouragement to the nomination of immigrants by persons settled in the province, and the voluntary or assisted immigration of suitable persons who may arrive in the colony, without aid from the public Revenues.

These resolutions will also contain as an important feature, a provision that the powers and functions of the Land and Emigration Commissioners in England shall henceforth be exercised by persons responsible solely to the Government of this colony.

9 With reference to the means of communication and transport—so important in all new countries—Bills will be laid before you, providing for the amendment of the system at present in force as regards main roads, and for the extension of the present railway from Gawler Town northward, as far as Kapunda, and eastward towards Gumeracka, as far as the base of the hills. The increased facilities, and diminished cost of transit, resulting from the use of railways, and the saving in the cost of roads, which must otherwise be constructed, appear fully to justify the proposed extension, while the resources of the province are abundantly adequate to meet any temporary burthen which it may occasion. Concurrently with these measures, your attention will be directed to a plan for developing the trade on the River Murray, and securing to this province the terminus of that navigation, by affording facilities for the shipment of river-borne goods, at Victor Harbour, in sea-going vessels.

10 In connection with this trade, I have to inform you that the original arrangement made with New South Wales and Victoria, for the collection of duties upon all river-borne goods imported into those colonies,

has been superseded, on the part of the Government of Victoria, since the 1st March last. I have directed copies of the whole correspondence connected with that subject to be laid before you, from which you will perceive that the Governments of New South Wales and Victoria propose to adopt, in common, the tariff of New South Wales, and to collect the duties under that tariff through the instrumentality of a joint Custom House at the junction of boundaries, unless this Government concur in adopting the same tariff. The negotiations on this important point are still pending, and there are grounds for belief that a conclusion may ultimately be arrived at advantageous to the common interests involved.

11 I have also directed a Bill to be laid before you to authorise this Government, for a limited period, to become a party to the contract made by the Home Government, for the Mail Service to these colonies, and to make arrangements for the Branch Service to this province.

12 I have also directed to be laid before you a Bill to amend the present Education Law, both with a view to the enlargement of the present system, and to its more effectual support. This measure leaves untouched that principle of the present law which declares that education shall be based upon the Christian religion, without doctrinal teaching, but it is intended to provide for the erection—throughout the settled districts of the Province—of suitable school-buildings, and for the augmentation of the stipends of teachers, and it provides for the cost thus occasioned by the imposition of an Education Tax. The details of this measure will, I have no doubt, receive at your hands that attention which is due to the importance of a system on which must mainly depend the qualifications of the future generations of the citizens of this Province for self-government.

13. Your attention will also be directed to a revision of the Electoral Law, which has been found to be cumbersome and costly in its present form, and a Bill will be submitted to you for applying a remedy to these evils.

14. The present system of Responsible Government, under which the Ministry is virtually appointed by—and holds office at the will of—an Elective Legislature, appears to have removed every ground for the appointment of Boards to perform various executive functions, and appears to afford a fitting opportunity for bringing under the direct and immediate control of the Government several works which are now, by law, placed under this machinery. I have, therefore, directed Bills to be prepared and laid before you for removing the Railway Commissioners, the Water Works Commissioners, the Harbour Trust, and the Central Road Board, and for placing the undertakings now carried on by their instrumentality under the direct control of the Commissioner of Public Works, with such assistance as may, in each case, be deemed necessary.

15 Among the other important topics to which your attention will be directed, the Reform of the Law will, doubtless, occupy a prominent place, and I have directed various Bills to be prepared and laid before you bearing on this subject. They will include a Bill to amend the law of Real Property, which will provide for the distribution of landed property in cases of intestacy, in the same manner as personal property is now distributed, and will simplify the evidence of title, by shortening the period within which actions for the recovery of land may be brought, and will afford facilities for settling doubtful or disputed titles, a Bill for amending the Insolvent Law, and a Bill for increasing the number of Judges, and enlarging the sphere of duties of the Supreme Court, by providing for the establishment of Circuit Courts.

16 In conclusion, and speaking for myself individually, I most sincerely congratulate you on the enlarged powers of self government conferred on the

community which you represent. The personal satisfaction which I experience at thus meeting you on an occasion so auspicious as the opening of the first Parliament of South Australia, wholly elected by the people, is much increased by the confidence with which I anticipate a no less prudent than energetic exercise of their extensive powers by the Representatives of the People.

17 Yet—whilst relieved by the existing Constitution of much responsibility, which till lately had attached to my office—I feel that a new and equally grave responsibility will arise, when, with none between the Representative of the Sovereign and the people, it may become the duty of the former to give the fullest constitutional development to the wishes of the country. That responsibility I do not shrink from, satisfied that a fearless and honest desire to act up to the liberal spirit of the Constitution will always ensure the support of a South Australian Parliament.

His Excellency having retired from the Council Chamber, the Speaker and Members of the House of Assembly withdrew.

Mr DAVENPORT moved the appointment of a Select Committee of five to prepare the draft address of the Legislative Council to his Excellency, in reply to the speech delivered by him to the Houses of Legislature.

The Council proceeded to the ballot, and the following members were declared to have the greatest number of votes, viz.—Mr. Davenport, Mr. Gwynne, Captain Freeling, and Major O'Halloran. There being a tie between two other Members, the President decided by lot, whereupon Mr. Baker was chosen, and declared to be, with the before-named gentlemen, the Committee duly appointed. To report on Tuesday, 28th April.

Mr DAVENPORT moved the provisional adoption of the Standing Orders of the last Legislative Council, dated October 27, 1852, *mutatis mutandis*, and so far as applicable, until altered by a vote of the Council. Agreed to.

Adjourned until Tuesday, 28th of April

HOUSE OF ASSEMBLY.

— WEDNESDAY, APRIL 22

There was a very full attendance of members. A few minutes after 1 o'clock, a messenger informed the Clerk of the House that the attendance of members was requested in the Legislative Council by the Commissioners, to hear the Commission read, by which Parliament was to be opened. The great body of the members present obeyed the summons, and shortly afterwards returned, and proceeded to the swearing in, and to the election of a Speaker. Throughout the day, the Strangers' Gallery was densely crowded.

On resuming their seats, after their return,

The CHIEF SECRETARY informed the House that his Excellency had been pleased to appoint him and the honorable the Attorney-General Commissioners to administer the oaths interchangeably to each other, and also to the several members, and handed in the Commission directed to them for that purpose, which was read by the Clerk.

The Attorney-General then administered the oath of allegiance to the Chief Secretary. That officer administered the like oath to the Attorney-General, and then both acting as Commissioners administered the oath to the whole of the members who were called up, six at a time, by the Clerk, beginning with the members for the City of Adelaide.

Mr Marks was sworn according to the Jewish form.

ELECTION OF SPEAKER.

The CHIEF SECRETARY said the next business was to proceed to the election of a Speaker. He therefore suggested that some hon member should propose a fitting person for that office.

Mr. BAGOT said, in electing a gentleman to fill the office of Speaker, the House, he thought, were agreed, that it should fall on a person, who could fill the situation best. The Speakership of that House was a position of honour and dignity second to none other in the colony. In considering the sort of person who should fill that office, due regard should be paid to the necessary qualifications, and he thought it would be agreed, that those qualifications were to be found in the gentleman whom he was about to propose. He thought there was no doubt but that the Speaker should be a person well acquainted with the precedents and practice of other Legislative Assemblies, as hon gentlemen must be aware that differences of opinion would often arise, and the settlement of those differences must in a great degree depend upon the rules adopted and carried out in other Assemblies. The gentleman elected as Speaker should be able also to devote a large portion of his time to the performance of his onerous duties, and he thought he need only mention the name of George Strickland Kingston, Esquire, one of the hon members for the Burra, to secure the unanimous approval of the House (Hear, hear). Those hon gentlemen who had sat with Mr Kingston in the former House of Assembly could not but have remarked the great assiduity with which that gentleman attended to his legislative duties. They must also have remarked the promptness with which he referred to decisive authorities in disputed cases. He was also known to be a gentleman, whom the colony delighted to honour. He was an old colonist, and had borne the heat and burden of that kind of work, which had made the colony what it is, as well as having been unceasing in his attention to its advancement since it was favoured with representative institutions. He begged to propose George Strickland Kingston, Esq, as Speaker.

Mr HARE seconded the motion with hearty good will. Having worked on Committees with Mr. Kingston, he could testify to his indefatigable industry, and to his promptness in producing information to guide those associated with him in the transaction of business.

The Clerk of the House put the motion, which was carried unanimously, and Messrs Bagot and Hare then conducted Mr Kingston to the chair.

The SPEAKER returned thanks for the honour conferred on him. He expressed his apprehensions lest he should not be able to realize all that his proposer expected from him, but he could sincerely say, that no exertion on his part should be wanting. He trusted he might rely on the support of the House in his attempts to maintain order, and he again expressed his thanks for the honour conferred on him.

The CHIEF SECRETARY congratulated the hon the Speaker elect on his being selected by the House. He had much pleasure in avowing his confidence that the Speaker elect would perform his duties with dignity, impartiality, and firmness. Their next duty as members would be to present the Speaker elect to the Governor-in-Chief.

Arrangements for this were made by dispatching the Chief Secretary to ascertain when it would be his Excellency's pleasure to receive the Speaker elect.

The CHIEF SECRETARY returned, and reported that his Excellency would be happy to receive the Speaker at ten minutes after 3 o'clock.

As there was no further business, the House adjourned until that time.

On the reassembling of the House—

The SPEAKER said it was not necessary to have another notice with reference to his presentation. He would, therefore, be happy to be accompanied by as many members as could make it convenient to attend on his presentation.

The whole house rose and proceeded to present the Speaker to his Excellency the Governor-in-Chief.

On the reassembling again of the House—

The SPEAKER proceeded to report that he had been presented to his Excellency the Governor-in-Chief, who had been pleased to approve of the selection of the House. He (the Speaker) had claimed, on behalf of the House, the privilege of freedom of speech, and all other privileges appertaining to proper Legislative functions. His Excellency had been pleased to concede and confirm all those privileges. He (the Speaker) again expressed his sense of the high honour that had been conferred on him. It was to him—a resident of twenty-one years' standing, and the first white man who had set foot on the site of Adelaide—a great gratification to be chosen Speaker of the first South Australian House of Assembly, elected by universal suffrage and vote by ballot (Hear, and applause).

The House again adjourned for a few minutes, and, on its reassembling, a Messenger summoned the House to hear his Excellency's opening speech in the Legislative Council Chamber. The Speaker and the rest of the hon members, in a body, obeyed the summons.

PETITIONS.

Mr HUGHES, on the reassembling of the House, presented a petition, from William Bakewell, against the return of Horace Dean, commonly called Dr Dean, of the District of Barossa.

The Clerk read the petition—

To the Honourable the House of Assembly of the province of South Australia, in Parliament assembled. The petition of William Bakewell, of Felixstow, in the province of South Australia, gentleman, Humbly sheweth—

That, at the general election of members to serve in your Honourable House, held on the 7th day of March, 1857, under the provisions of the Constitution Act and the Electoral Act of the said province, Walter Duffield, a certain person calling himself Horace Dean, but whose true name, your petitioner has been informed, was and is William Thomas Haskell, your petitioner, the said William Bakewell, and William Jacob, were candidates for the representation of the District of Barossa, in the said province, and John Stewart Browne was the Returning Officer of the said district.

That at the close of the said election the said Returning Officer declared the state of the votes for the said respective candidates to be as follows, that is to say—

For the said Walter Duffield	.. 406 votes.
For the said person so calling himself	
Horace Dean.	337 do
For your petitioner, the said W Bakewell	220 do.
For the said William Jacob	155 do

Whereupon the said J Stewart Browne, as such Returning Officer, declared the said Walter Duffield and the said person so calling himself Horace Dean to be duly elected members for the said district.

That at the time of the said election the said William Thomas Haskell (so calling himself Horace Dean) was incapable of being elected a member of your Honourable House on the ground that he was a native of the United States of America, and was not, at the time

of such election, a natural-born or naturalized subject of Her Majesty.

That previously to the said election the said William Thomas Haskell (so calling himself Horace Dean) had been guilty of bribery and corruption, with a view to influence the votes of divers persons having votes at such election, contrary to the provisions of the Act in that case made and provided.

That for the reasons aforesaid the said William Thomas Haskell (so calling himself Horace Dean) was and is wholly disabled and ineligible to serve as a member of your Honourable House, and the votes given in his favour were and are utterly ineffectual, and the return of William Thomas Haskell (so calling himself Horace Dean) was and is by reason thereof wholly null and void.

Your petitioner prays as follows:—

1 That this petition may be referred by your Honourable House to the Court for the Trial of Disputed Returns, to be appointed in pursuance of the said Electoral Act

2 That the election and return of the said William Thomas Haskell (so calling himself Horace Dean) may be declared null and void, and that your petitioner may be declared duly elected a member to serve in this present Parliament as a member of your Honourable House for the said District of Barossa, and that the name of Horace Dean may be erased from the return, and the name of your petitioner substituted therein.

That your petitioner may have such further and other relief as the nature of the case may require.

Ordered to be printed.

Mr BLYTH presented a petition signed by George Hall (Chairman), Arthur Blyth (Deputy-Chairman), and David Melville (Secretary), of the Chamber of Commerce, praying that the sum of £24,000 be set aside annually, for three years, for the promotion of direct steam communication with England.

Received, read, and ordered to be printed.

STANDING ORDERS.

Mr. BLYTH moved that the Standing Orders of the late Council be in force, until new ones be decided upon.

Mr. BAGOT asked whether the Government were prepared to propose any Standing Orders preferable to those of the old Council.

The CHIEF SECRETARY said they were not.

The ATTORNEY-GENERAL, as a matter of etiquette, suggested that nothing but formal business should be done, until the Governor's speech had been considered. The motion as to Standing Orders was something more than formal business.

Subsequently agreed to.

SHIPPING ACCOMMODATION.

The TREASURER laid on the table "A Bill intitled an Act to repeal Tonnage Duties on Shipping, and to authorize the leasing of the Wharf Frontage at Port Adelaide known as the North Parade;" and moved—That it be now read a first time.

Bill read a first time, and ordered to be read a second time on Tuesday, the 28th of April

THE GOVERNOR'S SPEECH.

The SPEAKER announced that he had obtained a copy of the Governor's speech, which, with the consent of the House, he would read.

The CHIEF SECRETARY proposed, for the better consideration of the address, that the speech should not be formally read, until the next meeting of the House

He would, also, for the same reason, propose that the House, on its rising, do adjourn until Tuesday next

Mr HUGHES enquired whether the necessary statistical information would be placed in the hands of members before the next meeting. There were many subjects, especially that of railways, which required attention

The ATTORNEY-GENERAL suggested that it was not expedient to commence discussion of those subjects at that moment. If the House, indeed, decided on discussing the Governor's speech at that moment, he had no objection.

Mr HUGHES merely wished to have the necessary information in his hands.

RETURNS

The TREASURER laid on the table the following papers, viz —Comparative Statement of Estimated and Actual Revenue and Expenditure, 1856. Revenue and Expenditure of South Australia for quarter ended March 31, 1857. Customs Returns for quarter ended December 31, 1856. Customs Returns for year ended December 31, 1856. State of the Loans authorized by the Legislature for the construction of Public Works. Excesses on Votes, 1856. Ordered to be printed.

COURT FOR TRIAL OF DISPUTED RETURNS.

Mr BLYTH moved that four members of the House be elected to form a Court for the Trial of Disputed Returns.

The motion was carried, and Messrs Bagot, Waterhouse, Blyth, and Hughes, were chosen by ballot.

The CHIEF SECRETARY asked the hon member for the Port whether he could with satisfaction to himself and others sit as a member of that Court, after that he had taken that day in presenting a petition against the return of a member. He merely put it to the hon. member's own sense of propriety.

The ATTORNEY-GENERAL believed his hon friend the Chief Secretary was under a slight misapprehension as to the position of the hon member for the Port. He did not, of course, intend to dictate to that hon gentleman, but he must say that it would be, in his opinion, an unwise thing to establish the precedent, that a member who presented a petition on any subject was by so doing committed to a particular line of conduct. (Hear, hear.) He trusted the Chief Secretary would feel, that, unless there were particular circumstances in the position of the hon member for the Port, there was nothing in presenting a petition to prevent his acting as he pleased. (Hear, hear)

Mr. HUGHES had, on hearing the result of the ballot, got up for the express purpose of requesting his name to be erased from the list of members of the Court. He did so, because from the moment the return in question was announced, he had expressed himself most strongly on the subject. He had, in fact, done more, he had urged hon. members to take a very decisive action in the matter. He had expressed a strong opinion on the subject, and he held that opinion still. (Hear, and applause) He was anxious that the House should express an opinion as to whether, after that explanation, he should be a member of the Court. If so, he was quite willing to take his oath, that he would act honestly (Hear, and applause) He had no hesitation in saying that he thought the return in question a disgrace to the House and the country—"Order," and "Hear, hear"—but of course he had nothing to found an opinion on as yet, except the statements which he had read in the newspapers.

Mr HARE thought the expression of opinion which they had just heard was quite sufficient to disqualify the hon member for the Port from being a member of the Court in question. The commonest criminal was entitled to an impartial judge.

Mr BURFORD thought the hon member for the Port was quite justified in the remarks he had made, and the opinion he had expressed.

Mr NEALES thought after the expression of opinion which had fallen from the hon member for the Port, that it would be but fair to Dr Dean to pass over the name of Mr Hughes and select the next name on the ballot-papers. He moved a resolution to that effect, which was carried.

The SPEAKER said there was a tie between the next two names, there being eight votes each for Messrs Dutton and Reynolds. By the Standing Orders, it was for him to decide between them. He would do so by lot. The lot fell on Mr. Reynolds.

House adjourned until Tuesday following.

LEGISLATIVE COUNCIL

TUESDAY, APRIL 28.

The President, on taking the chair this day, produced his Excellency's commission empowering him to administer the oaths to members, which was read by the Clerk at the table.

PARLIAMENTARY PAPERS.

Mr. Davenport laid upon the table the following papers, viz—1. Excesses on Votes, 1856 2 Comparative Statement of the Estimated and Actual Revenue and Expenditure, 1856 3 Revenue and Expenditure, quarter ended 31st March, 1857. 4. Customs Returns, quarter ended 31st December, 1856 5 Customs Returns, year ended 31st December, 1856. 6 State of Loans for Public Works.

STANDING ORDERS.

Mr. Davenport moved the appointment of a Committee, with a view to the preparation of new Standing Orders, to provide for the due conduct of the business of the Council, as required under clause 27 of the Constitution Act. He remarked that the framing of new Standing Orders would be necessary, as those in use by the late Council would not meet the requirements of the House as at present constituted.—Mr. Younghusband seconded the motion, which was carried unanimously.—Mr. Baker expressed a hope that, if not out of order, the President, whose knowledge of the forms and usages of Parliament was very considerable, would be one of the members of the Committee.—Mr. Gwynne concurred.—The President said there was nothing to prevent his acting if elected.

The President, Mr. Baker, the Commissioner of Public Works, Mr. Morphet, and Mr. Gwynne were appointed.

CHAIRMAN OF COMMITTEES.

Mr. Davenport moved that the House do proceed to the election of a Chairman of Committees. In the early days of the Legislative Council the Governor presided in person. Afterwards, when the House was thrown open to the representatives of the people, it appointed its own Speaker. In the year 1853, when the business had very materially increased, a Chairman of Committees was appointed to assist the hon. gentleman who presided, and that arrangement had continued in force up to the close of the late Council. It would be necessary, of course, for the House to make a similar appointment, and he had therefore brought the subject forward.—Captain Freeling seconded the motion.

There could be no doubt but that they must have a Chairman of Committees, whether, as had been suggested on a former day, they appointed the hon President or any other person to perform the duties of the office.

Mr. Baker moved as an amendment—That the duties of Chairman of Committees be performed for the present by the President. Hon members were aware that a similar arrangement was likely to be adopted in the other House of Parliament, and it would behove the members of Council to exercise all possible economy in the arrangements of their own branch of the Legislature. He might further observe that, under the circumstances, it was possible, in the event of their appointing a separate Chairman of Committees, that there might be some question about the voting of his salary, for it was quite certain that if the large duties which the combined offices would involve in the other House could be satisfactorily performed by one individual, there could be no difficulty in the same arrangement being carried out in the Legislative Council, where, for some time to come at least, there would be very much less to do. He preferred putting the amendment in the form he had done, for if the motion were carried, and they proceeded to appoint the President Chairman of Committees, that hon gentleman might be considered entitled to draw the salaries of both offices, in which case the object he had in view would be frustrated.

The President intimated that the hon member's motion was not an amendment; it could only be put as an addition to that originally before the House.—Mr. Baker had no objection, provided it were understood that the hon. President did not draw both salaries.—Mr. Younghusband suggested the introduction of words to that effect.—Mr. Baker was fearful of exceeding the powers of that House by appearing to touch upon matters of finance.—Mr. Davenport remarked that for the present year, at least, provision had been made on the Estimates for a separate salary for the Chairman of Committees.—Mr. Baker added the words suggested by Mr. Younghusband.—The President again expressed his opinion that the motion was not an amendment.—Mr. Gwynne thought differently. It negatived the appointment of a Chairman of Committees, and provided that his duties should be performed by the President. In fact, it appointed no Chairman of Committees at all, therefore the salary of the office could not be drawn, even were no provision to that effect included.

The President observed that the office of Chairman of Committees must be created before the House could determine that any particular person should perform the duties appertaining to it.—Mr. Baker did not imagine that the object of the amendment could be misunderstood.—The President understood its object perfectly well.—Mr. Davenport read from the Electoral Act the clause providing that the salary of the President should be equal, at least, to that of the Speaker of the House of Assembly.—Dr. Davies said the Legislative Council had not the power of fixing either salary.—Mr. Forster suggested that the words of the amendment should be "the duties which ordinarily attach to the office of Chairman of Committees."

The President then put the amendment, which was carried without a division in the following form:—"That it is the opinion of the House that the duties of Chairman of Committees shall, for the present, be performed by the President of the Council, without any extra salary for the performance of such duties."

LIBRARY COMMITTEE.

Mr. Davenport moved—"That two members of this House be elected to join two members of the other House, or such other members as they may appoint, to constitute a Library Committee," which was carried unanimously.—The members appointed were, the President and Mr. Davenport.

DAYS AND HOURS OF MEETING

Major O'Halloran, in introducing the motion of which he had given notice on this subject, said he hoped the days he proposed would be found to suit the views of the members. But he was willing to alter the hour from 1 o'clock to 2, as he believed that was more in accordance with the general feeling. He trusted that, for the convenience of country members, no later time of meeting would be insisted upon. He moved — "That the days of meeting be Tuesday, Wednesday, and Thursday in each week, at the hour of 2 o'clock." — Captain Bagot seconded the motion — Mr Ayers moved as an amendment that the days of meeting be Wednesdays and Thursdays at 2. He thought that for the present two days would be sufficient for the business of that House. — Mr Gwynne seconded this — Captain Scott feared, if they had only two days in the week they should have to sit till a very late hour — Mr Gwynne remarked that in such case they could add another day. At present he believed they would have but little to do. — Mr Forster would be sorry for the House to express an opinion that its functions were likely to be so limited that two days in the week would be sufficient for their discharge. They had yet to settle what were the functions of the House, and such a resolution, if carried, would close the door to any idea of their being of an extended kind. He hoped, for the sake of the dignity of the House, that the days of business would not be too restricted — Mr. Youngusband supported the original motion. If business were slack they could at any time adjourn for a week. — Mr Baker had little doubt that, for the present, two days a week would be really sufficient, but he should be sorry to see the amendment pressed if it were against the feeling of any portion of the House. The reason why he thought two days sufficient was, that for some time to come the members would chiefly be occupied in attendance on preliminary committees — those for the Standing Orders, the library, &c. Till those committees had closed their labours, it would not be desirable to bring much public business before the House. — Mr Ayers' amendment was withdrawn and the original motion carried.

REPLY TO THE GOVERNOR'S SPEECH.

Mr DAVENPORT laid upon the table the report of the Committee appointed to prepare a reply to his Excellency's address. Read and ordered to be printed in form as follows. —

May it please your Excellency.

1. We, the Members of the Legislative Council, beg to thank your Excellency for the speech with which you have been pleased to open the first Parliament of South Australia.

2. We desire to express our acknowledgments of the promptitude which your Excellency displayed in the introduction of the New Constitution under which we are now assembled.

3. We are much gratified to be informed of the satisfactory position of our financial affairs; and we doubt not that the honour and credit of this colony will, under the new form of Government, be anxiously preserved and resolutely upheld.

4. It is satisfactory to hear that, notwithstanding the powerful allurements held out to our fellow-citizens by the gold fields of the neighbouring colonies, our population, instead of being lessened, has gradually increased, that our waste lands are still sought after to such an extent as to give promise of a future and permanent prosperity, and that our exports so very considerably exceed our imports.

5. In this generally prosperous position of affairs, at the moment of the introduction of Constitutional Government, we venture to recognize an augury of good to the future destinies of our country.

6. And in conclusion, we beg to assure your Excel-

lency that we shall enter upon our new duties with a just appreciation of the responsibility imposed upon us, and that we will, with the sole view to the interests of this colony, maturely consider, not only the very important subjects alluded to in your Excellency's speech, but all others upon which it may become our duty to legislate.

Mr GWYNNE moved that the consideration of the proposed address be an Order of the Day for Wednesday. — Mr Baker hoped it would not be put off till the next day, as there was no other business before the House. — The President said it was necessary that notice should be given. — Captain Hall seconded Mr. Gwynne's motion. — Mr Angus remarked that the usual method had been to refer the Governor's speech to the House for consideration before the drawing up of a reply, and he thought that the better course. — The motion was lost on a division by a majority of five.

Mr BAKER then moved that the Standing Orders be suspended, with a view to enable the House to proceed to the consideration of his Excellency's speech and the reply. — Mr Morphet seconded the motion, which was carried. — The House adjourned for twenty minutes, in order to give time for the receipt of the reply from the printer. On the reassembling of the Council, Mr Baker moved the House into Committee. — The President put the question, "That I do now leave the chair." — This having been carried, the hon gentleman left the chair, but instead of taking that provided for the Chairman of Committees at the Clerk's table, he remained standing on the corner of the dais. — The House having gone in Committee, Mr Baker rose to move the adoption of the report, but Mr. Fisher still standing on the dais, said it was out of order to address the House or the Committee when there was no one in the chair. He would take the chair on that occasion, however, but would reserve to himself the right of expressing his opinion as to the resolution the House had passed upon the subject on the first suitable occasion. The House had by its unanimous voice adopted a vote affecting himself upon which while in the chair he could not express his feeling. It had, also, by the effect of that vote, precluded him from expressing his opinion upon a subject concerning which, in common with every other member of that House, he might be supposed to take much interest — the reply to the Governor's speech. When he found himself placed in that anomalous position by the resolution of the House, and when he so far complied with that resolution as to take the chair, he must repeat that he should not feel himself debarred from expressing his opinion on the subject at a future time. — Major O'Halloran expressed his sorrow if fair play had not been given to the President, whom they all so much respected. — The Chairman reminded the hon gentleman that he was out of order. The House was then in Committee upon the reply to his Excellency's speech.

Mr BAKER then rose and said, he believed it had been intended that some other hon member should have moved the adoption of the reply, but in that hon member's absence he had no objection to act for him. He believed the reply pledged no hon member to any line of policy, which might have been the case had it gone more elaborately into every part of his Excellency's speech. It did little more than promise co-operation in all useful measures, and expressed pleasure at the prosperity of the different colonial interests. Had the reply gone into detail, he should have been compelled to oppose the Ministry; for one portion of the speech intimated an intention to attempt borrowing money for large public works. It was not so expressed, but they all knew that the proposition to extend the railway to Kapunda was an indication of that kind, and the scheme was certainly one which would afford the Government

the means of increasing its patronage. Agam, he should have had to oppose the Ministry on the subject of education, for he knew that the feeling of the majority was against sectarian education, and he did not see how, when State aid had been taken away—finally, he presumed—from religion, it could be accorded to sectarian education, or, in other words, to teaching children doctrines, which they did not understand, when it was not thought fit to aid in teaching them to adults. He might observe, also, that he must differ from the views expressed in the speech as to the financial position of the colony, and that he doubted the correctness of the population estimate. It might be true that we had a balance of £300,000 in the Treasury, but it must not be forgotten that a large part of it arose from the Land Fund, which, in former days, would have been expended upon emigration. Part of the money in hand should now be devoted to that purpose, for he would take it upon himself to say that at no period was labour more wanted in the colony than at the present—not even at the time of the exodus to the diggings. He would caution the Ministry against being too favourably impressed with the railway scheme, merely because there was a large sum in the Treasury. It was but fair that some part of the Land Fund should be pledged for emigration purposes. Let that be done, and let the necessary cost of government be deducted, and they might then see how much would be left for railroads. He believed there would be something, but it ought not all to be laid out in the same direction. Much might be done for various parts of the colony by tramroads economically constructed, which at some future time might be converted into railroads. There was one subject which had not been touched upon in the Governor's speech—he meant distillation. Any alteration was objected to upon the double ground that it would interfere with the revenue and with the principle of free trade. In his opinion it would promote the latter, and would greatly assist the agricultural interest, to which the colony must look for most of its support. It was clear that it would become more and more difficult to find a market for their wheat, and if the farmers were not enabled to convert it into spirits, he believed that agriculture would not flourish. The only way to meet the difficulty was to allow the grower to do as he would with his grain and his fruit, as was done in other countries. In the Cape there was no such prohibition. The landholders converted their grapes into spirits, and into strong wines, the latter of which were sent to Europe, and thence hither and elsewhere under the names of sherry, maderia, or such other wines as could find a market. (A laugh.) He believed that if a liberal policy were pursued here we might produce fair wines and distil at a profit. He would next refer to the differences which had arisen between our Government and that of Victoria concerning the duties on the Murray, and he must say that he thought they had mainly arisen from the course pursued by the former. He hoped an amicable understanding would be arrived at without adopting the Victorian tariff, and this he believed could be easily effected by an arrangement with the Melbourne Government for us to collect the duties for them as they had formerly proposed. With regard to the various Boards, and the Department of Public Works, the House might express an opinion at a future time. He could imagine that in some instances the very publicity which had been given to the proceedings of the various Boards had made them unpopular, and that a Government department would have been equally open to censure but for its working in private. This might possibly be the case with the Harbour Board, which he did not see that they could do altogether without. He did not deny, however, that some Boards might be abolished with advantage, and their functions placed under the control of the Commissioner of Public Works.

had referred to points upon which he (Mr Ayers) had intended speaking, but he would add, that he was much gratified to see from the last *Gazette* an actual balance in favour of the revenue of £281,387. This was the more striking, as, in some of the neighbouring colonies, there was a deficiency. Then the exports were £1,364,904—a most unprecedented amount. It was very cheering, also, to see that no less than 203,000 acres of land were under cultivation, capable of yielding 2,580,000 bushels of grain. The statistics of wool and of mining were equally satisfactory. They had the material elements of wealth, and only wanted good and wise legislation to ensure the lasting prosperity of the colony.

Mr FORSTER thought, as he presumed the future course of the Government would be in some degree influenced by the opinions expressed in that House, that it would be better for members to refer to such prominent points in the speech as might have attracted their attention. He agreed generally with the proposed reply, which was courteous and suitable, but he must refer to the 4th clause, which endorsed his Excellency's statement with regard to the population of the colony. He did not believe it had so much increased, nor did he think that the Government had any proper machinery for forming an estimate. It had been arrived at from the periodical statements in the *Gazette*, which it was well known were not to be relied upon. No mode whatever had been adopted of checking the number of persons who left the colony, nor could the Government have any means of knowing that the population at present reached 109,000. The last census showed only 85,000 persons in the colony, and he did not think the Government had any reliable grounds for alleging that so great an increase had arisen. He wished for some explanation of the financial statements in the Governor's speech, contained in the 3rd and 4th clauses, which were not quite clear. He would ask the hon. Commissioner of Public Works to inform the House whether he (Mr Forster) was correct in inferring that a balance of £200,000 was brought forward to the credit of the Government at the commencement of the present year, and whether a further balance of £100,000 was likely to accrue at the end of the current financial year. Then reference was made to the easy sale in England and elsewhere of Government debentures. He was aware that to a moderate extent they could be disposed of in Victoria at a premium of two per cent, but he hoped the hon. Commissioner of Public Works would be able to satisfy the House whether they could be sold at a premium in England, and to what extent, for upon that must to a certain degree depend the advisableness of carrying out some of the suggested public works. He was glad to see the satisfactory state of the imports and exports, and also to perceive that the Government looked upon the excess of exports over imports as an evidence of our colonial prosperity, for he believed that one member of the Government at least, on a previous occasion, had expressed a contrary opinion. He was pleased also to see the statement relative to the sale of public lands. With regard to the question of emigration some explanations were required. Upon the railway question, he would say that he was always favourable to the construction of such public works as were likely to be remunerative; but it must be remembered that railways would not be so if they were too far extended. He would sooner see the money proposed to be expended upon locomotive railways to Kapunda and the base of the hills north-eastward devoted to the extension of tramways in various directions. He must say he looked with some apprehension upon the Government scheme of extending the Goolwa Railway to Victor Harbour, as he feared the latter would never become the port of the Murray. If, however, from reports and estimates, it could be shown to be quite safe and capable of being constructed, he should, of course,

Mr AYERS seconded the motion. The hon. mover

be open to give the subject a fair consideration. If the river traffic should become permanent, which he trusted it would do, he should rather advocate a line of tramway in communication with some point upon the river. With regard to the duties on the Murray, he trusted arrangements would be made for their collection by this colony under the assimilated tariffs of New South Wales and Victoria. To turn to the subject of postal communication, he had some doubt of the propriety of subsidizing vessels largely for the mere purpose of the conveyance of mails by way of the other colonies, especially as we should soon have telegraphic communication. He saw that the Government had yielded to the pressure from without, and intended introducing some measures of law reform. He trusted they would fully meet the views of the public, which they would not do unless they materially reduced the expense of the conveyance of real property. He saw that some amendments were contemplated in the insolvency laws. He believed the best amendment would be to decrease the number of insolvents. (A laugh) He should like to protect honest debtors, but he would never free a man from the liabilities of his debts if he were able to pay them. He would also sweep away, so far as debts were concerned, the statute of limitations. He differed from his hon. friend, Mr Baker, upon the subject of the distillation laws, for he did not see that their repeal would in any way benefit the farmer. He was a member of the Select Committee on the subject, and he went into it with the determination of repealing the Distillation Act, but after hearing the evidence—and one of the witnesses was the hon. gentleman himself—he arrived at a different conclusion. He did not think the hon. member's views would promote free trade, on the contrary, they would protect one class of the community at the expense of the colonists at large, who ought to be allowed to purchase their spirits in the cheapest market. The farmers here could not compete in other markets with foreign distillers, for even here they could not meet them, though they had the advantage of a bonus of 25 per cent. The hon. member had said that free distillation did not affect the revenue at the Cape, but that was an unfortunate reference, inasmuch as the only reason the revenue was not affected there was that the growers did not to any extent avail themselves of the freedom of distillation. A subject to which attention ought to have been drawn in the speech was the case with which convicts came hither from Western Australia. He would also like to see some intercolonial arrangement by which debts contracted in one colony might be more easily recovered in another.

Mr YOUNGSMAN had no hesitation in supporting the reply, but he would make one or two remarks with reference to the speech itself. He was of opinion that much more benefit would arise from the construction of tramways than the extension of railways. He thought the proposed outlay at Victor Harbour would be a waste of public money. Already a large amount of property had been wrecked in the Government harbour of Port Elliot, and the result, he apprehended, would not be very different at Victor Harbour. As regarded the proposed suppression of the different Boards, and the placing of their operations under the direct control of the Commissioner of Public Works, he did not think it would be possible to carry it out, for there would be far too much detail for one man to direct successfully.

Mr. GWYNNE was pleased to see so much unanimity as to the reply itself, but it seemed to be expected that the various members should make some political confessions as to the numerous subjects touched upon in his Excellency's speech. He would have preferred giving a silent vote, inasmuch as his opinions might change upon some of the points when they were further brought under his consideration. He would not, how-

ever, shrink from expressing his present views, having, with the caution, which perhaps attached itself to his profession, provided for the possibility of their becoming modified. (A laugh) With reference to emigration, he might say at once, that, had he directed public affairs for the last two years, he would have spent nothing in bringing people here who immediately left the colony, but would have laid it all out in railways or other permanent improvements; and for the future he would lay out nothing in emigration till some change took place in the relative positions of this and the adjoining colony. It really would have been better to have handed over our Land Fund to the Melbourne Government altogether, and to have let them bring out their emigrants direct, than for us not only to have found the cash, but to have taken the trouble of managing it also. Railways had now become an almost inseparable adjunct of civilization. Still they were luxuries which could only be enjoyed by those who were able to bear the expense of paying for them, and this he did not think would be the case with us for some years to come. Then, also, the benefit of railways must be partial—an objection which did not apply to tramroads. The good of the many would, in his opinion, be more consulted by the latter than the former. No thinking man could be apathetic on the subject of education. The highest offices of Government were open to all in the colony, and it was, therefore, of the utmost importance that all should be educated. He did not, however, approve of a tax for the purpose, as the labouring classes here were well able to send their children to school. Public Boards were expensive, they cost much in salaries, office rents, and legal advisers—for each Board must have its own solicitor—and, therefore, so far as they could be concentrated, they might be so with advantage. The Governor's speech told them that 24,000 square miles of the lands of the colony were leased, and they did not yield a revenue of more than 10s per square mile. He regretted that the Hon. Mr Baker had not favoured the House with his views upon the subject, concerning which no one was more competent to speak. He (Mr. Gwynne) would always uphold the credit and honour of the colony, therefore he would no more seek to set aside the lease of a sheep run than the grant of a town acre, which might have become valuable. He would protect the holder during the currency of the lease, but after that he would let the land by auction in the same way as the public lands were sold. He admitted that the squatters were the pioneers of the colony, but for that he thought they were sufficiently repaid by the enjoyment of a long lease. With regard to Victor Harbour, it was gratifying to hear, that, if anything, it was a shade better than Port Elliott. (A laugh) He would wait, however, till the survey at present in progress was completed, and then they might compare Victor Harbour with Port Elliot and Port Adelaide. If he found that the projected works were likely to be paid for by the land they would make available, and if they would create a useful and valuable harbour, it would not be for him to object to the outlay. He believed that the report of the Harbor Master would considerably raise Victor Harbour in the estimation of hon. members, and it might also throw some light upon the practicability of navigating the Murray-mouth. He must say with reference to law reform, that he had anticipated a far more comprehensive system than the Government seemed ready to bring forward. The mere shortening the period of the statute of limitations would effect very little, as they must make exceptions in favour of infants, and then the whole trouble of documentary evidence would be brought in again, and of course no Legislature would venture to take away all protection from infants. As to the expense of conveyances, he knew of his own knowledge that the Registry Office nearly doubled it. It had cost the colony £100,000, and had not done good to the extent;

of £2,000. He did not say that a registry-office might not be made the means of facile and cheap conveyancing, but it must be very differently arranged to that at present in existence. The Government scheme of law reform would do nothing, as it appeared to him, and he felt sure it would not meet the general wishes on the subject. He agreed with the hon. Mr. Baker in thinking that distillation should be free, and he would make it so, because the people at large expected it at their hands. He did not think the alteration in the law would make much difference in the revenue, for he must confess that among those whom he was in the habit of meeting, he saw no disposition to drink colonial wines in place of port and sherry, nor did he believe that, for some years to come, the consumers of *eau de vie* would set it aside for the sake of any spirits likely to be produced in South Australia. With regard to the wines of the South, he doubted not a better taste might spring up among their descendants, but it would be a long time before this would materially affect the revenue.

Captain BACON did not think he ought to be silent on the subject of railways. His Excellency proposed the extension of the Gawler line to Kapunda, and he would not for one moment suffer it to be thought that the great benefit the scheme, if carried into effect, would confer upon himself personally had in any way altered his views. In his opinion, they had not before them sufficient data to go upon, they had not even fair returns of the position of the proposed railway. They had statements of receipts, but the other side of the account was not put forward. The amount that it would cost to extend the railway from Gawler to Kapunda would be sufficient to carry tramroads by way of Kapunda to Blanchtown on the Murray, and to the Burra Mine. He might also observe that the tramways would pay their own expenses, while the railway would render it necessary to tax the colony.

The SURVEYOR-GENERAL thought the Select Committee had acted wisely in not entering too much into details (Hear, hear). He had expected some objections to railway extension, but he had not anticipated any insinuation that the Government was influenced in proposing it by the desire of patronage. He did not sit there as forming any part of the Government, but he could say with confidence, from his knowledge of the gentlemen in office, that they never acted upon such motives as those which were sought to be attributed to them. He himself was in favour of extending the railway northward, which would, as he believed, benefit the most thickly-populated districts of the colony, but at the same time he would endeavour to make some equivalent to the southern districts. He agreed with the hon. gentleman, who had said it would be premature to consider the question of Victor Harbour till the completion of the railway. With regard to the population of the colony, as estimated in his Excellency's speech, it might not be precisely correct, but he believed it would be found nearly so.

Mr. ANGAS considered that, in supporting the address, no hon. member would be pledging himself to any particular line of policy. There was a general feeling that there ought to be some great reforms in the law, but of these the details must be considered hereafter. He agreed with the hon. Mr. Forster that the best way of reforming the insolvent law would be to reduce the number of insolvencies, and he thought the readiest way of doing this would be to reduce the number of public-house licences, for he had observed numerous failures among the innkeepers, arising principally from over competition, especially in country towns. With reference to Victor Harbour, he must remind the House that, in one single storm, three ships had been wrecked there. He did not think the distillation question had

been fairly discussed. It was not that the bonus of 25 per cent was insufficient, but that the expensive machinery, required by the Act prevented the chance of profitably engaging in the trade.

Major O'HALLORAN did not think his brother farmers would be satisfied with him, if he passed over the hon. Mr. Forster's remarks on the subject of distillation. That hon. gentleman's statement, in his opinion, amounted to nothing, for the most scientific men in the colony were not examined by the Committee—one in particular at Gawler Town, and many others whom he could name—therefore he did not think the question in any way settled. Give the farmers liberty to distil, and depend upon it they would not do it unless they could make it pay. He should support tramways, and he regretted he had not done so years ago, when he was a member of a former Council, but he could not support railway extension.

Captain HALL approved of the reply generally. With regard to the Distillation Act, he would endeavour to have it repealed, if he thought any good would arise from such a step, but he objected to class legislation, and could not agree to taxing foreign spirits for the benefit of the farmers. There could be no chance for the farmers here to compete with the sugar-growers, who, from the refuse of their canes, could make spirits which they could afford to sell at ninepence per gallon. If the farmers expected that they should distil without any excise impost, while, at the same time, the present duties were to be levied on imported spirits, he could only tell them they must not count upon his vote, and he might add that he had no wish to aid the farmers or the vine-growers in making the filthy compounds which had been alluded to as being sent from the Cape to England, and thence to us, under the names of port, sherry, and maderia. He knew, however, that not a single bushel of grain would be used for distillation, while sugar could be imported at anything like its present price. Why did not the farmers grow barley for malt? They had a large protective duty there in the shape of freight, insurance, and interest of money, besides the duty of fourpence per gallon upon imported beer. He would next refer to his Excellency's remarks upon the financial position of the colony. It all looked well upon paper, but he should like to see in detail some statement of our liabilities. We ought to know what time our bonds were redeemable. We were liable for the interest, but a certain portion of the principal was also to be provided for periodically, and the House ought to have some information upon that head. With regard to the duties on the Murray, he did not think the Government could have taken action sooner than they were doing. He had seen a report from a competent person saying that Victor Harbour was slightly better than Port Elliot. Now the latter was as bad as it could possibly be, so that the report was not very encouraging. He had been up the Murray, and he was convinced that there ought to be a port of shipment on the banks of the river itself, for the same class of vessels which were suitable for river navigation were hardly fit even to go across the Lake. The idea of sea-going vessels being engaged upon the Murray was ridiculous—the traffic must be carried on by boats adapted to the river, and by them only. He believed that there were many Boards which were sufficiently similar to be amalgamated, but he thought the hon. the Commissioner of Public Works would find his hands too full if he undertook the duties of them all. He was himself a member of one them—the Harbour Trust—and he could say that it involved an immense amount of detail, and required much close attention, together with no small amount of practical knowledge. It had been said that the Boards were irresponsible, but he did not see that they were more so than any public department, for at present the

Minister could come down at any moment he chose, and inspect all their accounts, and see everything they were doing. The Governor's speech stated that we had a very large increase of population, and, if such were really the case, he could only say it was very gratifying. In conclusion he would remark that he should like to see some measure adopted, such as had been passed in the other colonies, to protect us from the influx of convicts from Swan River.

Dr DAVIES, before entering upon the matter now under discussion, wished to remove any impression which might have been made on the mind of the hon. Captain Bagot by a word which escaped him at a former meeting, and by which he begged to assure the hon. gentleman he had meant nothing offensive. He had determined to make this explanation on the first occasion of his rising to address the House. He had no intention of discussing every portion of the speech, but he would say that he was an advocate of tramroads all over the colony, and that he did not think the time had arrived for any extensive system of railways. He was convinced that the public would not be satisfied unless the distillation question were thoroughly discussed and set at rest. Regarding convicts from Swan River, he did not think it would be unconstitutional to introduce a system of passports. Reverting to the repeal of the distillation laws, he thought they ought at least to try it, and with that view he would introduce a paragraph into the reply, calling his Excellency's attention to the subject. Thus he read and proposed its adoption.

Mr ANGAS trusted no such amendment would be supported, and it fell through for want of a seconder.

The COMMISSIONER OF PUBLIC WORKS expressed his pleasure at the statements of the views of the various members, as he felt sure that discussion would do good. In saying a few words in reply, he would take the different topics in the order in which they stood in his Excellency's speech. The financial statement referred to by the hon. Mr Forster was not at present, nor could it have been, given in detail.

Mr FORSTER—in explanation—had only meant to ask, whether it were anticipated that the balance would be increased by the end of the financial year to £300,000, or whether it were apprehended that it would be reduced to £100,000, as the two paragraphs in the speech were not quite clear upon the subject.

The COMMISSIONER OF PUBLIC WORKS understood that £200,000 was the balance at the end of the last year, and that the present quarter was expected to increase it by £100,000. He was not able to answer the question at present concerning the premium at which bonds were selling in England, but he would do so at the next meeting of Council. The estimate of the population at 109,000, he must admit, was not correct—(hear, hear)—but the error had arisen from the influx of a particular class of emigrants. The number of inhabitants at the time of the census was 85,000, and at the end of 1855 it had reached 93,982. At that time no Chinese had arrived, but during the year 1856 there were 6,105, and those were added to the number. Most of them left the colony by way of Guichen Bay, and those, unfortunately (perhaps from 3,000 to 4,000) had not been taken into the account, therefore, the population should have been stated at from 105,000 to 106,000, instead of 109,000. On the subject of education, an hon. member (Mr Baker) had adopted an erroneous idea in supposing it was to be conducted on sectarian principles. The address spoke of education based on the Christian religion, without sectarian teaching. He was himself a member of the Education Board, and he must say the system had been most successful, and the intention of the passage in the speech was to intimate

that it would be in no way altered. He had no doubt that every hon. member wished to do the best for the colony in the matter of railways. One hon. member had said that tramways to Blanchtown and the Burra would cost no more than a railway to Kapunda. He thought that alone was sufficient to show that he had not fully considered the question. Other hon. members had spoken of the proposed railway as giving an unfair advantage to the North. He thought they must forget the large outlay which had been made upon jetties, and the great advantage those jetties had been to the southern districts.

Mr. GWYNNE—also in explanation—remarked that there were no main roads in the South.

The COMMISSIONER OF PUBLIC WORKS said there was a main road as far as Willunga. Hon. members had commented upon the omission of any notice of the distillation laws, but he thought the discussion itself had shown that no very unanimous conclusion could as yet be arrived at on the subject. Personally he was most anxious to elicit all the wine-producing capabilities of the colony, and the more so from his long residence in the south of France, and his careful comparison of the climates and soils of the two countries. He next came to the question of the duties on the Murray. Hon. members would see that to undertake the prevention of smuggling along our extensive bush frontier would put the colony to great expense, and be a hopeless task. However, the whole correspondence on the subject would shortly be laid upon the table, and then the House could judge for itself. With reference to Victor Harbour, he had often wondered that the Government of former days had not made itself acquainted with the relative capabilities of that port and Port Elliot. The Harbour Master's report would shortly supply the fullest means of judging between the two. In answer to the Hon. Capt. Hall's question, he need only say he would shortly supply information on the subject of the redemption of the bonds.

Mr BAKER would say a few words, as he had been appealed to, on the subject of the public lands leased to the squatters. So far from looking at the occupation of 24,000 square miles as a matter of regret, he thought it one of great congratulation, not so much on account of the trifling amount of rent received, as from the increase it ensured to our exports and our general commerce. He quite agreed in thinking that, at the termination of the leases, the lands should be let to the best advantage, and that he would effect by putting them up to auction—due time, however, being given to the holder of the run to remove his stock, if requisite. The squatters were quite prepared to go further into the interior, and they were the last men in the colony who, after the expiration of their leases, would wish to hold land at a less rent than others would be willing to give for it. He believed the hon. Mr Gwynne was alone in his favourable views of Victor Harbour, but he hoped he would take advantage of his occasional residence in that neighbourhood to ride over there and see it for himself, especially at times when the weather was unfavourable for shipping, and then he believed he would come to the same conclusion that he (Mr Baker) had done from personal observation, namely, that it was not, nor ever could be made, a safe harbour. It appeared to him that they were asked to go on with railways step by step, but he hoped the colonists would not be led aside by the cry of "only a little further." He was convinced that this was the time to make a stand, and to determine upon a system of tramways. He did not quite agree in thinking we got no benefit from emigrants who left at once for Melbourne. The cup would soon flow over, and we should get the advantage in our turn. He could not, therefore, agree with an hon. member in thinking they should hand over our Land Fund to the Melbourne Government.

Mr. Gwynne—in explanation—said he had only spoken by way of illustration. He did not mean seriously to recommend such a course, though he must repeat that it was going rather too far for us not only to pay the money to bring out emigrants for Melbourne, but to attend also to their selection, shipment, and comfort on the voyage.

Mr. BAKER referred again to the Cape of Good Hope, insisting that the argument he had advanced was quite in point, for if free distillation did not affect the revenue there, it was not likely to do so here. The question of spirits was the same as that of beer. The number of breweries did not prevent the importation of ale and porter, and he did not see why the duties on foreign spirits should any more lead them to prohibit free distillation, than the duty on imported beer should induce them to forbid free brewing. The opponents of the repeal of the law were not consistent, for in the same breath they said it would affect the revenue, and that it would not enable the farmer to distil to any advantage. Both those arguments could not be good, and the question evidently required further discussion. Reference had been made to the recovery of debts in the other colonies. This was very desirable, but he hoped the question would be discussed on the broader ground of federation, by which very extensive good might be effected.

The motion was then put and carried unanimously.

Council resumed.

The report was brought up, adopted, and ordered to be presented to his Excellency by the President, and such members as might desire to accompany him, and at such time as his Excellency might please to appoint.

Adjourned till 2 o'clock on Wednesday.

HOUSE OF ASSEMBLY.

TUESDAY, APRIL 28.

PETITION

Mr. DUFFIELD presented a petition from 390 German colonists, praying that a portion of the colonial revenue might be appropriated to the introduction of colonists from Germany—Received, read, and ordered to be printed.

ECHUNGA DIGGINGS.

Mr. NEALES presented a petition from 13 gold-diggers at Echunga, protesting against the recent lease of auriferous land to Messrs France & Giles, and praying that such land may not be leased in future—Received, read, and ordered to be printed.

PARLIAMENTARY PAPERS

The CHIEF SECRETARY laid on the table a number of returns and estimates, and some correspondence, which were ordered to be printed. Among them was correspondence relating to the Customs duties on the Murray, correspondence relating to steam postal communication, report on and estimate of survey of line of railway between Strathalbyn and Port Elliot, plan and estimate for an extension of Dry Creek Tramway to the Leatree Gully; traffic returns, balance-sheets of several benefit and building societies—Ordered to be printed.

RULES OF SUPREME COURT

The ATTORNEY GENERAL laid on the table a paper relating to the rules of the Supreme Court, which was also ordered to be printed.

CUSTOMS AND REVENUE RETURNS

The TREASURER laid on the table Customs and Revenue Returns, in like manner ordered to be printed.

MONTHLY MAIL COMMUNICATION

The CHIEF SECRETARY laid on the table a Bill to

provide for a monthly steam communication with Great Britain, by enabling South Australia to become a party to the existing contract with the other colonies—Bill read a first time, and the second reading made an Order of the Day for the following Tuesday

RETURN OF DR. DEAN

The Speaker, at the request of Mr Hughes, directed the Clerk to read the petition of Mr. W. Bakewell against the return of Dr. Dean as member for the electoral district of Barossa—Mr. Hughes said the petition set the grounds of objection forth so fully that he would merely propose the reference of the petition to the Court of Disputed Returns—Dr. Wark seconded—Dr. Dean had no desire to shrink from the most searching enquiry,—Motion carried, and the Court to be convened on the Monday following.

POLICE-STATION AT SALISBURY.

The Chief Secretary requested Mr. Hare to postpone his motion on this subject—Mr. Hare applied for leave to amend his motion by inserting in it the additional words "and Court-House."—Leave to amend granted, and notice postponed.

REPLY TO THE GOVERNOR'S ADDRESS

Mr. PEAKE moved the House into a Committee of the whole to consider his Excellency's address.

Captain HART called attention to the fact that there was no Chairman of Committees.

The CHIEF SECRETARY said there was great force in the remark, and moved that until a Chairman be appointed the Speaker do act as Chairman of Committees.

Captain HART begged pardon, but he had discovered that it had been already resolved, on the motion of the Chief Secretary, that the Speaker should act as Chairman.

The Speaker said it was so, and the House having resolved itself into a Committee of the whole, he took his seat as Chairman.

Mr. PEAKE then rose and moved the adoption of the following reply to the address of his Excellency the Governor-in-Chief on the opening of this the first session of our South Australian Parliament,—

MAY IT PLEASE YOUR EXCELLENCY—

1 We, the members of the House of Assembly, in Parliament assembled, beg to thank your Excellency for the address with which you have opened this the first Parliament of South Australia.

2 The advancing prosperity and sound financial position of this province afford matter for heartfelt congratulation in the present, and strong hope in the future.

3 We shall well consider the estimates of Ways and Means which may be submitted to us by your Excellency's command, resolved to make adequate provision for the public service.

4 We shall give our best attention to measures brought before this House to fix on a permanent basis the management and sale of the waste lands of the Crown, and we shall also duly consider the plan to be adopted in future for the regulation of immigration, and we fully recognise the wisdom of maintaining the main features of the present law on these subjects.

5 We are, with your Excellency, deeply impressed with the importance of improving the means of transport by a wise system for constructing and improving main roads, and by the judicious extension of the railway system as far as engineering facilities will admit, and the condition of the public resources will justify.

We shall carefully consider any plan for securing to this colony the exit to the trade of the Murray in seagoing vessels

6 We shall rejoice to see the negotiations between this province and the Governments of New South Wales and Victoria (for the collection of Customs duties on the River Murray) brought to a satisfactory conclusion. We shall not fail to consider in a liberal and conciliatory spirit any plan submitted to us for this important object

7 We shall carefully consider any proposition submitted to us by your Excellency for effecting a more certain and speedy communication with Europe and the adjacent colonies.

8 We shall use our earliest endeavours to adopt a sound educational system for this province, in order that the generations which succeed us may use wisely the powers of self-government transmitted to them

9 Our best attention shall be given to the various measures which your Excellency has directed to be laid before us for introducing reform in the system of administration at present carried on by Boards, and for simplifying and amending the laws relating to real property

10. We shall endeavour, at your Excellency's suggestion, to amend the present Electoral Law, in which experience has made many faults apparent

11 We thank your Excellency for your expressions of confidence in this House elected by the people. We are assured, your Excellency, as the representative of our Queen, will gladly carry out the liberal views entertained by Her Majesty in assenting to the law which gave this Parliament existence.

Mr. PEAKE continued.—Sir, I claim the indulgence of this House on this the first occasion in which I have had the honour to address such an assembly, and I trust to the generosity of my more experienced and competent hearers for the reception they may give my very feeble efforts to illustrate the subject I have undertaken to descant upon. Fortunately for me, Sir, the task is as grateful to my feelings as, I doubt not, its object will be interesting and satisfactory to this House. In turning to his Excellency's Speech, its first lines contain ample materials for serious and heartfelt congratulation, in which, I make no doubt, every member of this House fully participates. I find, Sir, at this moment, our finances are in the best possible state. An increasing revenue, with a large surplus in hand, and the evident indications of care and economy in the appropriation of the public funds, are prominent features, which cannot but enlist the approval of this House and the public at large, or fail to produce a favourable impression on our colonial neighbours and more distant friends in Europe. Sir, with an available balance at this moment of more than £300,000, with the waste lands of the province passing into the occupation of thriving and industrious settlers at the rate of nearly 200,000 acres per annum, with an export of half a million of grain; wool, 4,000,000 lbs., copper, 400,000; with the balance of trade in our favour, despite the extravagant importations of the last few years, we cannot resist the feeling of satisfaction natural upon such results. But, Sir, our lowing herds, and our bleating flocks, travel onwards into the wilderness. Our shepherds have scarcely built their huts, when tidings reach us of stores of wealth more profuse than any we have hitherto seen or heard of. It would seem, Sir, that hitherto we have but drawn the first threads of a mighty cable of untold mineral wealth, which requires but capital and labour to complete it. Sir, all this is indeed subject for sincere and heartfelt congratulation at present, and of strong hope for the future. Herein we have the germ of material progress. Twenty short years have scarcely flown by since this colony was founded. The enterprising adventurers, who then landed on these lonely shores, have not yet

passed away, and what great results do they see accumulating on every side? They found a wilderness, tenanted by a few savages, the silence and solitariness of which was broken only by the corroboree of the natives, the howl of the wild dog, or the screech of wild birds. They will leave behind them a flourishing city, and the foundations of a great and prosperous State. Sir, I cannot refrain from giving expression at this moment to a fervent hope that the finances of this province will be as well and carefully and successfully managed under responsible and constitutional government as they appear to have been under a system, when the Minister was less directly responsible to the people, and I take this occasion, Sir, of expressing my own acknowledgment and compliments, as well as congratulations, to those gentlemen by whose care, integrity, and efficient discharge of duty these results have in great part arisen. With respect to adequate provision for the Public Service, I trust this House will institute economy without parsimony, and by all means seek to impart energy and efficiency into the Public Service. I trust the public servants, will receive such recompense for their services in their respective stations as shall place them above the temptations of want, whilst it will not permit them to fall into profusion. That they will be induced to fill their several offices as posts of honour and receive a fair remuneration for services performed. The occupation and sale of the waste lands of the Crown is a subject deserving, as doubtless it will receive, the most earnest attention of this House. We have the valuable and successful experience of the past to guide us in this important matter. The subject of immigration, too, is of great moment to this colony, but the anomalous position in which we are with respect to our wealthy and attractive neighbours, will render some plan necessary, but different from our former practices with respect to immigration. I believe there are thousands of intelligent, skilful, industrious, but poor men, who would gladly come to our shores, but they are restrained by the unbending rules of the Commissioners in England. I trust, Sir, this House will adopt some plan to meet this evil at an early date, for I am convinced we can obtain a very superior class of emigrants, if we only use the proper means. I find roads and railways are next mentioned in his Excellency's speech. Into the details of this vital question, I shall not now enter. I for one, believe that the railway system is the key-stone in the arch of our future material progress. Without railways, we shall resemble a man who stands still beside a rushing river, its bright waters attract his gaze, and hurry past him, and deposit elsewhere, the riches his apathy and want of enterprise prevent him from appropriating. In vain will our farmers cultivate their fields if the cost of transit is so great, that they cannot reach a market. And I, for one, feel convinced that the best use we can make of a large portion of the province—of the boasted lands of the Crown—would be to establish main lines of internal communication. We must connect our seaport with the great artery of Australia, the Murray River and its tributaries. We must place our merchants and our people *en rapport* with the internal trade of the adjacent colonies, regardless of tariffs or custom houses, and trust to commercial enterprise and the dawn of sounder views of political economy among our neighbours. To me, Sir, the menacing and uncompromising attitude assumed by our wealthy neighbours is so apparent, that there seems nothing left for it, but to make the best possible use we can of our resources, and leave them to do the like. Railways have revolutionized Europe and America, I might add, the world. The frozen and iron despotism of Northern Europe, is compelled, in self-defence, to adopt them. Australia has quickly felt the impetus. We have heard already the beatings of that great artery in this province. We cannot arrest its motion without damage to the State,

any more than we can stop the beatings of the human heart, which have once set the vital fluid in motion, without causing death and destruction to the body. Neither must we lose sight of the important subject of regular Postal Communication with Europe. The great subject of Education is too important for me to venture to say much upon on the present occasion, except to express a fervent hope that in its discussion, we shall lay aside every feeling of sectarian prejudice, and grasp the subject with a firm hand, and a broad and comprehensive idea. How often has one heard a kind parent, contemplating the probability of a final separation from his children, exclaim, I will educate my children, and when I am in my grave, they will possess a treasure which none can take away, and which they in misguided moments cannot squander. Sir, it is with thoughts and feelings like these, we should approach this sacred subject. In vain will you legislate—in vain will you develop, improve, adorn, or amplify the material fabric of this your adopted country—if you leave the minds of your children a weedy wilderness of passions uncurbed, of thoughts and aspirations undirected and uncultivated. If you would crown the labour of an enterprising life well—educate your children. If you want good citizens—educate your children. If you want able citizens—educate your children. The next subject touched upon in the address, is the discontinuance of the administration by Boards. To that system, I for one object, since I prefer unity of purpose, and the vigorous action of one will, directed with competent and earnest ability, to Board meeting squabbles, bickerings, and divided responsibility. The reform of the law for the transfer of real property is loudly called for in this young community, and will be hailed by the public voice as a great boon. We require a cheap, facile, and secure mode of dealing with real property. The present Electoral Act works so manifestly ill in the experience of every member of this House that its repeal or reformation will doubtlessly pass with acclamation in this House. These, Sir, are the most prominent topics alluded to in the speech of his Excellency the Governor-in-Chief addressed on Wednesday last to both Houses of Parliament. I shall leave to others, far more competent than myself, the better illustration of its important contents, at which I have only glanced. In conclusion, I take the liberty of tendering my best thanks and acknowledgments to the head of the Executive for the frank, loyal, and enlightened expression of his confidence in this House as the elect of the people. Sir, I reckon it no small advantage conferred on this province by our gracious Queen and her Ministers, when they sent us the gentleman who now holds the reins of Government here. I am not given to idle compliments, but I take this occasion of expressing publicly my appreciation of the loyal and statesmanlike bearing of his Excellency the Governor-in-Chief, on all occasions, in the passage of events since his arrival in this province. Had such a Minister presided in America at a similar period, Washington had never been the hero he afterwards became, nor would America have ceased to be a gem in the Crown of Great Britain. I count much on the present head of the Executive, to assist us in carrying out Constitutional Government in this province, for which he is so eminently qualified. The old party feuds of Europe have no meaning here, whigs and Tories are but obsolete terms in this province. The feuds of the Red and White Roses have no sympathies here. We have only one object to accomplish, viz, to advance the social and material progress of this province—to make South Australia the property of South Australians. I therefore move, Sir, the adoption of the Address already read.

Mr DAWES rose with great diffidence to second the adoption of the address. He trusted that the consideration requested by the mover would be extended also to

him. He trusted that no factious opposition would be offered to the Ministry at the outset of the session, but that every fair opportunity would be given them to develop their policy before anything like an opposition were organized. He was not, he confessed, for instituting an expenditure which would exhaust the colonial exchequer, and he felt convinced that no greater efforts should be made to provide means of outlay than were quite consistent with the maintenance of the credit of the colony (Hear, hear.) He could not help remarking that, from the published statistics, it was apparent that a very large extent of occupied Crown Lands returned a very disproportionate rental to the Treasury. (Hear, hear.) There was ground for congratulation in the fact, that, in addition to our production of wool and minerals, we could feed our population and export agricultural produce to the extent of £500,000 per annum. He hoped means would be taken to keep up a continuous but regular supply of labour, and he was greatly in favour of the family nomination principle. He was for the gradual and judicious introduction of railways. He was for their general but gradual introduction, and there, he would remark, that the Mount Barker district had not had common justice done to it, as there had not been a single survey of a railway line there (Laughter.) With regard to the question of the tariff, he thought it could not be in better hands than at present, and he was for fostering the traffic on the Murray by all legitimate means. They appeared to be all in favour of the extension of education, without which he felt their universal suffrage and vote by ballot never would realize any of the advantages they otherwise would with popular education confer. The Electoral Law was, in his opinion, an abomination of expense and inefficiency, and must be reformed. He fully concurred in the spirit of the address, and hoped it would be adopted by the House. He trusted, also, that the Ministers would be able to command, not only a majority, but a good working majority (Hear, hear.)

Mr. BABBAGE was afraid when he came down to the House that he would have had to move an amendment to the address. He was glad, however, to find that the address was not a mere echo to the speech, and that not one word was said about the extension of the Northern Railway to Kapunda. (Hear, hear.) Had that been included in the address, there was great danger that an amendment would be carried against the Ministry (No, no.) It was because he was anxious not to have such unseemly squabbles in that House as disgraced the Legislatures of other colonies that he rejoiced that there was no necessity to move an amendment. He was not for an unlimited and immediate extension of railways (Hear, hear.) They must walk before they could fly. They should have tramways made in such a manner that when the traffic on any particular line required it they could be altered to locomotive lines, or removed and laid down as feeders to the more costly lines for locomotives. (Hear, hear.) They might by that means enable various south-eastern districts to avail themselves of the splendid means of inland navigation which they possessed. The South had a right to expect a tramway from Macclesfield to Milang, and by the system which he recommended their reasonable demands might be satisfied. They knew that a large proportion of the population depended on agriculture, and even if under mistake they thought distillation would benefit that interest, it should, in his opinion, not have been altogether passed over in the speech (Hear, hear.) The address was, however, a general one, and did not pledge the House to anything, and for that reason he supported it. (Hear, hear.)

Mr WATERHOUSE would support the address if it did not pledge the House to any specific course. He had not, however, heard it with sufficient distinctness to

enable him to be quite certain on that point. He could not, he regretted, speak in the same florid style of congratulation on the subject of the speech as the hon. mover of the address. He could not, he confessed, altogether rely on the figures in the speech, when he recollected how they contradicted statements which proceeded but a few months before from the same source. (Hear, hear.) He could not agree with the views of Ministers as to the extension of railways. He considered the requirements of the colony would be better met by less costly tramways. They should make the half-million already expended on railways productive before they expended any other half-million in railway extension. (Hear, hear.) He confessed that he did not see the meaning of the recommendation to secure the terminus of the River Murray. He thought they had that as a gift of nature. He could not excuse the remissness of Ministers, which left the terms upon which that river could be navigated still unsettled. (Hear, hear.) Sufficient time had elapsed to complete all necessary arrangements, and if Ministers felt themselves incompetent to deal with the matter they should have called together the old Council, or expedited the meeting of that Parliament. With a full Treasury, he could not understand why a tax for education should be recommended. With the proposed water and other rates they were now taxed 17½ per cent., and if the system went on they might expect that the citizens of Adelaide would come forward and give to the Government a moiety of their property, that they might be allowed to enjoy the remainder untaxed. (Hear, hear.) With regard to the abolition of Boards, he would be happy to see that effected, when they had a really responsible Government, and not, as at present, the same old officers who formed the irresponsible Government. He believed that, with respect to the railway proposals and the education tax, the country would be opposed to the Ministry. There seemed to be no great anxiety on the part of Ministers to explain their views to the members of that House, and they could not, therefore, be surprised to find them opposed to the policy of an address of which they knew nothing, until they heard it read in that House. (Hear, hear.)

Mr. DUTTON thought the address might safely be adopted by the House, as it did not pledge them to any course on the various topics referred to in the speech. He congratulated the mover of the address on the ability he had exhibited, and the Ministry on their narrow escape from annihilation by the hon. gentleman who followed the seconder of the address. (Hear, hear, and a laugh.) He confessed that he was surprised to hear such remarks from a gentleman who sat in such close proximity to the Treasury Bench. (A laugh.) He could assure the hon. gentleman that not only the Ministry, but the members of that House were indisposed to rush blindly into the construction of railways. He would at the same time ask where they could find such a quantity of Crown land available as would be opened by a gradual extension of the railway to the North? He warned the House that sooner or later the revenue from the sale of Crown lands must cease, and the House should consider how ways and means could be supplied from other sources, as sooner or later they must be so supplied. With regard to the recent notice as to the sale of bonds, he thought it was not wise, as it might cast a damper on such investments. It was one thing to take a horse to water, and another to make him drink. They might put what value they pleased on the bonds, but he thought they would be well off to sell them at par. They should not, in a new country, expect railroads to be productive at first, it was a great thing to make them pay their expenses. (Hear, hear.) They effected great things, in conveying the people to the country, who were too much disposed to hang about town. His view, he was afraid, did not coincide with the views of his friends around him on the subject of

the Murray duties. He thought the Governments of the adjoining colonies were not unreasonable. (Hear, hear.) It was singular how far views became modified by a visit to Melbourne. He would advise all hon. members who could spare the time to go and see their Victorian neighbours, and hear them state their own views. He did not think it was the duty of the State to provide wholly for education. He thought it was enough to assist parents, but if the State delayed the whole expense, it would not gain the desired end, unless the parents were compelled to forego the advantage of their children's labour, and the school attendance was made compulsory. Without that, it would not be possible to secure the general education of the young. He accepted the congratulations of his Excellency with respect to the enlarged sphere of constitutional privileges conferred upon the colony in the same spirit of candour as that in which they were delivered. He hoped the Ministers would not be too thin-skinned, and that changes in the Ministry would not take place upon trivial questions as in the neighbouring colonies. He congratulated the present Ministry as being highly efficient, and as having for many years filled office with credit to themselves. He therefore trusted they would not throw up office upon any trivial question. The hon. member concluded by stating his intention to support the address in reply to the Governor's speech.

Mr. REYNOLDS, who had previously asked that the reply to the address be read, said he had done so, because he thought there might be paragraphs in it which would pledge the House to some specific principles. He found that he was correct. Allusion was made in the reply to an extension of a locomotive railway to Kapunda and Gumeracha, to which he could not assent. Then the reply would commit the House to an educational tax, to which he objected. He did not think there was anything so radically wrong in the present system of education as to require the House to legislate upon the subject. He joined with the hon. gentleman who moved the reply in congratulating the Ministry on the very flourishing condition of the finances of the country, but he did not give the Ministers all the credit for this. A great deal of this was due to the economizing system introduced by the last Council. There was also another fact which had tended to place the funds of the colony in their present condition. He referred to the circumstance that the colony was no longer transmitting large sums to the Colonization Commissioners. The hon. member who seconded the address had called the electoral law an abomination. That law certainly required amendment, but the hon. member should not have made such a sweeping statement. The use of bludgeons, and the uproar, which prevailed at elections, under the old system, better deserved the term. He would vote for the address, if put to the House in a modified form.

Mr. BURFORD was opposed to the statements made in the address of the Ministry with regard to education. A plan was proposed, which it was beyond the province of the Government to introduce, and which would be mischievous, if it were adopted. The extent to which Government should go in regard to education should be to provide for the children the means of acquiring such an education as was necessary to make them good citizens. The plan shadowed forth in his Excellency's address could not be carried out but by an invasion of the private rights of those who were engaged in the work of education. He regretted that there was no allusion made in his Excellency's speech to distillation. Nothing should interfere with the rights of industry. If he, as a grower of grain, could put it to a more profitable use than by manufacturing it into flour, he had a perfect right to do so, and it must be a very anomalous state of things which required the interference of the Legislature as regarding the rights of

industry in that respect. He would not oppose the adoption of the address, but would reserve to himself the right of dealing with the several questions referred to in his Excellency's speech when they were before the House.

Mr. MARKS would warn young members in that House not to pledge themselves too hastily to any particular line of conduct. With regard to the proposed educational tax, he was entirely opposed to it. The financial condition of the colony was such as to render quite inexpedient any further system of taxation. With regard to an extension of railways, he was favourable in theory to railways being continued to the North, but he would not sanction any further burden for such purposes till there was unquestionable evidence that it would not impose upon them an unproductive debt. He thought the address of the Governor was defective in not alluding to the question of free distillation. The cereal exports of the colony amounted to the value of \$554,000 per annum, and he therefore contended that it was exceedingly impolitic to continue the present system. It had been attempted to be shown that if the restrictions on distillation were removed, the farmers would not avail themselves of the right to distil their grain. But the fact was, that no one knew so well where the shoe pinched as the wearer. Let the experiment be tried by removing the present restrictions on internal distillation, and the corn-growers would gladly avail themselves of the privilege. They were the best persons to come to a correct judgment on the matter.

Mr. MACDERMOTT said there was one or two points in the address from which he was disposed to dissent. In the 9th clause of the Governor's speech, there was a remark in reference to securing a terminus to the Murray River navigation, which appeared to him to contain more than at first met the eye. He presumed that it referred to the formation of an efficient harbour at Port Elliot. But this would involve a very large expenditure, and would not be efficient. Granite Island was a mile from the mainland, and a rolling swell of the sea would always prevent the establishment of a good harbour at that place. He also had very little hopes of any efficient means being adopted for deepening the mouth of the river. It was always found to be a very difficult thing to deal with the courses of rivers. Education, to which the address referred, was a very important subject. He thought that, by building school-houses and extending the present system, the requirements of the colony would be met. With regard to railways, he was disposed to advocate a judicious system of the kind, where the traffic was of such a nature, and to such an extent as to justify it.

The TREASURER referred to the remarks made by the hon. member for East Torrens (Mr. Waterhouse), who had, he said, inferred that the Ministry had been idle in not completing their negotiations with respect to the proposed change of tariff as affecting the traffic of the Murray. But had he waited till he had had an opportunity of perusing the correspondence laid on the table that day by his hon. friend the Chief Secretary, he would have seen that it was not possible for the Ministry to bring the question to a satisfactory conclusion. He would have seen, by perusing that correspondence, that the Government of this country had attempted, in the most conciliatory spirit, to make the necessary arrangements with the Government of Victoria. But the Legislature of that colony had shown the most factious opposition. The Government of New South Wales, on the contrary, had dealt with the question in a most statesman-like manner, and had refused to adopt the Victorian scheme. With regard to the allusion made by one of the hon. members for the city, respecting the sale of colonial bonds in England, as

affected by recent advices, and the notice he had given respecting the issue of bonds, he would state that, had he been in possession of those advices, he would still have issued the notice referred to, because he had in the Treasury a greater amount of revenue than he could advantageously use (Hear, hear). Without making any great effort, he sold in the neighbouring colony bonds amounting to £41,000 in three weeks, at $1\frac{1}{2}$ per cent premium, and on the day when he put up the notice referred to, he received an offer for £30,000 more on the same terms. He could, indeed, dispose of these bonds at 3 per cent. The balance referred to by the hon. member for the city of £200,000 was not the amount in the hands of the Treasurer, but it showed what amount was due to the credit of the colony after paying all claims against it. With respect to distillation, the Government felt that there was no necessity for introducing any change upon the present system. The present Act actually gave a premium of 25 per cent. on spirits to any of the farmers who were disposed to distil their grain, and yet the growers, who were the best judges in these matters, had not availed themselves of these advantages, not a single distillery having been erected in the colony. After thanking the members for their congratulatory expressions towards the Ministry, the hon. member concluded by stating it to be his intention to support the address.

Mr. HARE thought hon. members considered the address to be remarkable for three particulars—one of omission, as regarding distillation, and two of commission, as referring to education and railways. With regard to distillation, he did not think there was any necessity for repealing the existing law. This country could not compete with England, on account of the different costs of fuel and labour. Then, again, the harvests of England were so precarious, that the corn very frequently germinated before it could be gathered in, and for that reason it was fit only to be converted into spirits by distillation. The tax upon ardent spirits added \$50,000 to the revenue. Thus, if repealed, would diminish the revenue to that amount, to make up for which it would be necessary to place a tax of 10d per acre upon every acre of land purchased in the colony. Would the farmers agree to that? It would be found a very heavy burden upon those who had invested in landed property. As to education, he wished to see the present system extended, by the building of good, airy, large school-houses in every place where a sufficient number of children could be gathered together. He also advocated the payment of larger stipends to teachers as the only means of obtaining thoroughly efficient persons to fill those offices. He believed the people of this country would most cheerfully be taxed for this purpose. He had recently put some questions to a mason in his employ—"Have you any children?"—"Yes."—"Do you send them to school?"—"No."—"Why not?"—"Because there is no school house in my neighbourhood."—"Would you like to be taxed for that purpose?"—"Yes, most willingly." The man further stated that he had been in constant employ, and though he never had £5 of his own in England, yet he had £50 of his own before he was in the colony six months. He therefore believed that even the working classes would most cheerfully consent to a tax to be devoted to so important and holy a purpose as the education of their children. The hon. member for Encounter Bay (Mr. Babbage) had said that he was opposed to an indiscriminate extension of railways. But had the Ministers ever proposed an indiscriminate extension of railways?

Mr. BABBAGE had not charged them with this. He had only said he could not vote for the extension of the line to Kapunda, without being first convinced that it would be remunerative.

Mr. HARE well, the hon. member had, to cut the

matter short, given them to understand that he was only favourable to a cheap system of tramways. When, however, he remembered that the hon member was the engineer of the railway to the Port—one of the most expensive lines in the world, considering the very few engineering difficulties to be overcome—he supposed the hon member was, like Frankenstein, terrified at the monster he had himself raised, and had now determined upon adopting the cheap-Jack system. (Laughter) The hon member proceeded to state that he could have wished the Ministry had taken the bull by the horns, and had said they would carry the railway through the country, at all risks, to the Murray. They had not gone so far, but he would support them as far as they went. The exports of the colony were, in wheat, £500,000 a year; in wool, £400,000, and in copper, £400,000. This was equal to \$5 a head for wheat upon the population, \$4 per head for wool, and \$4 a head for copper. With such large amounts of exports, and such a flourishing treasury, he had no fear of incurring a large expenditure in furtherance of railways, wherever they could be constructed within the colony.

Mr BLYTH moved the adjournment of the debate to the following day.

Adjourned till 1 o'clock on Wednesday.

LEGISLATIVE COUNCIL.

WEDNESDAY, APRIL 29.

MYPONGA JETTY

Dr EVERARD asked Mr Davenport, the Commissioner of Public Works, what steps, if any, had been taken towards the construction of the intended jetty at Myponga, for which a sum of money had been voted by the late Council.—Mr Davenport said nothing at present, on account of the pressure of other business, but the work would shortly be proceeded with.

COURT FOR TRIAL OF DISPUTED RETURNS.

Mr Morphett, Major O'Halloran, Mr Forster, and Mr Baker were appointed members:

STEAM POSTAL COMMUNICATION.

Mr MORPHETT asked the Honourable the Commissioner of Public Works whether the Government intended to make provision for the speedy transmission of the mails from England, expected to arrive by the Simla on the 5th of May. He had taken that course, because the merchants and bankers of Adelaide felt so anxious on the subject, that they proposed to take measures at their own expense to secure the conveyance of the mails. They deserved credit for this, but he was sure the Government would not wish any private persons to perform the duties properly devolving upon them, and the more necessary to be attended to in the present instance on account of the accident to the Oneida, which would probably cause the conveyance of a very large mail by the Simla. It might be urged that the Ministry had no authority from Parliament for incurring the necessary outlay, but he would say in reply, that it was usual to anticipate the action of Parliament in cases of emergency, and to rely upon the subsequent passing of a covering vote.—Mr Davenport said the Government had declined to take action on this subject, when requested to do so by the merchants, and the hon member had in some degree anticipated the ground upon which the Government had based its refusal, namely, that, at the time of the application, Parliament was about to meet, and could, if it thought fit, take the matter into its own hands.

PUBLIC WORKS.

Mr YOUNGHUSBAND asked the Honourable the Commissioner of Public Works in what manner the Govern-

ment plans and proposals for carrying on works of public improvement and utility would be introduced to the notice of Parliament, as it would not be compatible for him, as a member of the Legislative Council, to initiate any measure having for its object the appropriation of the public funds of the colony. He would briefly remark, with reference to the question, that whilst the Chief Secretary, the Attorney-General, or even the Commissioner of Crown Lands, might with propriety occupy a seat in this branch of the Legislature, it appeared to him an anomaly that the Minister of Public Works should be placed there, inasmuch as the whole of the measures under that hon gentleman's administration were necessarily connected with the expenditure of public money, and, as it was incompatible with the principle laid down by the Constitution that such measures should be initiated in the Legislative Council, Parliament would, in the introduction of such measures, lose the advantage of the full and lucid explanation which the Minister at the head of that department was naturally most competent to give.—Mr Davenport said as, on his appointment, four out of the five Ministers were elected to the Lower House, it was thought desirable that the remaining Minister should be of the Upper House. Some other member of the Government would feel it his duty to make himself acquainted with the necessary details, and bring forward any requisite Bills in the House of Assembly.

GOVERNMENT DEBENTURES.

Mr DAVENPORT stated, in answer to Mr Forster, that, by the last advices from England, South Australian Government Debentures were selling at a slight premium. The Agent-General had disposed of bonds to the extent of £15,000 in one transaction at $\frac{1}{2}$ per cent. premium. There was some slight arrears of interest due on these.

POWERS OF THE HOUSE

Mr DAVENPORT said, as there was no other business on the paper, he was thinking of suggesting that they should adjourn for a fortnight, as they would have to wait for the sending up of Bills from the other House.—Mr Baker asked whether the Government proposed introducing any Bills into that House. The reply would probably elicit some information as to what kind of measures could be constitutionally originated there. His own opinion was that too narrow a view had been taken of the powers of the Legislative Council. It was true it could not initiate any Bills for the appropriation of money, but he saw no objection to its originating measures which would lead to subsequent money votes in the House of Assembly.—Mr Davenport read the clause of the Act referring to the subject. It was only the fear of infringing the provisions, thus laid down, which had prevented his introducing a Bill for the construction and management of main roads.—Mr Baker did not think there could be any objection to the initiation of such a Bill in that House, nor to the passing of a resolution affirming the propriety of assimilating our tariff to that of Victoria or New South Wales. Perhaps it would be desirable to empower the Standing Orders Committee to confer with the Standing Orders Committee of the other House upon the question he had raised. A good understanding, between the two Houses of Parliament, would tend to the dispatch of business, and would probably prevent some of those unseemly collisions which had happened in other places.—Mr Davenport read an extract from the Act, showing that for some purposes the Standing Orders Committee was empowered to confer with that of the other House.—Mr Baker doubted whether the power extended to the subject he had mentioned.—Mr Younghusband thought the whole business could be conducted by the Standing Orders Committee.—Mr Baker moved that the Standing Orders Committee be empowered to confer from time to time with the Standing Orders Committee of the House of Assembly.—Mr Angas seconded the motion.

—Mr Forster concurred very much in what had fallen from the hon Mr Baker. He believed that three-fourths of the Bills which ordinarily came before Council might be originated in that House.—Mr Morphet said the House could not originate any Bill for the appropriation of the revenue. That was quite in consonance with the English rules, by which no such Bill could be originated in the House of Lords.—Mr Forster quite understood that. He only wanted some definition of the Bills which would be considered as appropriating money.—Motion relating to the Standing Orders Committee carried without a division.

Adjourned until Tuesday, May the 5th.

HOUSE OF ASSEMBLY.

WEDNESDAY, APRIL 29.

The SPEAKER informed the House that he had been appointed Commissioner to administer the oath of allegiance to members of that House.

REPLY TO THE GOVERNOR'S ADDRESS

ADJOURNED DEBATE

Mr BLYTH, as mover of the adjournment, in reopening the debate on the address, said the speakers on the previous day had travelled over nearly every subject that had ever interested the public of South Australia. It had, however, been correctly stated, that three subjects embraced, in point of fact, the most pressing and important matters in the speech, viz, education, railway extension, and distillation. He should take the last first. Hon. gentlemen who spoke on the subject of distillation treated it as if it were a mere farmers' question. He was, however, disposed to consider it as one seriously affecting the moral and material welfare of the colony. The effect, which he was inclined to attach most importance to, was, the more sober habits which a repeal of the Distillation Act was likely to induce. (Hear, hear.) If he could, with regard to education, see reasonable grounds to believe, that the imposition of a tax, would awaken a stronger sense of the value of education, he would be happy to vote for it. He saw that it was proposed to effect some alteration of the insolvent law, and he hoped that, when the present Commissioner was replaced, a well-qualified person would be appointed to succeed him. An hon gentleman had, the previous day, said that the Ministers should woo the members as a man wooed his mistress. He would not follow such a ticklish figure too far. (A laugh.) But for himself, he would say, that he could only support them so long as they acted wisely, and used their patronage for the benefit of the country. He would, before he sat down, move an amendment to the address, to the effect that in the 5th clause all the words be omitted from "judicious extension" to "justify" (Hear, hear.) An hon member had stated that, six miles of tramway could be made for one mile of railway. If the man who made two blades of grass grow, where only one had grown before, was considered a public benefactor, how much more would the public be indebted to an engineer who could effect such a public benefit as that of making six miles of tramway at the expense of one mile of railway! (Hear, and a laugh.) He would recommend members to visit the Goolwa Tramway, and they would, he was convinced, agree with him, that tramways were more adapted to the requirements of South Australia than expensive railroads. The City and Port Railway had not even given them the advantage of speed. They had not been able to drive a train to the Port in less than half an hour, or to compete with the common carriers in the conveyance of goods. The largest mercantile firm in the city, Elder and Co., had their goods carried by the primitive conveyances, and the firm of which he (Mr Blyth) was a member, found it to their interest to employ the old

carriers, and not the railway. He was convinced that, for the carriage of goods, tramways were quite sufficient, as rapidity was not required. He was delighted to find that his opinions, as a practical man, were supported by such high scientific authority as the hon. member for Encounter Bay. (A laugh.) There was, he admitted, a necessity for a revision of the Electoral Law, although he did not, as others, wholly condemn it. The expense should be diminished, but it had a great merit in the division of the colony, which it effected into electoral districts. With regard to education, he was convinced that no system would be satisfactory without the establishment of normal schools for teachers. He was for the endowment from the Land Fund of such an institution. There was another subject upon which he, as a cautious man, had a few remarks to make. When he heard that their bonds were at a premium, he would say that the capitalists of the world were both forgetful and forgiving to South Australia, and he would warn that House against the fatal facility of borrowing. (Hear, hear.) A great amount of the bonds issued would be a debt on the colony after the present members had ceased to live, and the fact that they had already borrowed £816,000 was to him a sufficient reason for objecting to incur further obligations, and to urge upon hon members not so much to consider how far they could succeed in borrowing but what they could afford to pay. He moved the amendment to which he had referred.

Mr HUGHES seconded the amendment, but declared that he had no wish by any adverse vote to jeopardize the position of the Ministers. He believed and hoped it was the general feeling of the House that each member should give expression to his views as to the course Ministers should pursue. He was pleased to notice the prosperous condition of the colony, but the application of the proposed large amount of borrowed capital to unproductive works like the City and Port Railway would, he was afraid, induce a state of embarrassment. There were no returns to the Treasury from that work, not even, he understood, to provide for the wear and tear and replacement of the rolling stock. (Hear, hear.) They might be told by engineers that there was no such thing as iron tramways, but he was certainly not disposed to go for the extension of a railway to Kapunda, without full information as to the result of the working of the North Line. (Hear, hear.) If it could be shown that the line to Kapunda could be carried on without loss after its construction, he would support the proposal, but he wanted something more definite than vague assurances on that subject. He was glad to see the reference in the speech to the question of education, and was gratified to find that it was proposed to extend operations on a Christian basis without doctrinal teaching. As regarded the proposed tax, he would support it, if it was carried out similarly to the Canadian system, than which he knew of nothing better. He would, to revert to the railway question, express his regret that the south-eastern part of the colony had been overlooked. A tramway to connect Penola with the sea-board should be constructed. The inhabitants of that part of the colony had contributed largely to the Land Fund, and nothing, to his knowledge, had been done for them, except the construction of a couple of jetties. With regard to the distillation question, he thought the winemakers should be empowered to make a spirit from their refuse to fortify their wines, but he did not think the farmers would apply themselves to distillation on the encouragement of a bonus of 25 per cent. He had to state, from his own experience, and in corroboration of what had fallen from other hon members, that a very illiberal spirit was cherished by the merchants of Victoria to our mercantile men, in fact, they seemed to regard them as interlopers. (Hear, and a laugh.) He would not on that occasion go more fully into the various

questions embraced in the address, but would content himself by seconding the amendment.

The CHIEF SECRETARY would, with regard to the question of distillation, merely say that the Treasurer and other members had fully put the merits of the question before the House. He assumed that the hon member for the Port was the advocate of free distillation, but he advanced a strong argument in favour of the Government view of the subject. If distillation was to be free, the farmers would have a bonus, not of 25 per cent but of 100 per cent. With regard to the estimated population, he admitted that there was an error, as the estimate had been framed on the published returns. A new element—the passage of Chinese through the colony—had disturbed the value of the returns, and the correct estimate of population would be about 105,699. He would next come to a point which had been dwelt on considerably—the railway question. He saw nothing in the address to pledge hon members either to the extension to Kapunda or to Gumeracha. They intended, indeed, to introduce such measures, but it would be free to the House to deal with them on their introduction. He would there enter his protest against the policy of attempting to base the prosperity of the colony on a system of railways. (Hear, hear.) It was said the Government were disposed to go recklessly into the extension of railways, but the words of the speech were, “so far as the resources of the colony would justify” (Hear, hear.) They would endeavour to carry out railways, as far as engineering facilities would admit, and the resources of the colony would justify. Papers on the table would show the estimated cost of the extension to Kapunda at £183,000, and of the extension to Teatree Gully at £36,000. It would be for the House to weigh the advantages to be gained against the outlay, and vote for or against the proposals. The speech merely asserted that the principle of extension was desirable. One of the results of the extension would be to attract to Port Adelaide the large traffic now carried on from the Burra to Port Wakefield, while on the other hand the maintenance of a common road there would be a heavy and continuous drain on the revenue. Seeing that the colony could well pay the interest of a loan of £180,000, he maintained that they (the Ministry) would be justified in proposing that loan to be devoted to an outlay which would render unnecessary an otherwise enormous and permanent expenditure in making and maintaining a common road. Ministers would have no hesitation in taking the sense of the House on those questions, but they did not wish to entrap hon members into consent to those measures by asking them to agree to the address. (Hear, and applause.) He would reiterate the advice given by the youngest member of the House to hon members not to pledge themselves. (Hear, hear.) He would ask them to consider the evidence laid before them, and to decide upon that evidence. The hon member for Gumeracha might well refer to the monstrous railway to the Port, when he saw the iron horse dragging its monstrous loads without any expenditure of animal power. He (the Chief Secretary) would be glad to see a similar monster toiling to the Burra. (Hear, and applause.) The objections of the hon member as to the non-attainment of speed were singular. If the hon gentleman preferred the rough and dangerous travelling of the Port-carts to the swift, easy, safe, and luxurious railway travelling, he could only say that the public were of a different opinion, as no less than 336,771 persons had availed themselves of the railway, which had also conveyed 42,765 tons of goods. (Hear, hear.) Some hon members had said that railways should not be constructed unless they paid. The first year of a railway was invariably the worst, its advantages were not developed, and its expenses, while great, were greater than in succeeding years. He would, for the informa-

tion of the House, go at some length into the subject. During the last year the receipts of the City and Port Railway were £21,288. The working expenses during the same period were £20,509, showing a slight balance in favour of the railway. With regard to wear and tear, that was fully provided for by the machinery which belonged to the establishment. With regard to the Gawler Town line, there were as yet no returns furnished that could be relied on. (Hear, hear.) The traffic had been so lately started that the returns were not yet prepared, but from a report of the Commissioners of that railway, he was able to say that the expenses for the last three months only exceeded the receipts by £200. When they knew that a great deal of traffic would ultimately pass along that line, which now travelled the North-road, they could feel certain of the ultimate success of that line. There was another advantage arising from railways. It had reduced the cost of transit equal to nearly 50 per cent. The farmers and others saved that amount in cartage, and the saving to passengers was still greater. Then, again, not only did the Port Railway pay its expenses, but the colony was, in the reduced cost of carriage, receiving an advantage more than equal to the amount of interest on the debt for construction. They (the Ministers) did not want to extend railways beyond the resources of the colony. (Hear, hear.) He would, on the subject of loans, state to the House the utmost amount for which the colony could be liable on the existing loans. He put out of consideration the Waterworks loan, as that would be provided for by a city rate. The total liabilities, with that exception, to which the colony would be subject for the payment of interest, and for the payment of principal upon the City and Port Railway, which was paid off annually—the other loans only paid interest, bonds having been sold to redemption at ten years—the total liability for 1858 would be £37,980. That was the full extent of the liability for public works authorized by the Legislature. That would go on increasing until it, in 1860, amounted to £42,000. It would, from that time, diminish gradually by reason of the liquidation of the principal, the bonds falling due about £36,000 in 1866. That was the year when the matter would take place about which the hon member for Gumeracha (Mr Blyth) was so anxious. That hon gentleman wished them to consider what they would have to pay rather than what they could borrow. (Hear, hear.) He (the Chief Secretary) was desirous of showing the House that when the heaviest demand would be made, at the redemption at the end of ten years, that the total pressure would be £47,000. That would be the utmost annual liability to meet the interest and repayment of the outstanding loans as already authorized. The £47,000 would then diminish rapidly, for after that the first loan on account of the City and Port Railway would be extinguished. (Hear, and applause.) Exception had been taken to that part of the programme which referred to the Murray traffic being carried by sea-going vessels. They had a small distance of transit by land, but they desired to make it as inexpensive as possible. Unless they could secure a harbour, that would receive vessels to take produce to Europe, they would lose the advantage of the Murray River altogether. The Victorian Government would, with their railways, divert the traffic of the Murray through Victoria. That would be the effect, if they could not convey the traffic by means of sea-going vessels. That was the reason why they should propose Victor Harbour, and that was the reason why they expected opposition from the Port interest. (“No, no,” from Mr Hart.) The hon member said no, because he never represented the Port interest. (A laugh.) He (the Chief Secretary) did not blame a sedulous attention to local interests in hon members, but he felt that it was the duty of the Government to foster the general interests of the colony. They did not, when they developed their plans, expect—for fears they had

nons—any very serious opposition (Hear, hear) The Government views with regard to education had been greatly misunderstood The tax was intended to supersede the voluntary payments now made by the parents to the teachers He thought such a tax could scarcely come under the usual odium of new imposts. The payment would merely be made to the Government instead of the teachers, it would be much less in amount, and would only fall heavily on those who disregarded education; but the benefit must be immense to the community generally There was no intention to alter the existing system of teaching. It had happily set at rest the vexed sectarian questions, and the Government would not risk the existence of the system by resuscitating those questions. They wanted, in fact, to extend the present system—to erect commodious schoolhouses, and to elevate the condition of the teachers. (Hear, hear, and applause) They did not wish to make education compulsory, but to hold out inducements that would be quite as effective They had the example of the United States to encourage them in carrying out those educational propositions, and if adopted he had no doubt of their success He would not dwell more particularly on those subjects as opportunity would arise afterwards to discuss them, each separately and more fully He thanked the hon mover of the address, and only asked for the Government that candid treatment recommended by the hon. seconder of the address. (Hear, and applause).

Mr KRICHAUFF thought, after the explanations of the hon Chief Secretary, that the amendment was not necessary. (Hear, hear) He confessed that he did not clearly understand the meaning of Clause 8 in the speech, and he was curious to see what Bill would be brought forward with respect to the management of main roads A measure introduced last session was such as he would only have expected from a Russian Government. (Hear, hear) He hoped the Bill to be introduced would be laid before hon members at an early day. He was of opinion that wherever a railway was made the parallel roads should be maintained by local taxation. (Hear, hear) He hoped the Government would not show any favouritism The hon. Chief Secretary had once said that the colony lay to the north of Adelaide He considered that the claims of population were, at least, of equal importance with the advantages of available Crown land The people should have their claims considered. With regard to the proposed education tax, he was of opinion that it should be local and not general. He knew of districts where the people were willing to levy a rate for educational purposes, but the District Councils Act was too vague to satisfy them that they had the power to do so.

Mr. HAY said, in reference to a remark made on the previous day, that he had not taken his seat in a particular part of the House either to indicate opposition or support of the Government. He would, whenever he could, support them; and when compelled to dissent from them, he would do so quite irrespective of the position of his chair. (Hear, hear) He had to give it as his opinion that the Ministers had not acted wisely in setting their faces against free distillation (Hear, hear) If other branches of agriculture had been hampered with as many difficulties as the distillation of grain, they would not have the present large extent of land under cultivation Distillation, like every other branch of agriculture, must grow up by degrees, and the best way to foster its growth was to leave it free. (Hear, hear.) They had fifteen millions of acres occupied by squatters, which exported produce to the extent of little over £400,000, while 203,000 acres of sold land in the hands of farmers exported £130,000 worth of produce more than the squatters. He thought he saw in the Crown lands a fair and legitimate source from which to augment the revenue. (Hear, hear.) It had been said

that, if distillation was made free, they must raise the revenue from some other source He did not think any one class should be burdened for the advantage of other classes, but he considered that that was the position of the farmers (Hear, hear) The present rent of the greater part of the runs could only be about 10s a square mile, and he thought they could find in the Crown lands a source of revenue to compensate for any loss that would arise from the repeal of the Distillation Act. (Hear, hear) He was of opinion that the duty on imported wines and spirits should be reduced as in the case of ale and beer, and distillation be left to find its own level He could not exactly agree with his hon colleague in the views he expressed on the policy of borrowing When he saw the vast extent of land that was benefited he thought he saw in that land ample means to pay off the proposed debts (Hear, hear) If they could lay down efficient tramways at less expense than railways, he would certainly be for them, but if the traffic returns would warrant it he was for extending the railway to Kapunda. (Hear, hear.) He was of that opinion, because he considered Kapunda the centre of an important district—that the railway to it would be a great trunk line—to which, no doubt, tramways might be laid down as feeders. With regard to the education tax, he would say, that he thought it would be sufficient to enable the District Councils to lay on a small rate, and apply for an equal amount to the Board of Education He was glad to see that the question of the management of the Crown lands was to be introduced, and he hoped the Commissioner would be able to show that the revenue from that source would be greatly increased He had been grieved to hear that the Government would oppose the formation of a tramway from Adelaide to the Murray. They might, if they pleased, make Victor Harbour available for large vessels, but he could see no good policy in sending produce to Port Adelaide to be brought back again, almost to the same point, on its way to the Murray (Hear, hear) He was also of opinion that his hon. colleague would act wisely in withdrawing his amendment. (Hear, hear.)

Mr BLYTH, with the consent of the hon member for the Port (Mr Hughes), the seconder of his amendment, withdrew it.

Mr MILDRED thought it would be unpardonable in him to give a silent vote. He would confine himself almost solely to the question of distillation He contended that those who produced the largest amount of exports—the agriculturists—were suffering from untoward circumstances, over which they had no control Whilst facilities were given to those who held leases of the Crown lands, by enabling them to obtain from time to time additional portions of the maiden soil, the agriculturists were much oppressed. But the repeal of the Distillation Act would introduce a new article of produce, particularly as they now, by the late advices from England, were made acquainted with the fact that a pure spirit could be extracted from the beetroot, which would also be a useful article of fodder. With regard to education, he admitted that he was an advocate of direct taxation, but he held that the time had not arrived for imposing such a tax as that contemplated. He also objected to it for educational purposes, because it was unjust towards those who had no children to be educated. They had got rid of the connection between Church and State, but an effort appeared now about to be made to connect Education with the State. He regarded the present system as expensive, and at the same time inefficient. He congratulated the Ministry on the flourishing state of the revenue, though he held that a considerable amount of credit was due to the Estimates Committee for their labours, and for the economical system they had introduced into the public,

service. He hoped that the future proceedings of the Government would be characterized by economy and retrenchment, with a due regard to the efficiency of the public service, when he would be happy at all times to give them his support, as far as he could consistently do so.

The COMMISSIONER OF CROWN LANDS said it was very commonly supposed that those who held leases of Crown lands had some permanent claim to hold those lands. This was not the case. It was specially provided, when the leases were granted, that at their expiration the lands should be put up to auction. But the value of the lands should be taken into consideration at the time the leases were granted. As an illustration he would refer to a lease of land taken up beyond the Burra some years ago. At that time the run was not considered worth more than £40, because it was not supposed capable of feeding more than 4,000 sheep. Now it was capable of supporting 40,000, and the lease was believed to be worth £4,000. The hon member proceeded to point out that a great portion of the land taken as runs was almost valueless. He referred to the energy and enterprise of those connected with pastoral pursuits in opening up the country, and contended that the rights of the agriculturists had not been infringed upon by the squatters. With regard to education, he was favourable to the proposal of a direct tax for the purpose. He hoped that the time was coming when local taxation would be adopted for other purposes, and that a system of expenditure would be adopted so as to appropriate the funds raised in each district to their exclusive benefit. On distillation, he remarked that he was decidedly opposed to protective duties; and referred to the tax laid on flour in Western Australia as an illustration of the impolicy of such duties. It had been argued that the loss to the revenue would not be great. If so, the gain to the producer would be still less.

Mr BAOR remarked that, as the Chief Secretary had stated that the House would not be pledged to any particular measures by adopting the address, he would be happy to vote for it. It reminded him of a Bill introduced in the late Council, when the members were told they could agree to the preamble, and, if they pleased, strike out the whole of the clauses. He thought the reply to the Governor's speech should have been more explicit. He would oppose the system of education proposed by the Government, if, as he understood, it was intended to raise a general revenue by direct taxation, from which the stipends of the teachers were to be paid. He was a friend to direct taxation, but the scheme proposed should be so far modified as to make the taxation local. The funds should be raised by consent of the districts, and expended under their own management. With regard to railways, he regretted that his hon friend on his left (Mr Blyth) should have based his arguments upon the Port Railway, which had cost three times more than was estimated. He thought his hon friend, if he had taken into consideration the fact that Government never constructed lines of roads so cheaply as private parties, and that railways afforded such very great facilities for the transit of goods, would have come to a different conclusion to that which he had expressed. He was favourable to the adoption of a general system of tramways, throughout the country, in those places in which railways were not available. He thought, with other hon members, that some modification of the distillation law was necessary. He did not agree with the hon the Treasurer in his remarks respecting the bonus of 25 per cent, stated by him to be given to the distiller, because the restrictions thrown around him amounted in reality to an absolute prohibition. With respect to law reform, he would make a few remarks. The Bill which the hon the Treasurer was

about to bring before the House he had only recently had an opportunity of examining. But he could not understand how it could be reconciled with that which it was understood the hon the Attorney-General intended to introduce. As to law reform in general, he would state that no great change was ever effected in England without the assistance of the lawyers. But if it could be shown that the lawyers were any hindrance to the prosperity of the country, he would say, let them be swept away. (Laughter.) He was not opposed to the Government, but would, whenever he could do so conscientiously, give them his support.

Captain HART said the hon member who had just sat down, together with almost every other hon member, had stated that he was not disposed to offer any opposition to the Government. He would at once state that he would at all times oppose them when he thought they acted in opposition to the interests of the country. He regarded a well-organized opposition, not a factious one, but a recognised opposition to the Government as best calculated to promote the general interests of the country. When the Parliament Bill was under discussion, it was a generally understood thing, that the Parliament would consist of, and be governed by, recognised parties ("No, no") He maintained that such was the case. With respect to railways he contended that the subject should be considered, not as railways versus macadamized roads, but as railways versus tramways. They had a railway in the colony, and they had a tramway. The latter had no large amount of traffic, but it was yielding a profit which the other was not doing. Then again five miles of tramways could be constructed at the same cost as a single mile of railway, and therefore their construction would be of general and not of mere local benefit. He regretted that the hon the Chief Secretary had pledged himself not to form part of any Ministry who supported a system of tramways as opposed to railways. He regretted this because the resignation of the Ministry would be a very serious loss to the country. He did not know where they would find the materials in that House for constructing another Ministry. But it was his intention to place a notice on the paper which would bring the subject to the test, notwithstanding the threat held out by the hon the Chief Secretary, to which he had referred. As to education, he was not opposed to direct taxation for that purpose, if it was intended to be carried out in the manner shadowed forth in the address. The experience of other countries showed that a greater number of children could be collected together where there was a small payment from the parents than where it was felt that the school was merely what was called a charity school. With respect to the harbour question, he would say with reference to the proposed improvements of Victor Harbour, that the Government, a few years ago, would have scouted the idea. (The Treasurer, no, no.) Port Elliot was a very good harbour for small vessels, but when the rollers set in, it was impossible for any vessel to land her goods. But the same objection existed with respect to Victor Harbour. Neither was calculated as a fit place for large vessels, though much might be done to facilitate the landing of goods, by regulations respecting the hours of landing. He wished to see every improvement possible effected at Encounter Bay, but it was impossible to make a good shipping harbour on that part of the coast. The labour of months would be swept away in a few hours. Port Adelaide was, unquestionably, the port of the colony. With respect to law reform, he believed that a Bill, such as that submitted to him by the hon the Treasurer, would be a great boon to the colony. Notwithstanding what had been said by the hon member for Light, he contended that many important law reforms could be, and had been, carried out in this colony by gentlemen who were not professional

men The circumstances of this colony were not in any respect parallel to those of England, particularly as regarded the conveyance of real property. The oldest titles only extended back about twenty years. The hon. the Treasurer, if he did nothing else during the session besides introducing his Bill for effecting a reform in the law as regarded the transfer of real property, would deserve the thanks of the Council and of country.

Mr LINDSAY, in reply to the remarks which had been made by the hon. member for Flinders as to the projected improvements of Victor Harbour, stated that he thought they should wait till they had something more definite as to the projected improvements before the House came to any conclusion. The hon. member had said that Granite Island was one mile from the shore, but he could state, from his own personal knowledge, that it was connected with the main land by a shoal thirty-two chains in length, and dry at low water, over which a causeway could be constructed. And he could also state, on the authority of Captain Crozier, of Her Majesty's ship Victor, that the harbour was capable of accommodating the largest steamers. Vessels had frequently lain there for several months together, and at all seasons of the year, but not a single wreck had taken place there. Many members appeared to be under an erroneous impression respecting the comparative cost of railways for locomotive purposes and for horse power. The cost of railways in England had been very high, but in America railways for locomotive purposes had been constructed at so low a cost as to appear almost incredible to persons only acquainted with the English system. He referred to Stephenson's Work on American Engineering (a book to be found in the library of that House) in illustration of his remarks. An estimate was there given of the cost of the permanent way, which experience in America had shown to be the best in construction, at the low rate of £540 per mile, and to show that that was not merely an engineer's estimate, but that railways had actually been constructed at near about that rate, he referred to the railway in Indiana, fifty or sixty miles in length, which had been constructed for less than £600 per mile; and to another in the State of Florida, which had a population, including slaves, of only 60,000 persons, of fifty-four miles in length, the total cost of which had been less than £1,000 per mile. If these locomotive lines had been constructed for horse traction, they would probably have cost two or three times as much, in consequence of the additional expense which the construction of the horse track would have necessitated.

Mr NEALES said as it appeared to be the fashion of the House for every member to speak to the motion, he supposed he must do so too, though that was not his original intention. He contended that the pastoral interest did not pay its fair share towards the general revenue. It appeared to him that the only difference between Port Elliot and Victor Harbour was, that Port Elliot was wretchedly bad, and Victor Harbour had the merit of not being quite so bad. He thought they must tap the River Murray higher up. If they were determined to go into the question of the navigation of the Murray, he hoped it would be done in a straightforward, manly spirit. They had heard from the Treasurer that the communication with Victoria had not been satisfactory. It was true they came to some determination on the subject. If South Australia assimilated their tariff to that of Victoria, what guarantee had they that Victoria would not again alter their Customs duties, and thus leave the colony in the same position as at present? The Government of Victoria was composed of very singular materials, and they found that they could not manage their own population, as was proved by the Ballarat riots. The Government of this colony should therefore take their

stand, and be determined to receive no dictation from their big brother. He did not say that there should be no modification of the tariff, but he contended that this should not be done at the dictation of another Government. The Government of Victoria might alter their tariff as often as they chose, to suit their own purposes, but suppose this colony to take off all their duties on goods taken up the Murray, where would Victoria be then? This country need not be the smugglers. They could send their goods to the border, and leave the Victorians to smuggle them into their own country. (Laughter.) This had been done by England at Gibraltar, and France had adopted the same course. He was not prepared to give up their geographical advantages with regard to postal arrangements. The same answer must be given to their neighbours, as in the other case, by telling Victoria that we would stand by our rights. With respect to education, it would be a very bad system which would not obtain his support. As to the amalgamation of the public Boards, he was of opinion, that, at least in some instances, the present Boards should be retained. He referred specially to the Harbour Trust and Finny Boards. He thought some alterations were required in the insolvency laws, so as to render the payments of dividends more speedy than at present. With respect to the employment of labour, he saw that of the amount voted by the late Legislature for public works £24,000 remained unexpended. He regarded himself as the true friend of the working classes, though he did not pretend to support that character by mere bounce. He would always be prepared to advocate the construction of public works, whenever they were required and the revenue would allow it.

The ATTORNEY-GENERAL was glad to find that whatever differences might afterwards arise with respect to the subjects referred to in the Governor's speech, there was an almost unanimous opinion with regard to the address. With respect to the remarks of the hon. member for the Port on party Government, he contended that the Parliament was not in a position to warrant him in assuming that an Opposition was necessary. It was absolutely impossible that the same scenes, which had occurred in the other colonies, should not occur in this colony, if party Government were to be introduced. Those scenes arose on account of measures which were brought forward, not because they were essentially required by the country, but in a spirit of captious and determined opposition. They were engaged in making an attempt to see how far a great scheme could be carried out, and the interests of the country could be best served, by the members of that House acting in combination, rather than in opposition. The members of the Ministry asked for no support for the mere purpose of retaining office. They asked hon. members to support them only so far as their conscientious convictions would enable them to do so, and they looked for no opposition but such as the convictions of hon. members compelled them to offer. (Hear, hear.) It was one of the greatest boasts of the late Council that all the old cries and watchwords had been swept away, and he knew of nothing which would more divide the Council, or be better calculated to check the onward progress of the country, than a revival of that party spirit which the hon. member for the Port seemed to think so advantageous.

Dr. WARK did not rise to make a speech, but it was well known by hon. members that it was his intention to have moved an amendment to the address. He rose to say that, after hearing the satisfactory statement made by the hon. the Chief Secretary, he had no intention to do so, but would vote for the address.

Mr COLE tendered his thanks to the hon. member for the Burra for his kind advice to young members to

be cautious how they committed themselves. He was surprised to find hon. members on the one hand advocating an extended system of education, and on the other advocating the removal of the restriction on distillation, by which facilities would be given for the manufacture of spirits, which were admitted on all hands to be so injurious to the morals of the community.

Mr PRAKFF rose amidst cries of "Divide." He had listened to the debate with very deep interest and much pleasure. In moving the address, he still held himself unpledged to any particular measure. He could, as other hon. members had done, have raised various objections to the several questions alluded to in the Governor's speech, but he preferred giving Ministers an opportunity of bringing their policy fairly before the House, still reserving to himself the right of acting independently as each subject was introduced.

The adoption of the address was then agreed to in Committee, the House resumed, the report was brought up and adopted, and, on the motion of the Chief Secretary, it was resolved that the Speaker and a deputation from the House should present the Address at such time as his Excellency should appoint.

House adjourned till next day at 1 o'clock.

HOUSE OF ASSEMBLY

THURSDAY, APRIL 30.

TRAMWAY TO PORT ELLIOT.

Mr KRICHALFF presented a petition from 259 residents at Mount Barker, Bremer, Macclesfield, Strathalbyn, Kondoparinga, and Encounter Bay, praying for the construction of a main tramroad through the district by the way of Macclesfield from Port Elliot to Mount Barker. Received, read, and ordered to be printed.

NATIVE RESERVES.

The CROWN LANDS COMMISSIONER laid on the table a return in the terms of a notice given by Mr. Blyth, showing situations, acreage, names of Lessees, and amount of rents, of the Aboriginal Reserves in the colony. Ordered to be printed.

GAWLER TOWN RAILWAY TERMINUS.

Mr DUFFIELD stated that a petition on this subject was in course of preparation, and begged for the present to withdraw the notice standing in his name with reference to it.

ELECTION RETURNS.

Mr. BLYTH moved for returns showing the total expenses of the general election of the Parliament then assembled, exhibiting the different sums for each district and division, the name of the parties to whom the same was paid, with the various particulars of demand for which money was paid, also, showing the number of electors on the several electoral rolls at the late election of members of the two Houses of Parliament, the number who obtained certificates, and the number of those who recorded their votes at each polling-booth in each division and district, how many were disqualified, and the causes of their disqualification. — Motion seconded by Mr. Reynolds and carried nem. con.

GOVERNMENT BUSINESS.

The CHIEF SECRETARY moved that on Tuesdays and Fridays Government business should take precedence of all business for discussion, excepting, of course, the presentation of petitions and placing notices on the paper. He also urged the importance of being slow to suspend the Standing Orders after their adoption. — Question put and carried.

THE ADDRESS

The SPEAKER announced that the Governor-in-Chief would receive the House with the reply to his Excellency's speech, at a quarter past 1 o'clock next day.

NORTH-WESTERN EXPLORATION.

On the motion of the Commissioner of Crown Lands and Immigration, the Speaker left the chair, and the House resolved itself into a Committee of the whole for the consideration of the motion standing in his name on this subject.

The COMMISSIONER OF CROWN LANDS then moved, that an Address be presented to His Excellency the Governor-in-Chief, requesting His Excellency to place upon the Supplementary Estimates for the present year the sum of £2,000, to defray the expense of an exploring expedition to be sent out to examine the north western interior. He was, he believed, right in saying that former legislatures had already appropriated the sum of £1,000 for that object. Relying on the approval of the House, the Government had made arrangements to send out such an expedition. The present season was peculiarly favourable for that purpose, from the quantity of rain that had fallen generally over the country. It was also apprehended that if the preliminary arrangements were not made before the consent of the House was obtained, it would then be too late to start the expedition with any hope of success. It was, he imagined, generally agreed to be very important to develop the pastoral capabilities of the colony, and as he understood Streaky Bay was a good harbour, it might be made available as a port. (Hear, hear.) He thought the amount asked for would not be absorbed by the proposed expedition, but it was desirable to have such a sum named, to prevent the necessity of having to come again for further means, to meet any unforeseen expense.

The CHIEF SECRETARY seconded the motion, adding to the statements of the mover that the Government had acted in that case without first consulting the Legislature, because they had for that object the approval of the preceding Councils (Hear, hear.) The expeditions on other occasions had been delayed or frustrated by unforeseen circumstances, but everything at present conspired to render the starting of the expedition favourable, and likely to be productive of great public advantage.

Captain HART testified, from his personal knowledge, to the fact, that Streaky Bay, although not equal to Port Adelaide, was still one of the best ports in the colony. He had, with other gentlemen, penetrated a distance of 20 miles into the scrub there, and he thought it might, like the Murray Scrub, be good land. A harbour, so good as Streaky Bay, would greatly enhance the value of any good land found in that region.

Mr HARE supported the motion, and thought the country generally consisted of alternate belts of good and bad land. He could also state from experience that many places of unpromising appearance became first-rate wheat-growing lands on being brought under cultivation. He referred to the recent discovery of water by Mr Babbage, and expressed a hope that other tracts, supposed to be arid, would be found better adapted for pastoral purposes than was generally imagined.

Mr BABBAGE suggested the wisdom of appropriating a larger sum for the purposes of discovery than that proposed by the Government. He thought it probable that the water he found might be only one of a series of watering-places to which the natives with whom he communicated had referred. It was desirable to ascertain whether Lake Torrens was exactly the impassable

barrier which they supposed, or were informed it was. He was convinced that it could be crossed to the north-east, for reasons which he had given elsewhere. It was possible that a party sent to explore from Streaky Bay inland might be lost, and it would be advisable to have a party pushing on to meet them, which might secure their safety. He understood that there had already been two runs taken up since the publication of his discoveries. A small sum only would be required to defray the expense of a party formed by bushmen, and headed by a surveyor. The squatters, who had done good service as explorers, often threw cold water on such proposals, but they manifested no indisposition to avail themselves of such discoveries as Blanchwater (Hear, hear.) He did not think it needful to organize a party in Adelaide for the object he recommended, as fitting persons could be found in the locality he had lately visited.

Mr WATERHOUSE supported the suggestion of Mr Babbage. He was glad to find that that gentleman recognised the services of the squatters, who had, he understood, recently found Blanchwater dry. (A laugh.)

Mr BABBAGE explained. He had recently been assured that succeeding and later visitors had found it all that he had described it to be.

Mr WATERHOUSE believed that it might be so since the late rains. Mr Hack had pushed on, and had found no place answering to Lake Torrens, but, on the contrary, the fine grass land spoken of by Sturt. He believed that there was a vast expanse of available land in the interior, the opening up of which would be as beneficial as Sturt's discovery of the Murray.

The COMMISSIONER of CROWN LANDS was afraid the season was too far advanced to organize a large party. The intention was, to send the expedition due north from Streaky Bay, and, by making 300 miles in that direction, they would cut off the water discovered by explorers from Mount Arden. He would be happy to consent to sending a party to the north, as it was now pretty well ascertained that Mr Eyre was mistaken as to the direction of Lake Torrens, and he was of opinion that the large body of fresh water spoken of by the natives was Cooper's Creek. He would be happy to support any additional sum which the House should set apart for northern exploration, but he thought the squatters were determined to do that themselves without Government aid. (Hear, hear.) He would propose that all newly discovered country should be put up for public competition. He believed that a settler who at his own risk and expense discovered country was entitled to some advantage, but it was not so when the discovery was made at the expense of the public. (Hear, hear.)

Question put and carried, and the House resumed.

DISPATCH OF BUSINESS

The CHIEF SECRETARY moved that this House shall meet for the dispatch of business, during the present session, on Tuesday, Wednesday, Thursday, and Friday in each week, at 1 o'clock p.m. They had found in former Legislatures that arrangement very favourable to the transaction of business, and he hoped the House would be slow to alter a system that had worked well. Night meetings had been spoken of, but it was clear that the hour should be fixed so as to secure the largest attendance of members.

Mr. BAGOT moved, as an amendment on the Chief Secretary's motion for the meeting of the House of Assembly at 1 o'clock, that the House do meet at 5 o'clock p.m. He considered the arguments of the hon. Chief Secretary applicable enough to a summer session,

but in winter country gentlemen could not get home. He thought also that it would matter little to a gentleman living out of town whether he started for home at 5 and 6, or 8 and 9 o'clock. (Hear, and a laugh.) It was known that the public offices were open during the early part of the day, and it might suit some to meet at that time, but that view would apply to a few Government officers only, rather than to the public. There were three classes of members in that House—men of business, country members, and men of no business. (Hear, and a laugh.) Men of general business, such as himself, had to sacrifice some of the best hours of the day by meeting at 1 o'clock. The officers of Government, who attended to their private business by attending that House, might meet at 1 o'clock, but that would sacrifice the whole time of gentlemen who lived some little distance in the country. The question was, whether they should have men of business in the House, or the payment of members. (Hear, and a laugh.) He did not think the time had come for the payment of members, and he, therefore, hoped his amendment would be carried.

Mr DUFFIELD seconded the amendment, but was not prepared to speak at length on the subject. He felt assured, however, that the effect of meeting at 1 o'clock would be to absorb so much of the time of the country members as to deter them from attending that House. (Hear, hear.)

Mr. BLYTH was prepared to give to the service of the country the three best hours of the day. (Hear, hear.) He repeated what he had once before said, that the question after all was one more of luncheon or dinner than anything else. (A laugh.) He would appeal to the recollection of old representatives, that the alteration from 1 to 2 o'clock in the old Council was a most lamentable failure. The only effect was to lengthen speeches without expediting business, although one hon. gentleman had promised to speak 25 per cent less, if the change was allowed. (Laughter, and "Name.") That hon. gentleman was Mr Neales. (Continued laughter.) He (Mr Blyth) was a man of business, and a country member, and could not, without great pain, he confessed, forego the advantage of spending his evening at home. He did hope, that there would be no trimming in the matter, but, as the merits of the question of day or night sitting was fairly before them, that they would vote for one or the other—either for 1 or 5 o'clock. (Hear, hear.)

The TREASURER would support the motion of the hon. Chief Secretary, because he thought it could not be either for the benefit of the country, or for the good of hon. members' constitutions, to come to the deliberations of that House with wearied bodies, or with minds fagged with the business of the day. (Hear, hear.) The convenience of members of all classes in that House had been referred to, but there were others whose convenience should be regarded, if the public were to be well served. He referred to the press, the conductors of which had more than once stated that night meetings would entail a rumous increase on their reporting and mechanical appliances if they attempted to report the proceedings of the Legislature as fully as hitherto. (Hear, hear.) For these reasons, in addition to others that had fallen from hon. members, he would support the original motion.

Mr HARR suggested a medium course. His suggestion was, that the days and hours fixed by the motion should be the same, but to meet on alternate days.

Mr. MARKS supported the amendment of the hon. member for Light, inasmuch as they had a right to consult the feelings of the country members. He thought the hon. member for Light was as willing as any other

hon member to devote the best hours of the day to the service of the country. For himself he did not care at what hour the House met, but he would say that it was part of the Chief Secretary's professional business to attend the House, and, therefore, that he, at least, made no sacrifice. (Hear, hear.)

Mr. HUGHES supported the motion of the Chief Secretary. He thought the question resolved itself into whether the business should be conducted by persons residing solely in Adelaide. They must have Select Committees, but when would members sit on them if not in the morning.

Mr. REYNOLDS was satisfied that it would be for the convenience of the country members to have early meetings. He confessed he could not adopt the views of the hon member for Light, who proposed to give the whole of the day to his private business, and the night to the business of the country, leaving no time for sleeping or thinking. As he (Mr. Reynolds) really required some time to sleep, and preferred, before transacting public business, to think it over, he must oppose the amendment.

Mr. PEAKE would willingly absent himself from his home in the evening for the benefit of the country, if the country would only allow him a few hours in the day to look after his own business.

Amendment put and lost, by a majority of 25 to 9. Other amendments followed, but the original motion was ultimately carried.

TONNAGE DUES REPEAL BILL.

The TREASURER moved the second reading of the Bill for the repeal of tonnage dues, and to authorize the leasing of wharf frontages at the North-parade, Port Adelaide. He informed new members that £100,000 had been borrowed for the purpose of deepening the bar, deepening the harbour, and for the piling of the North-parade. At the time that loan was authorized a peculiar meaning was attached to the term reproductive works, restricting it to those works which yielded an obvious return, and excluding others that yielded a far greater but indirect public benefit. A tax was imposed for the purpose he referred to, but it fell on many vessels that derived no benefit from the work for which the money was raised. He trusted the House would not now act on the mistaken principle which he had referred to, for it was clear that there was no connection between the tonnage duties and harbour extension. The amount collected was also insignificant, in no year amounting to £2,000, while it would have required £10,000 to yield 10 per cent on the £100,000 borrowed for harbour improvements. The second part of the Bill referred to a power to lease wharf frontages. He thought the Government had made a mistake heretofore in reserving so many deep water frontages. That was especially observable at the Goolwa, where the water frontages were either reserved or cut off from use as building-yards, &c., by roadways. That prevented the investment of large sums of money, as also did the short tenures. Such edifices as the mill at Port Adelaide would not be erected on land leased for a short term. (Hear, hear.) The facilities that the proposed arrangement would give for deepening the channel would be a great benefit to the Port. It was not intended to allow of the erection of stores on the land leased, but to keep it open for wharfage purposes. He did not apprehend any opposition, and begged to move the second reading of the Bill.

Mr. HUGHES had not heard the hon the Treasurer state that any complaints had been made by merchants

or owners of vessels respecting the harbour dues. He had indeed informed the House that the amount of those dues was insufficient for the purposes contemplated, but at any rate it went a considerable way towards making up the amount. He did not object to the proposal for leasing the land on the North parade, but thought it would be desirable to retain the shipping dues, particularly so, as he had heard no complaints against them.

The COMMISSIONER of CROWN LANDS would support the Bill. He thought it would be highly impolitic to continue the imposition of the tonnage dues. They ought to be discontinued at once, without waiting for complaints being made against them.

Captain HART was glad to see the Bill brought forward, though he thought some modifications would be required. He had long seen the propriety of leasing the wharf. Those who had most experience in making wharves knew that it was always best to form dwarf wharves in the first instance, as had been done at Port Adelaide. The hon the Treasurer had failed to show that the tonnage dues had been insufficient to pay the interest of the money expended. This had only amounted to £12,000, exclusive of £20,000 in the purchase of the necessary machinery. But how much greater would it be when the 2,000 feet of wharfage frontage was leased. He believed it would be sufficient to pay the entire interest upon the vote of £100,000.

Mr. HARE was disposed to oppose the Bill. He referred to the necessity for improvements at Port Adelaide at the period when the vote of £100,000 was carried, and stated that on one occasion he saw thirteen ships aground at Port Adelaide. This induced him on that occasion to introduce the measure. He contended that the advantage of the shipping was more than sufficient to counterbalance the tonnage dues. One of the greatest objections to Port Adelaide was the existence of the inner bar, the removal of which could be effected by carrying out improvements by means of sluices, and causing a current of water to act upon it.

Mr. NEALES would support the Bill, particularly as it enunciated the principle which he had in vain attempted to carry out in the last session. He could not understand why the shipping should be called upon to pay for improvements which had not been effected. He, as a ratepayer, must certainly protest against this principle. He approved of the Bill, as it was calculated to remove the complaints which had been made against the tonnage dues, and, as a consequence, of inducing more vessels to visit Port Adelaide.

Mr. REYNOLDS had been opposed to laying down rails on the Prince's Wharf, but the proposition in the Bill to let the wharfage frontage removed his objection.

Mr. DUFFIELD, in reply to the remarks of Captain Hart, stated that he had, in Victoria, heard frequent complaints of the tonnage dues on the shipping entering this harbour.

The Bill was then read a second time.

The TREASURER moved the House into Committee, which was objected to by one or two members, when the Treasurer stated that he would not carry it beyond the first clause.

Clause 1. Repealing so much of the Act No 20 of 1854 as authorised the levying of harbour dues, was read and adopted.

Clause 2. This clause provides for the leasing of the North-parade.

The TREASURER stated that it was not intended to put any clauses in the leases binding the lessees to deepen the harbour. All that would be required of them would be that they should keep a uniform frontage. He intended to move an amendment to the clause when the House was again in Committee on the Bill. In reply to Mr Hare, he stated that a portion of the £100,000 had been borrowed. He had sold some of the bonds, and nothing should be done to shake the credit of the country by altering the conditions of the existing Act. In reply to a question from Mr Hughes, he said that the leases would be issued either by tender or by auction, as might be determined by the House. He would also state, in reply to the observations of the same hon. member, that he had heard complaints in his official capacity against the harbour dues.

Mr BLITH stated that similar complaints had been made in memorials presented to the Chamber of Commerce.

The House then resumed, and the Committee obtained leave to sit again on the Tuesday following.

THE COMPTROLLER OF CONVICTS.

Mr WATERHOUSE rose to discharge a very unpleasant duty in proposing the motion standing in his name, namely—That in the opinion of this Assembly, the presence in this House of the Comptroller of Convicts is incompatible with the efficient discharge of the duties devolving on that officer. He had had no personal quarrel with the hon. member who would be affected by his motion. He brought it forward on public grounds. He regarded it as very inexpedient for gentlemen holding offices under Government to be members of that House. Occasions would arise when a single vote might decide the fate of the Ministry, and it was quite natural that, under such circumstances, an officer of the Government would be influenced to give his vote in their favour. It was scarcely to be expected that any officer of the Government could hold a seat in that House without giving the Government his support. He would be a partisan, or, if he did not, he would run the risk of losing his office by offending the existing Ministry. This state of things, if allowed to go on, would become dangerous to the effective working of the Government departments, and to the general welfare of the whole community. He did not say that there should be no officer of Government in that House, but he would treat every case on its own merits. He thought, however, that every member of the House would admit with him, that if any officer of Government should not have a seat in that House, it was the Comptroller of Convicts. All his time and attention were required for the performance of the duties of his office. In his connection with the criminal, he held the sword of justice, and was also the minister of mercy. The blue-book of 1855-6 contained a statement, made by that officer, that his time was occupied 9½ hours each day in the discharge of his duties. If circumstances had so changed as to render that office a mere sinecure, it should be abolished. If not, the officer who held it could not satisfactorily perform them whilst attending to other duties in that House.

Dr WALK seconded the motion. He could not see how the duties of the Comptroller of Convicts was compatible with the duties of a member of that House. He believed the hon. gentleman who filled that office had established good order and proper subordination at the Convict Establishment, but it was well known that frequent cases of escape had taken place, and by whatever means they were effected, it showed the necessity of the Comptroller giving his whole time and attention to his duties. The escapes he had referred to had occasioned fearful results. In his neighbourhood a gang of escaped convicts entered a store, and the woman

who kept it was "stuck up," and the store robbed of provisions and ammunition, such as the gang required. It was his decided opinion that a member of that Council should not hold a public office. He should not be an M.P. and also a Comptroller of Convicts. He should have no alias. One of the two offices should be struck off. If Government officers were allowed to sit in that House, it would be a weak Government indeed which could not retain office by commanding their support.

The CHIEF SECRETARY would not allow the debate to proceed further without stating the position in which the Government were placed. The question could not be discussed on constitutional grounds. That was decided when the Constitution Bill was under discussion. Government officers were not then declared to be disqualified. If, therefore, the House wished to raise the question on constitutional grounds, a Bill should be brought in for the purpose. The question could not be decided by a mere vote of that House. The hon. member had been returned by his constituents, and the Government felt that they could best carry out the letter as well as the spirit of the Constitution by allowing the hon. member to continue to hold office. Then came the official question, namely, whether the hon. member could retain his seat and satisfactorily perform the duties of his office. They decided that this could be done, but he would be glad to have the opinion of the House on the subject, as that would relieve the Government of their responsibility in the matter (Hear, hear). The Government thought the duties of the Comptroller of Convicts were not incompatible with the duties of a member of that House, for this reason, that he was not appointed as the keeper or overseer of a single prison, but as the general Superintendent of all the convict establishments in the colony. Others besides that at the Dry Creek would necessarily be required. It was contemplated to erect one on Torrens Island, and another would be required for the employment of deserted seamen. The Government were led to adopt the view they had done from these considerations, and also because at the time of the Comptroller's appointment he was holding a remunerative office as a Railway Undertaker, against which there was no protest. Then, again, that the Comptroller was not expected to be in constant communication with the convicts was evident from the circumstance that the Council had disallowed that officer a residence at the Stockade. Besides, the Government could not tell that the duties of the Comptroller would be interfered with by his taking a seat in that House, without a trial. When they found that such was the case, it would be time for them to intimate the fact to that officer. He would leave the subject to the decision of the House, and the Government would bow to that decision. (Hear, hear.)

Mr HAY had intended to have seconded the motion, but that had been done in so efficient a manner by the member for the Murray as to render it unnecessary for him to occupy much time in supporting it. The Chief Secretary had intimated that the Government had no wish to interfere with the electors in the choice of their representatives, but they had done so on a former occasion by the circular they issued to Government officers (No, no). He would be glad to see the hon. member for Yatala in that House as an independent member, but that hon. member could not efficiently perform the duties of his office as Comptroller, and for which he received, he believed, more than £500 a year, if he devoted the best part of the day to his attendance at that House.

Mr HARE gave full credit to the hon. member for East Torrens's sincerity in his statement that he was not influenced by personal considerations in bringing

forward the motion before the House. But he understood the only qualification required of a member of that Assembly was the election of his constituents. He had been returned, not because he was the Comptroller of Convicts, but in spite of it. He had on former occasions acted independently as a member of the late Legislative Council, and it was his intention to continue to do so. Whenever he thought the conduct of the Government was wise and just, they should have his best support, but when they introduced measures which he regarded as unwise and unjust, they should, as on all former occasions, have his most determined enmity. He formerly had the honour of being appointed a Railway Undertaker, in connection with his present office, and no complaints were then made of a neglect of duty on his part. And he would challenge this fact, that when the Commissioners, appointed to examine into the public accounts inspected those of his department, they not only admitted the careful manner in which his were kept, but they even stepped out of their way by stating that the management of the whole department met with their highest approbation. If it were necessary, he could produce many facts to prove that the duties of his office had been efficiently performed. For thirteen months not a prisoner had been punished for thirteen months not a single complaint had been made to a magistrate. This fact alone was almost without parallel in prison discipline. The hon member for the Murray had referred to the circumstance of some prisoners having escaped some fifteen months ago. Why, there was not anything wonderful in that, when they considered the insecurity of the Stockade at that time. Prisoners would escape, do what they might. They sometimes escaped even from Newgate. But the best part of the joke was, that they escaped from the Stockade when he happened to be there. So that the same might occur again at that moment if he were at the place. But he did not regard his duties as administrative. He was not the keeper of the prison. It was not his duty to stand on a heap of stones day and night with a pistol in his hand. He had attended to the general superintendence of the department, and might mention that he was there from 8 to 9 o'clock the previous night, and at 3 o'clock that morning. Hon members would remember that on a former occasion a discussion arose as to how the criminals should be employed. The system he had adopted was to make them work hard. He had adopted that principle with regard to many persons at the Stockade who had been shopkeepers, and others not accustomed to hard labour, and this kind of education had been attended with the most beneficial results. He had recently paid into the public Treasury £500 for sums received for stone broken at the Stockade, and in about a month he would be prepared to pay a similar sum. The hon member proceeded to give several additional particulars respecting his duties, including a statement that he had accepted the office with a determination to gain a reputation, and had erected his own residence near the Stockade at a greater cost than the whole amount he had received of the Government. He also stated that he had expended more than £100 in forming a library at the Stockade for the use of criminals. He concluded by stating that he would resign the office of Comptroller rather than sacrifice the interests of his constituents, as soon as the necessary arrangements were made.

Mr PEAKE rose to support the motion. He was glad to hear that the hon member for Yatala so efficiently performed his duties, but the question before the House should not be considered as a personal one. The office of a Comptroller of Convicts required that whoever filled it should devote the whole of his time to the efficient performance of its duties. He also would support the motion on the grounds that a Government officer would necessarily be influenced by the Ministry.

He admitted that the hon member had a right to take his seat as the representative of the people, but it was for that House to decide how far his position as such was compatible with the performance of his official duties.

Mr. BURFORD, after what they had heard, could only regard the hon member for Yatala as the ward of the Government. It was time Parliament took a decided step in the matter under discussion, by asserting that henceforth no Government officer should have a seat in that House. If, as the hon member stated, the prisoners regarded him as a father, if they were becoming such lovers of literature, and were likely to become such excellent members of society as he had represented, there was the greater cause of regret that his time was taken up as a member of that House. If, however, his presence at the Stockade was not necessary, the payment of his salary was a wasteful expenditure of the public funds. The omission of any allusion to Government officers having seats in that House in the Constitution Bill, was probably an oversight, or it might have arisen from the circumstance that it was never contemplated that any such officer would become a candidate.

The ATTORNEY-GENERAL hardly understood in what way to regard the discussion. The hon member for Yatala had stated that he would resign his appointment under the Government as soon as arrangements could be made as to the appointment of his successor. He should have thought, on that declaration, that the motion would be withdrawn, but if, in spite of that announcement, it was intended to press the motion, he would have a few words to say upon it.

Mr BURFORD enquired whether the object was to avert a division.

The SPEAKER gave his impression of what the hon member for Yatala had said as to resigning.

Mr. HARE explained that he had said, or intended to have said, that he would resign. Seeing that the feeling of the House was that the two duties were incompatible, he would at once meet that feeling by stating that he would resign. (Hear, hear.)

Mr. MARKS moved that the House do now adjourn (No, no.) He conceived it the duty of every member of that House to state his opinions on that subject. The country, he conceived, would look with anxiety to the decision they might arrive at. (Divide, divide.)

Question put and carried nem con

LEGISLATIVE COUNCIL

FRIDAY, MAY 1.

At 1 o'clock this day, the deputation from the Legislative Council, consisting of the President, Mr Angas, Mr Baker, and Mr Ayers, attended by Mr Singleton, Clerk of Council, were received by His Excellency the Governor-in-Chief at Government House, by appointment, to present the Address of the Council in reply to His Excellency's speech.

The PRESIDENT read the address, and His Excellency replied as follows—

Mr President and Honourable Gentlemen of the Legislative Council

I am gratified by your appreciation of the motives which influenced me in proclaiming promptly the liberal Constitution under which you have met.

I also feel assured that the mature consideration which you engage to give during the present session,

not merely to the important topics adverted to by myself, but to all others which it may be your duty to deal with, will leave results at once important and advantageous to this province.

HOUSE OF ASSEMBLY.

FRIDAY, MAY 1.

The Speaker took the chair at 1 o'clock, and several notices of motion were given, but no other business was transacted.

After adjourning the House till Tuesday, at 1 o'clock, a deputation consisting of the Speaker and fifteen other gentlemen proceeded to Government House, to present the address in reply to His Excellency's speech.

The SPEAKER read the address, and His Excellency replied as follows:—

Mr Speaker and Gentlemen of the House of Assembly—

I thank you for your assurance that you will make adequate provision for the public service.

I also feel personally gratified by the confidence which you repose in my giving full effect to the liberal spirit in which the present Constitution of this colony has been framed, and has been subsequently confirmed by our gracious Sovereign.

I return that confidence, feeling satisfied that the expectations and reasonable wishes of the country will be gratified by the earnest zeal and enlightened spirit with which during the present session you will discuss the various important questions which will be submitted to you.

LEGISLATIVE COUNCIL.

TUESDAY, MAY 5.

The Clerk read to the Council His Excellency's reply to the address which had been presented to him, in answer to his speech on the opening of Parliament.

PETITION.

Capt. HALL presented a petition from the Chamber of Commerce, praying that a sum of money might be set aside to provide for the establishment of a mail service with England.—The President suggested that the hon. mover should withdraw the petition, and modify that portion of it which related to a money vote.

Petition withdrawn accordingly.

QUESTIONS.

Dr DAVIES asked a question in reference to the payment of Captain Sturt's pension.—The Commissioner of Public Works said he would endeavour to furnish the required information at the next meeting of the Council.—Dr DAVIES also asked why a duty was levied on cornsacks and not on woolpacks. He thought the difference, if any, should be the other way.—The Commissioner of Public Works said the matter concerned the late Legislature rather than the present Government.—Mr BAKER wished to know whether any correspondence had taken place between the Government of this colony and that of Victoria in relation to emigration.—The Commissioner of Public Works said that a correspondence had taken place, and that he would furnish fuller information respecting it next day.—Mr ANOAS wished to be informed whether the Government intended to take any steps to meet the consequences likely to result from the excessive immigration of Chinese into the Australian colonies, especially the inequality of the sexes to which it was likely to give rise.—The Commissioner of Public Works would give the hon. member information on the subject tomorrow.

RETURNS.

The COMMISSIONER of PUBLIC WORKS laid on the table various returns in reference to the Goolwa Rail-

way, the Dry Creek Extension, and other railway matters, the business of the Waterworks Commission, and the names of lessees of aboriginal reserves.

The Council adjourned until 2 o'clock next day.

HOUSE OF ASSEMBLY.

TUESDAY, MAY 5.

The SPEAKER stated that he had presented the address in reply to the Governor-in-Chief's speech to which his Excellency had given a gracious reply.

PETITION.

Mr HUGHES presented a petition from James Lawrence, stating that he had been for upwards of twelve years in the service of the Government, and had subscribed to the Retirement Fund, and would in a short time after the date of his dismissal have been entitled to £26 13s 4d per annum superannuation allowance. He prayed that his case might be taken into consideration.—Petition received, read, and ordered to be printed.

WASTE LANDS OF THE COLONY.

The COMMISSIONER of CROWN LANDS laid on the table a Bill to regulate the sale of waste lands.—Read a first time, and the second reading made an Order of the Day for Tuesday next.

MONTHLY MAIL COMMUNICATION.

The CHIEF SECRETARY, in moving the second reading of this Bill, said he had fully stated the object in moving the first reading.—Mr Reynolds said a mass of correspondence had just been laid on the table. He hoped the second reading of the Bill would not be pressed until hon. members had read that correspondence (Hear, hear.)—The Chief Secretary would not object, if the House considered a postponement desirable. (Hear, hear.)—On the suggestion of Mr Waterhouse, he moved that it be an Order of the Day for Wednesday.—Agreed to nem. con.

TONNAGE DUTIES REPEAL BILL.

IN COMMITTEE.

The TREASURER said the second clause had been deferred for some alteration. He moved that certain words be struck out that were inserted in mistake, and the insertion of other words, placing in the hands of the Governor power to define the distance in the stream to which the wharves should extend.

Mr HUGHES enquired whether it was intended to run the piling out further than sixteen feet.

The TREASURER said the object was, that an uniform line should be maintained between the Prince's Wharf and the Queen's Wharf.

Mr HUGHES thought that should be plainly expressed in the Act. He was disposed to take the sense of the House on it, if the hon. Treasurer would not consent to insert words to that effect.

The CHIEF SECRETARY thought the object which the hon. member for the Port seemed to desire was fully provided for by the Act. The words were "run out a platform wharf with open bays to a uniform line."

Mr HUGHES had ascertained that it would cost £30,000 to deepen the harbour in front of the North-parade, notwithstanding the improved machinery at the service of the Harbour Trust. It was not any doubt he had as to the Act providing for a uniform line, but that he wished to have the front extent of the line fixed.

Mr BLYTH thought there was great force in the remarks of the hon. member for the Port, and would, if the Treasurer declined to act on their views, move that

the words, "not exceeding 16 feet," be inserted in the Act to define the distance to which the wharves should extend in the river

Mr MILNED thought the width of the roadway should also be defined, as a great traffic should be provided for. He thought that there should be at least a chain in width reserved for a roadway.

Mr HUGHES moved, as Mr Blyth's amendment was not seconded, that the line between the Queen's Wharf and the Prince's Wharf be not exceeded by the proposed frontages.

Mr BURFORD thought they might safely leave the matter to the discretion of the Executive.

Mr YOUNG thought the intention of an Act could not be too plainly expressed. For that reason he should support the amendment of the hon. member for the Port.

Mr BABBAGE wished to hear the clause read as it would stand, if the amendment were agreed to.

Mr DUTTON thought the amendment might be pointed, and, until then, the consideration of it postponed.

Mr HUGHES hoped the matter would not be postponed. The question was simply whether the alignment of the wharfage should be kept uniform, or the Government have an unrestricted power to extend the frontages to any distance they pleased.

Mr HAY was certain the rents would never pay the expense of keeping the harbour deepened, and he was afraid the proposed leases would hamper future Governments with conditions they would find it difficult to perform.

Mr WATERHOUSE said the Government proposed to make the North-parade productive. He could not agree with the last speaker that the deepening of the harbour should be left to the lessees. It could be performed more cheaply and efficiently by the Government, as they had an effective steam dredge and other appliances, which private parties did not possess.

Mr REYNOLDS had no idea that the cost of deepening the harbour in front of the platform wharf would be £30,000. If so, he should not have given his support to the Bill. Then they had no certainty that the return on that outlay would be, as stated, £7,000 per annum. He thought nature never intended Port Adelaide to be the port of the colony, or she would have made it better. (A laugh.)

The TREASURER, in reply to Mr Milne, said it would depend on the House how the £100,000, borrowed for harbour improvements, should be expended. He could not say how future appropriations would be influenced by unforeseen convulsions of nature sitting up the Port.

Mr MILNE wished the clause struck out altogether.

Captain HART said it was erroneous to suppose that Port Adelaide had silted up at all. He had no doubt that the water frontages being delivered fourteen feet deep at low water, the lessees would undertake to deliver them up at the end of their term in the same condition. The *Caroline* was now lying in nineteen feet of water, opposite the Prince's Wharf, and there was not a foot of deposit on the original lime stone crust—a proof that there was no such thing as silting up.

Mr HUGHES's amendment was agreed to.

The TREASURER moved the insertion of words pro-

hibiting the erection of buildings upon the land so leased, except mere temporary buildings required for wharfage purposes.

Words to that effect were inserted.

Mr LINDSAY thought the principle of the Colonization Commissioners, that the banks of all navigable rivers should be kept open to the public, was a good one. Our navigable waters should not, like the Thames in London, be built in from the public.

The TREASURER never would belong to an Administration that would reserve the frontages to navigable waters. That was the greatest error the Commissioners ever committed. (Hear, hear.) He moved the reading of the third clause, which was agreed to.

Mr MILNE moved that a proviso be inserted in the Act, requiring the Government to deepen the water to fourteen feet, and the lessees to maintain a depth of fourteen feet, and to deliver up their holding in that condition at the end of their term.

Mr. BABBAGE thought that would operate injuriously, as a person might take a frontage for the accommodation of coasting boats, who would not require to keep the water at a depth of fourteen feet.

Mr. HUGHES said that would open up a question to which he thought the hon. Treasurer would himself have referred. When he spoke of £30,000 being required to deepen the water in front of the wharfage platform, he spoke in consequence of information which he had received. The Harbour Trust had made arrangements for clearing the outer and inner bar, and the fairway of the harbour, but there was some doubt as to whether they would be able to keep the water at the depth proposed in front of the wharves. He thought some special sum should be set apart for that purpose. The rents would not meet the expense. The Queen's Wharf was let with a warehouse for £1,000 a-year, and the North-parade only offered three such wharfage fronts.

The TREASURER could not consent to the cost being charged to any other fund than the £100,000 borrowed for the improvement of Port Adelaide. He was satisfied that it would be ample to meet this and the other improvements. He was quite certain that the hon. member for the Port had over-estimated the cost of deepening the water frontages, and that it would not cost above one-fourth of the amount so estimated.

Mr HAY was not opposed to leasing the wharves, but they should authorize the granting of leases for a sufficient term. With regard to the statement of the hon. member for the Port (Captain Hart), that the Government could do the work cheaper than private parties, he felt some surprise, for he always understood that hon. gentleman to maintain that works of all kinds could be more effectually and more economically carried out by private enterprise. (Hear, hear.)

Captain HART said the apparent inconsistency in his views arose from the fact that the Government were in possession at that moment of steam dredges, which would enable them to do the work more cheaply and better than private individuals. That did not at all affect the general principle that railways and other great works were better carried out by private parties than by Government. He confessed that he was surprised to find his colleague supporting the second reading of the Bill, and afterwards introducing amendments which went to affect its entire principle. He would say that he never went out of his way to support the Government, but he was greatly pleased to be able to do so in that case. (Hear, hear.)

Mr DUTTON said the lessees were to be bound to erect the wharves within two years, and it would be desirable to know when the water would be deepened by the

Government, as proposed He could not agree with those hon gentlemen who thought private enterprise could effect the deepening of the water as cheaply as the Government

The TREASURER could not fix a time when the deepening of the frontages would be effected, but no leases would be offered for sale until they were able to fix the time when the water would be deepened.

Mr YOUNG supported the insertion of the clause proposed by Mr Milne, on the ground that its provision would afford greater accommodation for large shipping

Mr MILNE briefly replied.

The proposed additional clause was then put and negatived. The preamble was read and adopted. The House resumed, the report was brought up and adopted, and the third reading of the Bill made an Order of the day for the following day

The House then adjourned to the following day

LEGISLATIVE COUNCIL.

WEDNESDAY, MAY 6

The COMMISSIONER of PUBLIC WORKS laid on the table copies of correspondence in relation to postal communication with the mother-country, and also documents relative to tenders and contracts for the City Waterworks.

MAIN NORTH ROAD

Dr DAVIES asked the Hon the Surveyor-General where Adelaide communicated with the Main North Road.—The Surveyor-General said the Main North Road terminated at the Park Lands, between two sections

WESTERN AUSTRALIAN PASSPORTS.

Dr DAVIES moved that should any extensive plan of convict transportation to Western Australia be carried into effect by the Home Government, the Ministers be instructed to introduce a system of passports from Western Australia to this colony. It was their duty to prevent, as far as possible, the arrival of any of those worthless characters, who were constantly arriving at Western Australia.—Mr Forster seconded the motion.—Mr Baker said it was rather premature to act from the fear of circumstances which might never exist. He thought it would be sufficient, on the arrival of a vessel from Swan River, to compare the passengers and crew with the list, and ascertain if any other persons were on board. Such other persons, if found, to be given in custody.—Captain Scott thought the passport system would fail. A certificate from the proper authorities would be far better.—Dr Everard thought they ought to guard themselves against the conditional pardon men who were allowed to leave a penal settlement and go to any country except the mother-country. If they were not fit for the mother-country they were not fit for this colony.—Mr Forster suggested the withdrawal of the motion, in order that at no distant day a more general and efficient measure might be introduced. He objected to the system of passports, as he did not know where it would stop. He thought that Mr Baker's suggestion would not be of practical good. It was very uncertain whether the clearance of a vessel in Adelaide would give a correct list of the arrival of its passengers at Melbourne. Still, it was highly important to prevent the influx of convicts, and he did hope that some remonstrance would go to the Home Government against sending out any convicts to Australia.—Captain Bagot considered the passport system an indication of a tyrannical Government under the most favourable circumstances. The only way he knew of to prevent the influx of ticket-of-leave men coming here was an understanding between the two Govern-

ments of this colony and Swan River, so that definite information might be received here of all the convicts who left Swan River. The police would then have their eye on them from the moment of their arrival. He hoped the present motion would be withdrawn.—Mr Younghusband thought the measure would meet with but little favour in its present shape.—Captain Hall thought the system of passports would fail of the object in view. He also considered that the system of inspecting ships would not answer the purpose.—Mr Ayers suggested the reintroduction of an Act with reference to the subject which was passed in 1852.—Dr Davies said that, as it appeared to be the wish of the House, although members agreed with the spirit of his motion, he would ask leave to withdraw it.—Withdrawn accordingly

IMMIGRATION FUNDS.

Mr AYERS moved that there be laid on the table of this House a return showing what amount of money remained in the hands of the Agent-General at the disposal of the Emigration Commissioners at the date of the last advices received from him, and what instructions had been given by this Government with respect to the employment of such amount. In introducing this important subject he would make a few remarks, chiefly for the purpose of eliciting the opinions of hon members. He thought that the subject of immigration, as it had been conducted recently had a bright side as well as a gloomy one. It was undoubtedly an evil that many persons who had been brought out by the immigration Fund of this colony had gone at once to Melbourne. But it must be recollected, on the other hand, the same inducements to proceed to Victoria would not exist in future. The Legislature would also have an agent responsible to themselves, and might expect to have a better class of immigrants selected. On behalf of the interests with which he was connected, he thanked the Government for the promptitude with which they had attended to the recommendations of the Companies interested in the importation of mining labourers. He would state some facts in connection with the mining immigration of the last few years, which would show that even in the worst view of the case enough benefit was gained to compensate for the expenditure which had been incurred. The average number of miners introduced into South Australia during the last three years was 400, and allowing that each man and his family were equal to three statute adults, they would have cost together £40, making a gross cost for mining immigration of £19,000. Admitting that one-half of that number had gone away, (which, however, was above the truth), during the year they had been imported, the loss to the colony would be £8,000. Against this loss should be placed the aggregate result of the labours of these 400 men, which yielded as an item of export ores and metals to the value of £400,000 annually. It was perfectly clear, then, that the sums of money expended on the introduction of this amount of mining immigration was not lost to the colony, but on the contrary, produced a result fully adequate to the cost, even after allowing for all the losses spoken of. It was the same in reference to agriculture, to domestic labourers, and to mining proprietors generally. A necessity existed for maintaining immigration, for the benefit of all of them, and they would all remunerate the colony for its outlay in providing them with labour. The expenditure of persons connected with the mining interest was at least £1,000 per day, and that would soon cease if the supply of labour were not kept up. In a place like this, where labourers so soon became employers, it was necessary to keep up a full and regular supply of labour, unless the advantages offered here by the soil and climate of the country were to be sacrificed.

Mr. MORPHETT seconded the motion, believing that

the information sought for would be of great value in the discussion of this very important subject.

The **COMMISSIONER of PUBLIC WORKS** said the position of the Government was very different in relation to the funds remaining in the hands of the Agent-General for emigration purposes to that in relation to all other colonial moneys. At the last advices from the Emigration Commissioners the gross sum in their hands was £80,154. The use which might be made of this balance was learned from the statement of the Commissioners, that, after dispatching the Royal Albert, a sum of £43,000 would remain in their hands, which would suffice to dispatch ten or eleven vessels, making one vessel per month until February, 1858. He would lay before the House two documents containing information on the subject of immigration, which he would presently move should be read. The first contained the information he had just given. The second paper had reference to the emigration of single females, and the propriety of relaxing the stringency of the regulations in regard to persons nominated by residents in the colony.

Mr. ANGAS showed that the restrictions were not yet relaxed in favour of individuals nominated for free passages. There was a great deficiency of shepherds and agricultural labourers in the colony generally, and he feared that unless some alterations were made in the system, the deficiency would not be supplied by the persons expected in the dozen ships yet to come. Many immigrants came here at the expense of the colony, bringing two or three hundred pounds in their pockets, and ostensibly using this colony only as a means of getting a free passage to Melbourne. He could not see how the Government could say that no means could be devised to meet this evil, as the Germans were propounding a plan which would accomplish the purpose. The Victorians were wise in their way, and did contrive to draw off our population, both by sea and land. He hoped the hon. gentleman who had mooted the subject would bring his powerful mind to bear upon it, and secure the contrivance of some scheme that would effectually counteract this evil.

Captain HALL agreed with most of the remarks which had fallen from the last speaker, but did not concur with him as to the benefit of any compulsory means of keeping labourers here. They would never keep labouring men here unless they gave wages as good as those given in the neighbouring colonies. (Hear.)

Mr. BAKER said the discussion had taken a wider turn than was indicated by the notice of motion. But as the general topic of immigration would come under consideration afterwards, it was not necessary to go into it fully then. He thought they were not reduced to the necessity of suspending immigration because the system was bad. They could amend the system, and it was necessary above everything to keep up the stream of immigration. The Government had formerly shown their appreciation of this necessity by proposing to build a Lunatic Asylum—a proposal which would probably have soon made itself necessary, by reducing them all to the position of requiring residence in an asylum. (A laugh.) In reference to the price of labour, he must say that he believed the rate of wages was as good here as in any of the neighbouring colonies. A man must be insane who would leave regular work here at current rates for anything he could obtain in Melbourne or at the gold-fields. (Hear.) The object of continuing immigration was not to reduce the rate of wages, but to maintain the supply of labour. There was a great scarcity of labour in the agricultural districts, and the present exports of the colony would not be maintained if the

supply of labour were not kept up, or even increased. He hoped that instead of one ship a month, they would soon have two ships a month. The immigrants from the Highlands had proved the best class of labourers ever introduced here for pastoral purposes. He had had many of them under his eye, and knew that they seldom or never left for the neighbouring colonies, as, when they got profitable employment, it was a long time before they allowed others to unsettle them.

The motion was carried, and the Commissioner of Public Works laid on the table the returns asked for, which were read and ordered to be printed.

POWDER MAGAZINE, LEFEVRE'S PENINSULA

Mr. Younghusband asked the Commissioner of Public Works whether any and what answer had been returned by the Government to the memorial of the inhabitants of Lefevre's Peninsula, respecting the great danger to life and property, arising from the proximity of the powder magazine to their residences.—The Commissioner of Public Works said the memorial sent in to the Government, and referred to by the Hon. Mr. Younghusband, was dated the 6th April. It had been forwarded by the Government to the Trinity Board on the 9th, had been returned by them, and was under the consideration of the Government. The subject would not be neglected. The powder magazine was strictly under the control of the Trinity Board, although the Government was, of course, responsible for its safety.

IMMIGRATION CORRESPONDENCE.

Mr. BAKER, pursuant to notice, asked the hon. member representing the Government if any further correspondence had taken place between this Government and the Government of Victoria on the subject of immigration, and, if so, if he would lay such correspondence on the table of this House, and give such information as it may be in his power to afford upon the subject of immigration, and the course the Government intend to pursue with regard thereto.—The Commissioner of Public Works said further correspondence had taken place which he would lay on the table.—The question withdrawn.

CHINESE IMMIGRANTS.

Captain Bagot asked the Commissioner of Public Works, if any correspondence had taken place between this Government and that of Victoria relative to the passage of Chinese immigrants through this province into Victoria, by which an existing law of that province was evaded, and if there had, that it might be laid on the table of this House. He had been induced to ask that question because of the stringent regulations in force in Victoria in reference to the importation of Chinese at the seaports of the colony. It would probably be thought right that similar restrictions should be imposed upon Chinese entering at other ports.—The Commissioner of Public Works said a correspondence had taken place between the two Governments, arising out of the facts that the Victorian Government had observed the inducements offered to Chinese immigrants to proceed to Victoria up the Murray. He laid the correspondence on the table, and moved that it be printed.—Motion seconded and carried.

Adjourned till next day.

HOUSE OF ASSEMBLY.

WEDNESDAY, MAY 6.

EXPLORING EXPEDITION.

Mr. KRICHAUFF asked the Commissioner of Crown Lands if it was true that Mr. Hack had been appointed as leader of the exploring party to the north-west, and whether he would have the selection of the men who were to accompany him.—The Commissioner of Crown

Lands said it was correct that Mr. Hack had been appointed on the expedition. The men who were to accompany him would be selected by himself, subject to the approval of the Government. Arrangements would be made for sending out a person competent to make a map of the country through which the expedition passed.

ONKAPARINGA TRAMWAY.

Mr Mildred moved the House into Committee for an address to his Excellency the Governor-in-Chief, for extending the tramway across the Onkaparinga River from the tramway upon Section 740 to Section 319. The Treasurer said there was no disposition on the part of the Government to oppose the motion, but he put it to the hon member whether it would not be anticipating the arrangements of the Government by introducing it at that time. Mr Mildred withdrew the motion, with the understanding that he would again introduce it when the Supplementary Estimates were prepared.

MARRIAGE LAW.

Mr. Bagot moved for leave to bring in a Bill to amend the Law of Marriage in this province. This measure was exactly the same as that proposed last session, namely, a Bill to render valid the marriage with a deceased wife's sister. He need not go into arguments on the subject. With many other legal gentlemen, he was of opinion that there was no law against such marriages at present, still, many persons were in doubt on the subject, and therefore he thought it was necessary to set the matter at rest by legal enactment. Many persons had contracted such marriages as those referred to, and the doubt about the state of the law was the cause of great uneasiness. He did not intend to disturb the marriage law in other respects, though he thought much amendment was required. Mr Burford seconded the motion. He hoped, however, that the marriage law would be fully gone into. Mr Bagot said the Bill was for a definite object, and he hoped it would not be encumbered with anything else, but if a Bill of a more extended nature were brought in, he would support it. Motion put and carried, Bill read a first time; second reading fixed for that day fortnight.

ELECTORAL EXPENSES.

The Chief Secretary stated, in answer to Mr Mildred, that all amounts due to Returning Officers had not been paid, because they were not yet all received. Of those sent in some had been paid, but others had not been, because some of the bills included expenses which could not be settled without careful examination. Almost every Returning Officer had made a different charge for services rendered, some being double and treble that of others. This produced great trouble, and hence the cause of delay which resulted. Every Bill had to be considered in detail, and therefore the whole of them had been laid before a Board, who had reported very recently upon their labour, and the Bills would soon be paid.

THE ESTIMATES.

Mr Mildred rose to move that the House do consider whether the Estimates of 1857 should be disposed of as passed. His object, in moving this question, was, to call attention to the fact, that several officers of the Government were paid out of the Civil List, who were provided for by the Estimates. He had since been informed, however, that he was under a misapprehension, and he would therefore withdraw the motion. The Chief Secretary said he might as well remark, that the officers provided for, both on the Civil List and on the Estimates, could only draw their salaries from the first source, as the Constitution, in that respect, over-rode the Estimates. Motion withdrawn.

STEAM POSTAL COMMUNICATION.

The Chief Secretary moved the second reading of

the Monthly Postal Communication Bill. He had already explained that the object of this Bill was to enable the Government to enter into contracts for the carrying out of the plan at present in force for the conveyance of the English mails. The great difference of this Bill from that of last session, was, that it proposed to enter into a contract for a period of only twelve months. For himself, he would not object to a lengthened contract, but as there would, no doubt, be objections advanced against that, the Government did not propose it. It was well understood that at present the overland mails arrived from the point of departure at Melbourne, whence they had to be carried to the other colonies, except Sydney, by branch steamers. The Home Government had arranged for the payment to the Company of £185,000, one-half of the sum to be provided by those Australian colonies which received direct postal communication, in the proportion of the number of letters transmitted by the Company's steamers. The other half of the subsidy was paid by the Home Government. The branch service was to be borne by the several colonies to which the mails were subsequently transmitted. He estimated the cost of the contract to this Government at £10,000. For this we should have the benefit of being partakers in the advantages of the entire scheme—a scheme which offered speed and cheapness not to be equalled by any other plan. At the present moment our letters were carried at haphazard, the only cost being the payment of a part of the ocean postage to the English Government. By that plan, the colony gained a trifling in the shape of profit, but it was nothing compared with the disadvantages of having our letters tossed about and delayed whilst waiting for a vessel to carry them. If we adopted this plan, all the sea-postage would be received by the colony, and would amount to £3,777, which, deducted from the subsidy of £10,000, would leave the actual cost of the service to this colony at £6,222, and, for this, we should get our letters transmitted from England in fifty days. If we did not enter into this scheme, we should have to put up with our present inconveniences, and very likely have to support a branch service of our own, which would bring up our postal expenditure to near about what it would be under the contract which he now proposed.

The Commissioner of Crown Lands seconded the motion for the second reading of the Bill.

Mr Reynolds would not oppose it at its second reading, but stated his intention of opposing that part of it which made the colony dependent on Victoria for the transmission of the English mails. The hon the Treasurer had lately visited Victoria, and had taken great interest in securing for this colony the regular transmission of the mails. But he (Mr Reynolds) contended that the Victorian Government had no authority to refuse to transmit them by the Company's steamers, and in proof of this referred to a letter from Mr Rowland Hill, Secretary to the Postmaster-General of England, specifying the terms upon which the Australian colonies would be expected to accept the proposals for subsidizing the Company's steamers. He could not understand how the hon the Chief Secretary could show that the additional cost to the colony in joining in the existing arrangements would be only about £7,000. His own estimate was, that it would not be less than £17,000, and this, too, for the purpose of having their mails carried past their own door. He thought they had better pay a larger sum for direct steam communication. He approved of a suggestion made by the Chamber of Commerce for a vote of £24,000 to secure direct steam communication with England. If they agreed to the scheme of the Government, the colony would be looked upon in England as some dependency of Victoria, instead of an independent

colony. He would not, as some hon members had suggested to him, move that the Bill be read that day six months, but would oppose that portion of it to which he had referred when the House was in Committee.

Mr BLYTH said this was the third time the subject had been before the Council. He did not agree with the hon member for the Sturt as to the propriety of voting for the second reading of the Bill, because that would pledge the House to its principle. He gave the hon. the Treasurer credit for good intentions in regard to the steps taken by him, when in Victoria, for securing the transmission of our mails to England. But he thought the hon member would have done better if he had not interfered at all in the matter. The whole of the subject was, as stated by the hon member for the Sturt, resolvable into the question as to whether they should be regarded as an offshoot of Victoria, or as an independent colony. He denied the right of the Victorian Government to refuse to transmit the mails of this colony to England. They were only one party in the general contract, and the Western Australian Government, or the authorities at Point de Galle, had as great a right to refuse to transmit the Victorian mail to England as Victoria had to make such a refusal with respect to the South Australian mail. He supposed the Bill was intended to redeem the pledge made by the hon the Treasurer to pay to the Victorian Government the amount of the subsidy due from this colony. If this was a correct view, he regarded it as an infringement of the rights of that House. They might as well pass a Bill handing over the whole of the revenue to the Government. The hon member proceeded to state that an agent had lately been in Sydney on behalf of the Royal Mail Steam-Packet Company, offering to convey the English mails to Sydney in fifty days for £50,000. He also referred to the probability of our obtaining a more economical means of mail communication by way of the Mauritius, and concluded by arguing that it would be impolitic to make any arrangements for subsidizing the present line of steamers.

Mr WATERHOUSE would oppose the second reading, because it would bind the Council to the principle of the Bill. In preference to moving that it be read that day six months, he thought the previous question should be moved, so that the Government might have an opportunity of bringing in the Bill in a modified form. He concurred in the proposals suggested by the Chamber of Commerce for subsidizing a line of steamers, with a guarantee that they should make this colony the first and last port of arrival and departure, and recommended that no further steps should be taken till the views of the Home Government had been ascertained.

The TREASURER said the Chamber of Commerce, and their proceedings in connection with the Murray trade and postal communication, had been referred to. But all the statemanship and talent of the colony was not confined to those engaged in commercial pursuits. There were those in that House who were connected with agriculture and the other interests of the colony of equal intelligence with those engaged in commercial pursuits. At any rate that House had not come to a decision on the questions to which he had referred without waiting for all the facts to be placed before them. With regard to the assumption of the Chamber of Commerce of the superior statemanship of those wholly engaged as merchants, he might say, that, so far as his experience went, very few great statesmen had ever come from the ranks of merchants, or from among those who dealt in ironmongery and groceries. In fact pursuits of that kind had a tendency to narrow the views by leading to the consideration of every question as a matter of pounds, shillings, and pence. Allusion

had been made to the conduct of the Victorian Government with respect to the South Australian mails, and as he happened to be in Victoria at the time, the subject was brought under his notice by several gentlemen connected with South Australia. That induced him to interfere as he had done in the matter, in order to ensure the transmission of the mail. He pledged himself to bring in a Bill to authorise the payment of a proportion of the subsidy. He had stated his belief that he should have acted an unworthy and deceitful part had he made such a representation without believing in its truth. The Victorian Government had shown a want of courtesy, and there the wrong ended. He agreed with hon members that it was desirable for the mail steamers to touch here, but he denied that they had any right to avail themselves of postal arrangements which they had not paid for. To repudiate a transaction and at the same time to take the goods, might be mercantile, but it was not statesmanlike (A laugh.) The letter of Mr Rowland Hill had not been correctly interpreted by the hon member who had alluded to it. The estimated costs to the colony in reference to the subsidy, as stated by the hon the Chief Secretary, were correct. But suppose the calculations of the Chamber of Commerce with regard to the terms on which direct steam communication from England could be relied on, that would still be paying a larger sum for obtaining a smaller amount of benefit. It would be paying £24,000 a year to obtain their mails from England ten days beyond the time now occupied by the Australian mail service. They would have to pay four times the amount to get their letters ten days later. The delay might not be of much consequence, but £24,000 was no trifle. He hoped that the non-commercial portion of the community would pardon him for not falling in with such a proposition. But he would say that the £24,000 would not be sufficient to grease the machinery of a mail steam fleet. No one could more sincerely desire than he did to make South Australia the port of arrival and departure, but it should be remembered that the measure before the House was only a temporary measure, it being proposed that it should exist for twelve months only (No, no.) Well, he was certain such was the intention, although there was, he believed, a misprint in the copy of the Bill laid before the House. He trusted the House would, by passing the measure now before it, give the Government time to negotiate for more favourable terms.

Mr SMEDLEY thought the Bill before the House, calculated to secure a rapid delivery of the mails with economy. It would be useless for them to take an independent stand against the Victorian Government. As to the right of that colony to dictate to South Australia, they might have their own opinions. (Hear, hear.) But taking a businesslike view of the matter, he thought they should not seek to gain an indirect advantage from a scheme supported by the other colonies.

Mr PFAKE would support the Bill, and was for negotiating, in the time gained, for better terms. The House could not do better, and he thought they should be careful in speaking of statemanship until they had exhibited that quality.

Mr HUGHES opposed the Bill for the reasons advanced on the same subject in former sessions of the Legislature. It was said that this Act was only to be in force for twelve months, but if they were to become parties to the contract they must remember that the contract was for five years (Hear, hear.) He thought they should be quite certain whether they were entitled to have their letters brought by the steamers before they arranged for a branch service. An Act was in existence, which provided for the delivery of their mails at Kangaroo Island, and he thought they should take no action

in the matter until they saw what effect the Home Government would give to their refusal to assent to the existing contract.

Captain HART said the Bill before the House had nothing to do with the recommendations of the Chamber of Commerce. He did not wish to throw the present measure out for the session, and would consequently move the previous question (Hear, hear.) He had lately been at Melbourne, and could state that the captain of the Havilah had great difficulty in sending the mails by the European, Captain Parfitt refusing to give a receipt for them. To show the unfairness of the present system, it was only necessary to refer to the penalties for the non-delivery of the mails in fifty-four days at Melbourne. If they had to wait, on an average, six days beyond the time, it would amount in penalties to £25,200. It was not fair to expect them to pay at the same rate for a delivery in sixty days that Melbourne paid for delivery in fifty-four days. If that was insisted on, at least they should have an equal proportion of the penalties. There was great ignorance on this subject in Melbourne. They supposed that the English portion of the subsidy was paid solely in reference to Melbourne letters, forgetting that a large proportion was paid by persons interested in South Australia. It seemed to be forgotten that there was an alternative, they could either pay the original postage or join in the contract. It was, however, evident that if Victoria had made arrangements without consulting the wishes of the people of South Australia, they were bound to forward all letters by the best means on charging the usual postage, the Home Government on that condition paying part of the expense of the mail conveyance. Upon that point alone they should refuse to adopt the Bill. The hon. Treasurer had said that the £24,000 subsidy would not be sufficient, but he (Captain Hart) would point to the fact that there was a line of communication to Melbourne now without any subsidy, and in a few years there would be other lines, and he hoped one or two to South Australia. A commission should be sent to Victoria to arrange not only that question, but others of an intercolonial character. For the reasons he had given he moved the previous question.

Mr BABBAGE seconded the motion of the hon. member for the Port (Captain Hart), as he was in favour of direct communication; and he thought they were entitled to have their letters sent by steam until they had completed their negotiations with the Home Government. He referred to the Treasury minute, and argued that the intention of the Home Government was to send their letters by the steam mail ships until something definite was arrived at. One great reason for delaying the Bill was to gain time for the answer of the Home Government. Another reason was that the amount to be paid would depend on the number of letters sent. They should have information as to the number of letters sent from Victoria and New South Wales. The Chief Secretary had estimated their proportion at £10,000 per annum, the Treasurer estimated it at £10,000, and the hon. member for the Sturt at £12,000. If a little time were allowed, they might have something more than mere estimates. It was because he wished for facts that he supported the motion for delay.

Mr MARKS would gladly have supported any better scheme than that submitted by the Government. It had been said the Victorian Government dared not refuse to forward our mails, but they had done so, and might act so again. (Hear, hear.) He had taken the scheme of the Chamber of Commerce into consideration, and, it was obvious, that, by adopting it, after costing £24,000, they would not make the voyage under the most favourable circumstances in less than 66 days. The proportion of the

subsidy paid by Melbourne was £70,000 out of £90,000, and that entitled them to the first delivery of the mail. Notwithstanding all the pomposity assumed by the opposers of the Bill, he saw nothing better, and would support it. (Hear, hear.)

The COMMISSIONER of CROWN LANDS thought they should either fall into the existing arrangement or say they would not. The Victorian Government might again refuse their mails, and all they could do would be to appeal to the Home Government, which might, after all, say Victoria was right.

Dr WARK said the limitation to twelve months had altered his feeling greatly with regard to the Bill. He would, however, support the motion of the hon. member for the Port, not with any view to embarrass the Government, however, but only to give time for the introduction of a better Bill. The Bill had been most loosely worded, and was quite a disgrace to the Government. They should make every enactment as full and as concise as possible. (Hear, hear.) It was known that Judge Boothby had published a long dissertation on the question, and had brought the time for the delivery of letters to forty-four days. By the Mauritius papers, he saw that they could have their letters in forty-six days.

Mr KRICHAUFF did not see how the contract could be accepted for one year when its term was for five years. He thought, therefore, the better plan was to wait for an answer from the Home Government, and for that reason he would vote for the previous question.

The ATTORNEY-GENERAL said that if it was optional for any colony to fall in with the scheme or not, it was optional with any colony to fall in with it for such term as they pleased. (No, no.) He maintained that there was no difficulty in their doing so for such a period as would enable them to make, if possible, better arrangements. He should be surprised to hear it said, that they could not say to the Home Government, this arrangement was made without our consent, and we only fall in with it so far as is convenient to ourselves. The Government felt that there was no middle course. As the hon. member for the Burra had well remarked, no better plan had been submitted. No other Bill, differing in principle could be introduced by the Government, but any modification, not affecting the principle, could be effected in Committee. He believed the House to be fully in possession of all the bearings of the case, and he would only further refer the charge of a breach of statesmanship. The hon. member for East Torrens (Mr Waterhouse) had made that charge against the Ministry, and he had based it upon the fact that in the correspondence with the Government of Victoria on this subject, they had actually told the truth. (Laughter.) He was quite content to bear his share of any accusation made upon similar grounds.

Mr HAY agreed in the propriety of sending a commission to Victoria, and felt convinced, if the Bill was only required for twelve months, that it was not wanted at all.

Mr DUFFIELD had only within the last half hour made up his mind as to how he would vote. He read the contract in a plain common-sense way, and from it he was convinced that had Captain Parfitt refused their mails, he would have done so at his peril, and to the loss of his Company. As they expected the answer of the Home Government in a short time, and as there would be ample time during the session to deal with the subject, he would support the motion for the previous question.

Mr DUTTON would support the Bill, although he

greatly feared that would not save it. Had it been proposed to pledge the colony to the contract for five years, he would have opposed it, as it was, he thought it but far to give Ministers a chance to carry out the mail service for a year, during which they might possibly make better arrangements. He thought to deny Ministers that opportunity would be very like a vote of want of confidence.

Captain HART disclaimed any such intention in moving the previous question.

Mr DUTTON felt, notwithstanding, that it would be so regarded out of doors. He did not think the steamers bound to carry their mails, whether they supported the subsidy or not. It should be remembered that the Victorian Government not only gave their proportion at once, and cheerfully, but even undertook to make up any deficiency that might arise. He felt that it would be the more dignified course to make such arrangements as would meet the present necessities of the case, and urge all the reasons they could on the Home Government to show that they were entitled to better terms than the contract contemplated.

Mr BURFORD was sorry to hear the allusions that had been made to the Government, implying that they were so unsafe in their seats that a breath would blow them over. He would at all times be glad to vote with the Ministry, and would only oppose them when he thought them wrong. He certainly felt very indignant towards the Victorian Government for its unjustifiable conduct towards the colony. There was no pride more contemptible than purse pride. That was the feeling manifested by their more powerful and wealthy neighbours. But he hoped this colony would continue to maintain her self-respect, and show in a dignified manner, that she was not to be influenced by the threats of the more powerful but less respectable colony of Victoria.

Mr BAGOT thought the question had been too much considered as one affecting only the mercantile interest. He regarded it as an agricultural question, because the agriculturists would have more to pay towards the proposed subsidy than the mercantile community. He had the honor of representing one of the largest agricultural districts in the colony, and he would engage to say that nine-tenths of his constituents would be opposed to any sum of money being voted for subsidising steamers not calling here. He could not understand how a contract could be entered into with the Victorian Government for one year, whilst the arrangement with the Company was for five years. He hoped the Government would withdraw the Bill rather than suffer themselves to be defeated ("No, no" by the Treasurer). Well, he did not expect the Government to take his advice. He never did (Laughter). He could not understand the explanation made by the Government as to the omission of any allusion in the Bill to the specific term of one year, as the time during which the contract was to be made, because he observed in the latter part of the clause the term "annual expenditure." (Hear, hear)

The CHIEF SECRETARY said there never had been a question more forcibly put than that had been on that side of the House. He thought the hon. members who proposed the previous question were themselves afraid of losing their credit with the country ("No, no"). The Government could not bring in any other Bill than that before the House, for they knew of no other practicable scheme which could be introduced. The proposal to pay £24,000 for a direct line of steamers, which hon. members had referred to as superior to the proposal of the Government, was in reality a recommendation to pay a much larger sum than that which the Government proposed, in order to obtain a less

speedy communication with England. He did not intend to withdraw the Bill, as had been suggested, but would abide the decision of the House.

The House then divided on the motion for the second reading with the following result:—

AYES, 14		NOES, 16.	
The Attorney-General	Mr. Hughes		
The Treasurer	Mr. Hay		
Commissioner of Crown Lands	Mr. Blyth		
Mr. Leake	Mr. Waterhouse		
Mr. Dutton	Mr. Harvey		
Mr. Mildred	Dr. Wark		
Mr. Smedley	Mr. Duffield		
Mr. Marks	Mr. Babbage		
Mr. Milne	Mr. Burford		
Mr. Peake	Mr. Bagot		
Mr. Dawes	Mr. Young		
Mr. Dunn	Mr. Cole		
Mr. Hallett	Mr. Lindsay		
Chief Secretary (Teller)	Mr. Krichauff		
	Mr. Reynolds		
	Capt Hart (Teller)		

Majority for the previous question, and against the second reading, 2.

ELECTORAL LAW.

The Chief Secretary stated in answer to Mr Bagot, that in any new Bill introduced on this subject, the retention of voters' names on the electoral roll when there was no contest, would be provided for.

ACCOUNTS COMMISSION.

The Treasurer said, in reply to Mr Babbage, that two-thirds of the proposals of the Public Accounts Committee had been adopted.

STANDING ORDERS COMMITTEE.

The Speaker, the Chief Secretary, the Attorney-General, and Messrs. Bagot and Dutton were appointed a Committee to prepare standing orders.

TONNAGE DUTIES REPEAL BILL

Read a third time and passed.
Adjourned till 1 o'clock next day.

LEGISLATIVE COUNCIL

THURSDAY, MAY 7.

DIRECT POSTAL COMMUNICATION.

Captain Hal' presented a petition from the Chamber of Commerce, praying the Council to take the question of direct communication with England into consideration.—Received, read, and ordered to be printed.

VICTOR HARBOUR.

Mr Angus rose to correct a statement he had made on a previous day in reference to the loss of three vessels in Encounter Bay. He had been misinformed as to the precise spot at which the wrecks occurred.

THE MARRIAGE LAW.

Mr Baker rose to ask the Commissioner of Public Works what steps had been taken by the Government in accordance with the address presented by the late Council to his Excellency the Governor-in-Chief on the 11th December, 1856, and replied to on the same day, requesting him to institute an official investigation into the circumstances of the marriage of Elijah Thomas and Mary Ann Maggs, and of John Finnis and Mary Ann Russell, both of which were solemnized by the Rev. James Pollit, with a view of ascertaining whether the laws of the colony have been violated, and, if so, that this Excellency will cause the necessary steps to be taken to bring the parties to justice. If no laws are in force applying to marriages affecting public decency

and morality—such as marriages incestuous and of prisoners of the Crown and lunatics—that his Excellency will cause a Bill for amending the Law of Marriage in these respects to be brought in.—The Commissioner of Public Works said the subject was under the consideration of the law officers of the Crown, and would not be lost sight of.

Adjourned till Tuesday next

HOUSE OF ASSEMBLY.

THURSDAY, MAY 7.

POSTAL COMMUNICATION.

The Chief Secretary said, in answer to Mr Babbage, that all the despatches on the subject of the postal question had been laid on the table, as far as he was aware.

NATURALIZED FOREIGNERS

Mr Krichauff moved for a return showing the number of foreigners naturalized within the province from the 28th July, 1846, to date; exhibiting also the total number in the different years, and the sum received into the Treasury as fees of naturalization. His opinion was, that the present large fee of £3 retarded persons from taking out their letters of naturalization, and, therefore, a great number were holding land in the names of other persons. The Government should not seek a revenue from this source, but merely what would cover expenses.—Mr Mildred seconded.—Motion put and carried.

MAIN ROADS.

Mr. Krichauff moved for a return showing what amount of the votes for the survey of main lines of road had been spent, also exhibiting how many miles of the different roads had been surveyed already, how many miles were yet undefined, and between what localities. Not more than £105 out of a vote of three or four thousand for this object had, he believed, been spent, and there was great necessity for a continuance of the survey.—Mr. Bonney seconded. He believed the money spent on this object had been very much wasted.—Motion carried.

GLENELG JETTY

Mr Hallett put a question to the Chief Secretary as to the security of the materials for the Glenelg Jetty now lying on the beach at Holdfast Bay, and asked whether it is the intention of the Government that this work shall be proceeded with so soon as the necessary sum for such purpose could be provided for. He asked the question because it was understood that a part of the Jetty had been lost at sea.—The Chief Secretary said the Government did not intend to proceed in the matter until moved to do so by the Legislature, because the money voted had already been more than exceeded. The Government, however, would submit the question to the House as early as possible, because the materials were being damaged by lying on the beach. The lost portion of the Jetty was to be replaced by an arrival shortly expected from England.

GRAND JURY.

Mr Hallett asked the Chief Secretary if it was the intention of the Government in the contemplated reform of the law, to provide for the re-institution of the Grand Jury.—The Chief Secretary said the Government did not intend in their measure for Law Reform to touch upon the matter

MESSAGES TO THE UPPER HOUSE.

The Treasurer drew attention to the necessity for the adoption of some rule for sending messages to the Upper House. In England the Chairman of Committees did the duty, but, as the Chairman here was

also their Speaker, he would suggest that the Clerk of the House of Assembly should convey messages. He would also now move that the Clerk proceed to inform the Upper House that a Bill for repealing the tonnage duties had been passed, and requesting their concurrence in the measure.—The Chief Secretary seconded the motion, which was put and carried.

Adjourned till one o'clock next day.

HOUSE OF ASSEMBLY.

FRIDAY, MAY 8.

The Speaker said he had instructed the Clerk of the House to keep a record of the attendance of each member at the sittings of the Assembly.

VACANCY IN BAROSSA.

The Attorney-General moved for a new writ for Barossa, vacant by the decision of the Court for the Trial of Disputed Returns, with regard to Horace Dean.—Agreed to.

MINISTERIAL POLICY.

In answer to a question from Mr Peake, the Chief Secretary said the Ministerial policy was contained in the opening speech of his Excellency, which indicated the chief measures to be brought forward

BREACH OF PRIVILEGE.

The TREASURER then rose and said Sir, I beg leave to call the attention of this House to a question of privilege—a question than which none of greater importance demands our consideration, because the proper working of that Constitution which we have now the happiness to serve under greatly depends upon it. If, Sir, this House is to be press-ridden, and its debates to go forth to the public garbled and misrepresented, and if portions of its debates are to be suppressed, and other portions in reply are to be given unfaithfully—(hear, hear)—if this is to be the case, there is an end to all freedom of debate in this House. One side only, Sir, will go forth, and one side only will meet the eyes of the public (Hear, hear) This question of privilege is one which affects equally every member of the House. Those who take part on one side to-day, may be on the other side to-morrow, and it may then be the turn of those to be misrepresented who are now opposed to the person attacked. On this account, then, I know that this House will support its rights and privileges, forgetting whether we have been opposed to each other or not. Sir, I call the attention of the House to the report of its proceedings which appeared in the *Register* of yesterday—the report of the debate which took place the day before upon the Postal Question. But I will first allude to the editor's article, which appears with it. I will state that it is the undoubted privilege of the press to comment with the utmost freedom upon the acts or speeches of public men, for without that privilege there can be no real liberty of the subject. But whilst doing that—whilst commenting on the speeches of public men—they should invariably give the statements of the speakers criticised at length, or at least they should give fair abstracts of those statements—not omitting any of the addresses so as to alter their sense. I will now endeavour to point out that of which I complain to the House. [The hon gentleman here read an extract from a leading article of the *Register*, in which the writer stated that the Treasurer had decried the commercial class as a body, and had asked whether statesmanship was to be found amongst ironmongery and tea. He also read an extract from a report of the *Register*, which made him say, "with regard to the assumption of the Chamber of Commerce of the superior statesmanship of those wholly engaged as merchants, he remarked that, so far as his experience went, very

few great statesmen had ever come from the ranks of merchants, or those who dealt in ironmongery and groceries, in fact, pursuits of that kind had a tendency to narrow the views by leading to a consideration of every question as a matter of pounds, shillings and pence." He then proceeded. Now, Sir, both in the report and in the article, the whole character of the debate is distorted. It will be remembered that the hon. member for East Torrens stated, in the course of his remarks, that nothing approaching statesmanship was to be found in the Ministry, and that, like toddling infants, they should lean upon the House as upon chairs and tables. Another hon. member—the member for the Sturt—took up a paper and referred the House to the recommendations of the Chamber of Commerce, and it was that which brought the subject before us, and made the subject a legitimate matter for discussion. After that, Sir, the hon. member for Gumeracha, also referring to statements made in the Chamber of Commerce, said that until some proportion of the mercantile community were mingled with the Administration, they could not hope to possess sound diplomacy ("No, no," from Mr Blyth). Sir, the hon. member made use of some such words—words which conveyed the meaning to my mind—

Mr. BLYTH explained what he said was, that he believed the reason for statesmanship being found in the Government of New South Wales was, because many of the Ministry had been mercantile men.

The TREASURER I am very glad that the hon. member has corrected me. I now remember that these were the words he used. I am certain that he feels I would not wilfully misrepresent him. I recollect that he stated that the Ministry wanted statesmanship and statesmanlike conduct. That, Sir, was the nature of the remarks of the three hon. members, and I, Sir, commented upon it in my place, as I had a right to do. The words I made use of were, that if diplomatic talents were to be acquired from the mercantile community, I should have them, for I had been brought up to commercial pursuits. I was willing, however, to go to school again, if I were informed in what school the talents were to be obtained, and I asked whether they were to be procured from merchants, agents, or tradesmen, and whether dealers in ironmongery or tea possessed them. That, Sir, was what I said, and that has been perverted into a general attack upon the mercantile community at large. I understand that the members of that community, who have conferred a great power upon me, are indignant, as well they might be, that I should have so attacked them. But that report—that garbled report—was, Sir, a gross breach of the privileges of this House; and I guard hon. members against allowing such breaches to be commenced under our new Constitution. (Hear, hear.) If they are to be so, the members of the House will be intimidated from standing forth, as I am resolved to do, without cringing to the press in any way. None will be able to do so unless the House is united. Sir, I have prepared a resolution, which will be a warning to the members of the press to abstain for the future from such remarks as the paper has now indulged in, unless with those remarks there is given either a full report of our speeches, or correct abstracts of them. I have given to the press great credit for its past correctness in reports. I have said that last session I admired the accuracy of the reports, and I did so, although I was then attacked by the press. But I did not care for the attacks so long as my speeches were correctly published. The writer might comment as he pleased, but, in doing that, he must report what I say. In the House of Commons, it is a breach of privilege for the reporters to be present even, but this rule is never enforced unless the reports are garbled like that in the *Register*. When that takes place, the editor is either called before the bar of the

House, or the reporters are excluded from the gallery. Let us take heed, Sir, whilst we retain the liberties of the press, that we also restrain its abuse. I will move the following resolution.—"That the publication of garbled reports of the debates of this House is an undoubted breach of privilege."

Mr. PEAKE seconded the motion. Hon. members had too much respect for the dignity of the House to fail to vindicate its privileges. If the press were to take only portions of their addresses, and omit others, there was an end to freedom of debate. It was an odious tyranny, to which he would not submit.

Mr. BABBAGE stated that he had been himself very fairly represented in the debate referred to. It was not to be expected that every word should be reported. He, however, would call attention to a part of the report, in which it was stated that the hon. the Treasurer commenced his remarks in a strain of severe sarcasm. This alone proved that the report was intended to be only a condensed one, for it appeared to him that if there had been any intention to give only a one-sided report, those remarks would have been given. But he did not think the matter of such serious consequence as to require a motion upon it.

Mr. MILDRED felt it his duty to state that he fully concurred in the remarks made by the hon. the Treasurer. The report in the paper of the preceding day was partial, and a large portion of what was said was withheld. If, by an omission on the one side, and a garbled statement on the other, hon. members were misrepresented, they had a right to complain. The statements of the two members for Gumeracha were withheld, whilst the remarks in reply were given in the report. A partial statement had been made in one case, and a garbled statement in the other.

The CHIEF SECRETARY hoped the House would support the motion. He would not have noticed it, but that he had himself been misrepresented in regard to what he had stated on the postal question. He had pointed out the great advantage the colony would derive from the adoption of his motion, from the circumstance that the branch service would be partly borne by the Home Government, and partly by the other colonies. He had alluded to this in introducing the Bill, and again during the debate, but it was omitted in the report altogether. In fact, the very opposite statement was put into his mouth. The House should therefore be particularly careful how they allowed the publication of garbled reports.

Mr. WATERHOUSE found, on referring to the report of the debate on the steam postal question, that, though it occupied four hours and a half, it was contained in two columns and a half of the paper. It was, he thought, as correct as they could expect to find such a condensed report to be. The arguments on both sides were condensed. But if the Ministry were dissatisfied, they should start a paper of their own.

Mr. REYNOLDS listened to the debate on the postal question with some attention, and the impression made on his mind at the time was, that the Treasurer had made a direct attack upon the commercial interest. (No, no.) The Treasurer certainly did then as he often does—indulge in a strain of sarcasm, and, though he might not know it himself, his sarcasms were generally caustic and bitter. The hon. member did not, perhaps, intend bitterness, but he seemed to enjoy a skirmish; and in doing this he was usually very severe. He (Mr Reynolds) generally took short-hand notes of the debates, but, in the case referred to, the only note he took was the statement of the hon. the Treasurer, that mercantile men generally entertained very narrow views.

This he did not see in the report, though it was an attack on the mercantile community. He had himself cause to complain of the reports of some of his speeches, but this he believed was partly his own fault, in speaking too rapidly. His meaning, however, was generally reported correctly.

The ATTORNEY-GENERAL presumed that very few of the hon. members would be opposed to the motion. He was bound to say, that, as far as he was capable of judging, the reports of that paper were frequently inaccurate. He had indeed opportunities of seeing the facilities it had for reporting, and the great power of the reporters, but throughout the debates of that House, he would venture to say, that a person who had no other means of judging of what occurred than the published reports would form a very inaccurate opinion of the debates. He differed from some hon. members as to the power of the press. In a small community like this, where the views of hon. members were matters of notoriety, it was not in the power of the press to affect their reputation or impair their usefulness. He was not afraid of the power of the press, for the power of truth was much greater. The hon. members for Encounter Bay and East Torrens had said that their speeches were correctly reported. This, at any rate, showed that the reports were all one side.

Mr WATERHOUSE explained that he spoke to the accuracy of the report in general.

The ATTORNEY-GENERAL then that only showed how little the hon. member was qualified to judge of the matter, since it had been shown that the most important part of the Chief Secretary's remarks was omitted. But, though the report was thus shown to be one-sided, he was satisfied that nothing that the press could do either by publishing garbled and distorted reports, or by misrepresentation, would affect any man's usefulness or impair his reputation. He thought the House should take some steps with a view of legislating as to what their privileges were.

Mr YOUNG supported the motion. On reading the report he was struck with the fact that it contained but a very imperfect representation of the debate. He admitted that the hon. the Treasurer had indulged in a strain of severe sarcasm, but those who heard the remarks which drew forth his attack would admit that the sarcasm was well deserved.

Mr BAGOT asked what practical result was likely to arise out of that debate. He regretted that it had taken place. He had seen the report complained of, but it condensed the arguments on both sides. A great many things he said were omitted, but he did not complain of this, though his constituents would probably like to see his speeches more fully reported. The hon. the Attorney-General had stated that the reporters of the *Register* had great powers in giving correct reports, but that the proceedings of that House were frequently reported incorrectly—that garbled reports were published. He did not stand there as the advocate of the editor of the *Register*, he was capable of defending himself, but he could not help thinking that the hon. member's remarks were intended to throw a slur upon the editor as a man of business, by intimating that the reports were garbled by him. ("Hear, hear," from the Treasurer.) From what he knew of the editor he believed him incapable of descending so low. He would move the previous question, for he supposed that the Treasurer having had his fling, by indulging his propensity for sarcasm, was satisfied.

Mr BLYTH seconded Mr. Bagot's motion. He could bear his testimony to the fact that the report was substantially correct, though condensed. He did not, on

reading it, regard it as a one-sided report, but the contrary. He regretted that the bitter sarcasm of the hon. member for East Torrens was not fully reported, for it was richly deserved. He did not wonder at the motion coming from the Treasury benches, for he observed at the time that the Government members were very sore. It would have been better had they not been so thin-skinned, for if there was anything calculated to bring the House into contempt, it was those interminable debates on privilege.

Messrs. Dunn, Scammell, Marks, Smedley, Burford, and Hart, followed, and, after a reply of some length from the Treasurer, the House divided on the original motion with the following result.—

AYES, 18.

The Chief Secretary	Mr. Dunn
The Attorney General	Mr. Young
The Commissioner of	Mr. Mildred
Crown Lands	Mr. Krichauff
Mr. Leake	Mr. Scammell
Mr. Habbage	Mr. Burford
Mr. Peake	Mr. Milne
Mr. Marks	Mr. Hughes
Mr. Harvey	The Treasurer (Teller).
Mr. Hallett	

NOES, 9.

Mr. Hay	Mr. Cole
Mr. Waterhouse	Mr. Smedley
Mr. Blyth	Mr. Lindsay
Mr. Dutton	Mr. Bagot (Teller).
Mr. Reynolds	

Majority in favour of the motion, that it is a breach of privilege to publish garbled and distorted reports, 9.

IMMIGRATION

On the motion of the COMMISSIONER OF CROWN LANDS the House went into a Committee of the whole on the following resolutions—

1 That it is not expedient to appropriate any fixed proportion of the revenue derived from the sale of waste lands to immigration purposes, but that the amount to be applied to such purposes should be voted annually out of the general revenue.

2 That, inasmuch as the revenues of this province have for several years past been devoted to the introduction of immigrants in a larger proportion than those of the adjacent colonies, it will not be expedient to introduce immigrants wholly at the public expense, after the amount now in the hands of the Land and Emigration Commissioners shall have been expended, unless some provision is made which will afford a reasonable security that the immigrants so introduced shall remain at least twelve months in the province.

3 That it is expedient to afford immigrants, of a suitable class, partial assistance in procuring passages to this province, and that, for this purpose, embarkation orders should be issued to a limited extent, both here and in the United Kingdom, at a certain rate of payment, to be varied, from time to time, according to circumstances.

4 That it is expedient to make provision whereby immigrants who arrive in this province at their own expense, or persons who introduce immigrants at their own expense, may be repaid the cost so incurred, wholly or in part—either by a repayment of the amount, or by a remission certificate to be taken in payment for land—upon satisfactory proof being afforded that the immigrants so introduced are of a suitable class, and that they have remained at least twelve months in the province.

5 That the duties connected with the selection of immigrants in the United Kingdom, and the dispatch

of immigrant vessels should be performed by an Agent appointed by this Government.

The COMMISSIONER of CROWN LANDS said it was the opinion of some hon. members that an Act would be required to give effect to those resolutions, but he did not think it necessary. The Executive Government, as he believed, could fully carry them out. He did not think, either, that the question of the German claims for assisted emigration from their own country need be mixed up with the present question, as the vote proposed would be an annual one, and could be modified according to circumstances. It would be the more convenient course, perhaps, to consider the resolutions in detail, and he would commence by moving the first of the series. On the subject of preserving, or endeavouring to preserve, any fixed and uniform proportion between the quantity of land sold and the amount of labour imported, he would observe that such proportion could only be maintained in a strictly agricultural country; for mining operations and numerous other pursuits would have the effect of disturbing the equilibrium. Any such attempted arrangement would also be interfered with by the vicinity of gold-producing countries, and, in fact, it was already found that immigration into one of these colonies almost amounted to immigration into another. He did not anticipate any material opposition to the first resolution, which he would therefore content himself with moving without further comment.

The CHIEF SECRETARY seconded the motion. At present the law was, that one-half the proceeds of land should be applied to emigration. It was considered, and wisely considered, at the time the law was passed, that the prosperity of the colony depended altogether on immigration; but the discovery of gold in the adjacent colonies had made a great change. The object of the Government in the resolution was merely to obtain the sanction of the House to devoting to immigration such sums as might from time to time be thought necessary, instead of setting aside for the purpose a fixed proportion of the proceeds of land. The Land Fund would thus become a part of the General Revenue.

Mr REYNOLDS presumed the question would have to be discussed when the Estimates were before the House. If so, it need not now be introduced.

Mr HUGHES agreed. In fact, he hardly saw the object of the resolutions. If they were to have the effect of law, they ought to be put in such a form as to be submitted to discussion in the other House. He believed the prosperity of the colony to be mainly owing to the immigration regulations. He would therefore keep funds in hand for the purpose, and devote them to no other, until it was found that they were not wanted for their original object. They should be careful of the capital of the colony, which mainly arose from the Land Fund. He hoped, therefore, that the resolutions would not be easily assented to.

The COMMISSIONER of CROWN LANDS was not strictly correct in saying that no legislation would be requisite to give full effect to the resolutions. A provision must be inserted in the new Land Sales Regulations Act, which would shortly be before the House.

Mr HUGHES thought the question could be better considered when the Estimates were under discussion.

The CHIEF SECRETARY remarked that the whole of the funds in the hands of the Emigration Commissioners would be exhausted by about the end of the present year, and it was desirable that some understanding should be come to on the subject. They had

not too much time before them, considering that they were now in the month of May, to make arrangements for the sailing of persons who might be ready to leave England in February. At present the Ministry could not remit to the Commissioners, as it was impossible for them to know what the views of the House might be upon the subject.

Mr DUFFIELD believed the system of immigration to be as necessary to the colony as either the agricultural, the pastoral, or the mining interest, and he feared that if they adopted the resolutions, they might some day find it difficult to obtain immigrants when they most wanted them. At present they might get labourers far more cheaply from Melbourne than from England, and there were plenty of men there, who went from South Australia, who would be glad to get back again if their passage could be paid, but such might not always be the case. He would keep half the proceeds of the Land Fund in the Treasury for immigration purposes, and use it when it was wanted.

Mr REYNOLDS would support the principle of the motion when the proper time came for its discussion. He quite agreed in thinking that the money had best be voted annually, but he would put it to the hon. Commissioner of Crown Lands whether it would not be better to withdraw the resolutions for the present.

The COMMISSIONER of CROWN LANDS had no objection to postponing the first resolution.

Mr DUTTON saw no reason why the Government should have introduced the subject in the form of resolutions. The effect of passing them might be to bind the House very inconveniently to a particular mode of dealing with the emigration question. He must say he thought it very desirable to maintain the distinction between the General Revenue and the Land Fund, for it would be unwise to swell up the former by the introduction into it of very large receipts, which might induce an extra rate of expenditure, and afterwards fall off. (Hear, hear.) He objected also to giving the Government power to appoint an agent in England through whose hands very large amounts would have to pass. He thought the matters to which the resolutions referred should be embodied in a Bill, and he would move an amendment to that effect.

Mr DUNN thought it desirable to keep intact the funds properly applicable to immigration.

Mr YOUNG seconded the amendment, but at the same time put it to the hon. the Commissioner of Crown Lands whether there were any particular necessity for pressing the resolutions before the introduction of the Land Sales Bill.

The COMMISSIONER of CROWN LANDS said it was very desirable to ascertain the views of the House upon the subject at once.

Mr YOUNG said that if a clause in the Bill would answer the same purpose he saw no use in pressing the resolutions.

The COMMISSIONER of CROWN LANDS said that if the first resolution were not carried it would be useless to put the others.

The CHAIRMAN decided that Mr. Dutton's amendment could not be put in Committee, but it could be moved in the House upon the bringing up of the report.

The CHIEF SECRETARY considered if it were even thought better to introduce the subject in a Bill, it

would be desirable first to take the opinion of the House upon it. It had been deemed best not to mix up the immigration question with that of the sales of land, and that was why the present mode had been adopted of bringing it forward. He trusted the House would consent to discuss the whole series of resolutions, though he had no desire to press them at the moment if further time were desired.

Mr BABBAGE would propose as an amendment "That the Chairman do report progress, and that the House do resume." It was clearly wasting time to discuss resolutions which it was admitted must again occupy the attention of the House. He might also remark that he objected to legislation by resolution; if it were admitted as a practice, they might eventually be asked to conduct the whole business of the colony in that way instead of by Bill.

Captain HART seconded the amendment. The principle sought to be affirmed by the first resolution was so important that it ought to be embodied in a Bill which the country could discuss, and, if needful, petition against during its various stages. If they passed the resolution, they would be pledging themselves to a principle that the distant settlers especially would not confirm, seeing it would devote the proceeds of the land they might have purchased to purposes, probably, quite unconnected with their interests. The principle, if admitted, would place vast sums at the disposal of the Ministry of the day, and would even enable an unprincipled Government to expend it upon purposes of little general benefit. If money accumulated, he would sooner see it invested in Government bonds—lent to themselves, in fact—until it was wanted for its proper purpose. He trusted the amendment would be carried, and time be given to the distant settlers to express their opinions on the subject, as they were far more interested in the matter than the residents of the metropolis.

The TREASURER was surprised to hear any hon member speak of the money being at the disposal of the Ministry of the day, for neither a Minister, nor even the representative of Majesty, could appropriate one farthing of the Land Fund Revenue, or any other revenue, without the consent of that House. As regarded the introduction of the resolutions, the course was not unprecedented, but was the same as had been pursued by the Victorian Government, as a means of showing the House what the views of the Ministry were. Those were the principles upon which they meant to stand or fall. It was a vital question, and he himself had fully placed his views upon it before his constituents, and the same, he believed, had been done by most of the other members, for in every district the question had been considered a most important one. The constituencies had already looked into the question, and had returned their members accordingly. He had strongly advocated formerly the setting aside of a certain portion of the Land Fund for immigration; but circumstances, unanticipated then, had led him to change his views. It had been said that it would be better to invest the money in Government bonds. That was exactly what they proposed to do, and what they were at present doing. It was for the House to direct what moneys should be laid out, and for the Treasurer to pay what moneys he had in hand, according to such directions. This was far more simple than a system of cross entries, to show what was due from one fund to another. At the present moment, about £50,000 had been advanced to various public works, instead of issuing bonds; and he was in a position to have advanced £120,000, if it had been wanted, as he had been led to expect. Whenever there was a balance in hand, it was applied in that manner. He saw no reason for the introduction of a Bill upon the subject, but if it

were thought better to defer the resolutions for the present, the Government would raise no objection.

Mr. DUTTON wished to explain that he was in favour of the principle enunciated in the first resolution, though he thought it could be better carried out by a Bill than in its present form.

The CHIEF SECRETARY would support the amendment, if the words were added, "with leave to sit again," but not otherwise, as he could not consent to have the question shelved.

Mr. BABBAGE refused to insert the words suggested.

The TREASURER must, in that case, retract his adherence to the amendment, for he had no intention of suffering the question to be shelved.

Mr BABBAGE had no such intention in proposing the amendment. He only thought it desirable that the question should come forward in a different form.

Captain HART, as the seconder of the amendment, must also disclaim any intention of shelving the question, but he objected to pledge the House by a series of resolutions. In his opinion, the sentiments expressed by the Hon. Commissioner of Crown Lands were sufficient to alarm the House, and to alarm the country. That hon. gentleman avowed his opinion that they had no mere right to import labourers than to import colonists who would offer to pay for their own passages. He therefore proposed, instead of bringing labourers here, to lay out the money in improvements, thus raising the price of labour. This would be an injustice to purchasers of land, for instead of bringing out labour, as we had agreed to do, with a portion of the proceeds of the land, we should lay out that very money in taking away from them even the labour that was in the colony, and in raising the rate of wages. Run would follow the landholders under such circumstances. With regard to the threat that had been held out by the hon. Treasurer, that the Ministry would stand or fall upon this question, he thought it altogether unconstitutional, for there could be no necessity for the Ministry to resign in the event of an adverse vote. Such threats had been held out before, and they were both unwise and unbecoming. For himself, he might say that he had not the least desire to supplant or turn out the Ministry. The berth of the Governor himself would not be a sufficient inducement to him to take office.

The TREASURER was not in the habit of holding out threats, but it would not be fair to the House to let it come to a vote without knowing the exact consequences which would ensue. It was usual and proper for Ministers to make known what principles they considered of vital importance. They were not going to resign upon trifling points, but this was, in his view, a matter of principle, and whether his colleagues resigned or not upon an adverse vote, he should do so, but he did not say that in the way of a threat.

Mr. MILDRED supported the resolution, the object of which, as he understood it, was to place the Land Fund under the full control of Parliament. It was removing a restriction which it was right and proper to remove, and, therefore, he should vote for the motion. He could not agree, however, in thinking that any class of men should be imported except labourers, who were necessary for the purpose of making the land available.

Mr. HAY remarked that the amount appropriated to immigration had already been altered from time to time, and he thought the principle of the resolution

would be found to work well. He could not think it desirable to leave the money to accumulate from year to year, which would, in effect, be placing it in the hands of the Government, and removing it from the control of that House. He was happy in being able on this occasion to support the Government, which would always give him far more pleasure, when he could consistently do so, than it would give him to oppose it.

Mr. MARKS was aware that many hon. members had addressed their constituents on the great loss which the country had sustained in sending money for immigrants, who, immediately upon their arrival, started for Port Phillip. He would have supported the motion for a postponement of the question, had it not been made apparent, by the refusal to add the words suggested by the Chief Secretary, that the object was to shelve the question altogether. It was not the object of the Government to have no immigration, and it should be borne in mind, that the House had the purse-strings in their own hands, and that, when they saw a necessity for introducing immigrants, they could send for them. The Government merely said that there should be no fixed sum set apart for immigration, and he thought it would be madness to do so after the complaints made on the subject by hon. members to their constituents. He had heard nothing in the debate to alter his intention to support the motion—(hear, hear)—which he believed on all grounds to be for the interests of the colony. It did not matter in what shape the measure was put if they arrived at the same conclusion. The words proposed to be added to the amendment could do no harm, and, as they were not consented to, he contended that the object of the amendment was to shelve the question altogether. (No, no.) He should support the Government in that measure, and in every other which he thought calculated to serve the country.

Mr. DUTTON said there was no intention to shelve the motion. (Oh, oh.) It was because the hon. Treasurer put that construction on it that he (Mr. Dutton) had risen, for the third time, attempting to say a few words upon the subject. He objected, on constitutional grounds, to the Government attempting to carry on the public business by resolution, and not by legislation. (Hear, hear.) When they said they would not embody the resolutions, when carried, in a Bill, he said he would endeavour to have a resolution tacked on to them compelling their embodiment in a Bill. (Hear, hear.) He considered it improper of the Ministry to say, that, rather than embody those resolutions in a Bill, they would resign. The only object which he could conceive they had in adopting that course was that they were desirous of having a decent opportunity to resign. (Hear, hear.) Indeed, the loose way in which the Bills already introduced had been prepared went far to prove that the Ministers wanted to be put out. For himself, he could say that he had no desire for office. If it were offered to him the very next day, he would not accept it, and, consequently, he could have no object in aiding any attempt to turn the present Ministry out. He could not, however, be a party to such important resolutions being carried without having them embodied in a Bill, and he would remind the hon. member, Mr. Marks, who was so enthusiastic in his support of the Government, that they said they would resign rather than do so.

The CHIEF SECRETARY said the debate had assumed a new aspect, and he was obliged to rise again. The hon. gentleman who had just sat down had spoken of the conduct of the Government in a way that could not be borne out by anything that had occurred in that House. He had stated among other things that they threatened to resign if the House insisted upon putting

the resolutions into the shape of a Bill. Now the hon. gentleman could not have been listening to what had gone on in the House, for nothing to that effect had fallen from any hon. member. He then went on to say that if they had such an intention they were only seeking a decent pretext for resigning. The hon. gentleman first invented his premises, and then drew a conclusion that was most unwarranted. The hon. gentleman said he would not take office even if the Ministry did resign. He (the Chief Secretary) could state the constitutional circumstances under which the Ministers would resign. When they found that they could not carry out their policy, and command a working majority, they would resign. He was, however, not very much afraid that the hon. gentleman (Mr. Dutton) would have an opportunity to refuse the offer of office—(hear, and a laugh)—or that the hon. gentleman would on that question find himself in a majority. There was no fear at present that he would have the onerous cares of Government thrown upon him. He (the Chief Secretary) had said that he would not oppose the amendment, and he did so because he then believed the object was not to shelve the question, and that it might be discussed at a future time, and that the Government might have time to consider whether they would legislate upon it or not. He believed that many hon. members gave in their adhesion to the amendment under that impression, but when he found that was not the object, he proposed to add the words, "with leave to sit again," and that addition being objected to, showed plainly that the object was to shelve the question, or to carry it against the Government. He mentioned that particularly to warn hon. members to be careful as to how they acted. (Hear, hear.) He would make no further concession. (Hear, hear.) He would vote against the amendment—(hear, hear)—and the hon. member (Mr. Dutton) need not fear that the result would be to throw the responsibility of forming a Government upon his shoulders. The principle in the resolutions was a vital one, and one which he was convinced a majority in that House was disposed to support. The Government had no desire to thwart the Council, it was the principle which they wished to carry. It had been stated that they sought to carry out the Government by resolutions and not by legislation. That was simply absurd, as they were already in a position to carry out immigration in that manner, but instead of exercising their power as an Executive, they wanted to have the consent of the Legislature. If the House wanted to carry out those resolutions in a Bill, they were ready to do so—(hear, hear)—and they were content if the House wished to discuss the subject further. He would state that if the amendment was put in its present shape, he would vote against it, but if it asked for leave to sit again he would support it.

Mr. BLYTH thought the Government had shown a desire to fight a shadow. He was quite certain that had they exercised their accustomed powers of observation they must have perceived that the majority of the House were with them. He agreed most thoroughly with the hon. member (Mr. Dutton) that the resolutions should be embodied in a Bill, but he had no desire whatever to embarrass the Government. He thought also that the members of the Government should exhibit some little regard to the feelings of hon. members. (Hear, hear.) There was, he felt convinced, no stronger supporter of the Ministers in that House than the hon. member for Adelaide, (Mr. Dutton). He would support the amendment, with a view that the resolutions should be embodied in a Bill.

Mr. BABBAGE disclaimed the construction put on his amendment, and repeated that he would support the resolutions of the Commissioner of Crown Lands if they were brought forward at the proper time.

The COMMISSIONER OF CROWN LANDS would have no objection to embody the resolutions in a Bill, but he saw no necessity for that. The principle in the first resolution was already embodied in a Bill on the table. There was nothing in the second resolution which required a Bill to be passed to give it effect. The same might be said of the third resolution, and the fourth could be carried out the next day if the House sanctioned the principle. Then the fifth, that required no Bill, but the salary must be voted by that House.

Mr. DUTTON thought they were approaching an arrangement. The proper course was to report progress and ask leave to sit again.

Mr. BABBAGE assented on the explanation of the Chief Secretary.

House resumed, report brought up, and leave granted to sit again on Tuesday next.

House adjourned till Tuesday next.

LEGISLATIVE COUNCIL,

TUESDAY, MAY 12.

GAWLER TOWN RAILWAY.

Mr YOUNGHUSBAND presented a petition signed by 1,600 people, residents of Gawler and the vicinity, praying that the House would take the necessary steps to extend the railway to South Para.—Petition received, read, and ordered to be printed.

REPORTS OF THE HOUSE

Mr BAKER would move on Thursday next, that the time had now arrived when they ought to ensure reliable reports of the proceedings of the House, and with that view, that the Standing Orders Committee be instructed to consider the most desirable plan to effect this object.

CAPTAIN STURT'S PENSION.

The COMMISSIONER OF PUBLIC WORKS said, in answer to a former question by Dr Davies, that the reason why £750 appeared to have been paid to Captain Sturt, in the year 1856, instead of £600, was, that during that year advices for five quarters had been received from the Agent-General. By reference to the accounts of 1854, it would be seen that during that year only £450 had been paid, or three-quarters' pension, but the entire amount from the time the pension was granted in 1851 would be found correct.

PENSIONS.

Mr Baker asked if the Government had determined to take any steps with regard to pensions generally. The question had been opened some time ago, and it was found that the Government calculations were inaccurate, and that the amount set aside was insufficient for the purpose intended.—The Commissioner of Public Works was not aware that the Government had any intention of bringing the question forward.—Mr Baker would give notice of motion on some future day.

NAVIGATION OF THE MURRAY.

Mr YOUNGHUSBAND moved an address to his Excellency the Governor-in-Chief, requesting, that the Government of South Australia place itself in communication with the Governments of New South Wales and Victoria with a view to the adoption of some effectual measures for the clearance of all snags and other impediments to the safe navigation of the River Murray. In rising to move this resolution, which he regarded as second to none in the importance of its bearings on the advancement of the national prosperity of the colony, offering, as the River Murray did, all the facilities of a railway of many thousand miles in length, ready

formed by nature for carrying on a commerce with the great interior of this continent, and only requiring rolling stock in proportion to the requirements of the traffic to be from time to time placed upon it, he would confine himself to a statement of the development of the traffic during the four years that had elapsed since it was first opened to navigation, and from those facts hon members would themselves be able to form their own opinions as to the necessity which existed for the various Governments affording all reasonable facilities for its further advancement. During the first season, 1853-4, there were taken up 276 tons of goods, and 1,362 bales of wool were brought down; the whole valued at about £25,000. In the second season, 1854-5, 365 tons were taken up, and 3,009 bales of wool brought down, valued at £35,000. During the third season, 1855-6, there were 700 tons taken up, and 2,700 bales of wool brought down, value £50,000; and in the fourth season, 1856-7, when the trade to the Owens diggings commenced, and there were three more steamers on the river, 3,629 tons of goods were carried up, and 2,370 bales of wool were brought down, the whole valued at £247,000 for that season. The population of the Owens diggings, and the town and neighbourhood of Albury, consisted of about 30,000 people, a large proportion of whom were adult males, producing according to the gold returns of Victoria, more than the value of one million of gold annually. The locality of those diggings was not further from the river bank than Gawler Town was from Adelaide, and, with the assistance of cheap water-carriage, their supplies of every description must necessarily be taken from South Australia. More than four times the amount of goods taken up the river last year would meet with a market at that point alone. In addition to this, it had been ascertained by the intercourse of the last five years, that 190 stations, containing 760,000 sheep and 321,000 cattle, existed on the margin of the River Murray and its navigable tributaries, the Murrumbidgee, Edward, Darling, and Goulbourn, the full value of the supplies of which would not be less than £200,000, showing altogether an aggregate trade to be done on the river and its tributaries nearly equal in value to the whole of the foreign export trade of the colony, and reaching the total sum of £1,200,000. To cheapen the carriage of those goods would be for the advantage of all the colonies—to South Australia which supplied the articles, and to New South Wales and Victoria which consumed them. At the present time, the innumerable snags and trunks and branches of trees, which filled up the bed of the river presented great obstacles to its safe navigation, and accidents to the boats employed upon it were of frequent occurrence. A removal of these would render the stream navigable all the year round, by night as well as by day, and, by so doing, cheapen the rate of carriage at least one-half, so that goods would reach the terminus of the river nearest to the great Owens diggings at a cost of from £4 to £5 per ton from Adelaide, and an immense market be found for the breadstuffs and other produce of the colony, in which, at a low rate of carriage, we need fear no competition whatever. To effect this service, it was most desirable that a united effort should be made by the three Colonial Governments so interested in it. He would venture to state that if an aggregate sum of £10,000 were each year provided and judiciously expended, in five years the whole clearing would be fully accomplished. And the colony was fortunate in having the services of Capt Cadell available to carry out such an enterprise, than whom no one ever had a greater experience of the river, or would be found more competent to undertake it.

Mr FORSTER seconded the motion.

The COMMISSIONER OF PUBLIC WORKS said the interesting statement made by the hon. member with refer-

rence to the traffic of the Murray justified the most favourable hopes for the future. His object in rising was to acknowledge the ready co-operation in clearing the Murray of the New South Wales Legislature, who had not only voted money, but had assisted Captain Cadell in various other ways. The report from that gentleman went to show that one party had cleared 70 miles, a second 50, and the work of a third party was proceeding well.

The motion was carried unanimously.

VICTOR HARBOUR

Mr BAKER moved an address to His Excellency the Governor-in-Chief, stating that it would, in the opinion of this House, be desirable, before initiating any Bill having for its object an expenditure of public money at Victor Harbour, to cause a proper engineering survey to be made of that harbour, and also of the sea-mouth of the Murray, and that reports by a competent harbour engineer on the capabilities of those places be laid before the Parliament, showing the probable cost of rendering them safe and convenient ports in connection with the traffic on the River Murray. It must be obvious to every one, that, before any important works were undertaken, every hon. member who would be called upon to give a vote upon the subject should be in possession of the fullest information. It had been the policy of a former Government to bring forward Port Elliot and to spend money there, without such an investigation as he now sought to obtain, and which, had it been secured at that time, would have prevented the throwing away of thousands of the public money. Difference of opinion might exist about the capabilities of Victor Harbour, but that was a question which would not require to be discussed at present in Council. Perhaps it might be desirable for moorings to be laid down there, so as to fit it for a harbour of refuge, but he believed many thousands must be expended before it could be made fully available. He would not, however, press his own opinions, but would prefer receiving a reliable report. His own belief was that the mouth of the Murray itself might be made to serve the purposes of navigation, and that it would also afford facilities for a harbour. He hoped the Council would agree with him that information should be sought in all cases where money was to be laid out. He believed there were persons in the colony who were quite competent to examine and report upon the harbour, among whom he might particularly mention Mr Abernethy. He would ask the Council, whether, if such a report had been made of Port Elliot, the money wasted there by Sir Henry Young would ever have been laid out. He trusted the Council would join in requesting the information to which his motion referred.

Captain SCOTT seconded the motion. It was the more important as the subject of a railway to the Murray was likely to be agitated. If there had been impartial and competent reports upon Port Elliot, the money laid out there would never have been expended. Captain Douglas, the Harbour Master, was at present engaged in making a survey of the mouth of the Murray and of Victor Harbour, and he was, no doubt, highly competent to such a task, but they wanted, in addition to that, a report from some experienced marine engineer. The commerce of the Murray was so important that the colony must supply all proper facilities for conveying goods to and from the river.

Mr YOUNGHUSBAND said a good seaport for the Murray was required, and it should possess these requisites. It should be easy of access from the sea—in itself large and capacious, and present ample facilities for the construction of wharfs and landing-places. They were aware that the public had been assured that all these requisites exist in Port Elliot, and they were

equally aware how wretchedly the public had been deceived. Both public and private money had been wasted there to an immense extent. In Victor Harbor, the ground was rocky, and much expense must be incurred for the protection of a few vessels. He would not, at that moment, enter upon the question whether it would not be cheaper to the public to extend the railway from Gawler Town to Blanchetown, as that would come forward for consideration on a future day, but he was disposed to think that the better plan.

Mr GWYNNE did not rise to oppose the motion, but he thought it ill-timed, as Captain Douglas, whom the hon. member, Captain Scott, considered a very competent person, was already engaged in a survey.

Captain SCOTT had only referred to Captain Douglas as a competent maritime surveyor. He could, no doubt, ascertain the depth of water, but he might not be able to estimate the engineering difficulties of constructing a breakwater.

Mr GWYNNE would rather wait the result of the survey before taking any further steps. If the gentleman referred to by the hon. Mr Baker could be associated with the Harbour-Master, he should see no objection. He did not, however, see the necessity for the present motion, as a survey was already in progress. He should, therefore, feel it is duty to move the previous question.

Captain BAGOT would undoubtedly have joined in that motion, if he saw that the resolution tended to cast any slight upon Captain Douglas, but it did not appear to him to do so. It only expressed the opinion of Council that full enquiry should be made before the laying out of a large sum of money. He should support the resolution.

The SURVEYOR-GENERAL was quite sure it was not intended to cast any reflection on Captain Douglas, whose professional capacities were universally admitted, but there were duties devolving upon a marine surveyor and engineer wholly different from those to be expected from a naval officer. Practical knowledge of harbour work was necessary, and he had no doubt, the Government had fully intended having the place surveyed by a competent person as soon as the preliminary survey had been taken by Captain Douglas. Undoubtedly, a great deal of money had been laid out at Port Elliot, which was likely to prove unavailing, but the House must remember that had not a former Government pursued the policy he did with regard to that harbour, it was probable the traffic of the Murray would not have been developed, therefore the expenditure at Port Elliot might not, perhaps, deserve the wholesale condemnation it had received.

The COMMISSIONER OF PUBLIC WORKS was quite prepared to support the motion, which he did not imagine was intended to cast any censure upon Captain Douglas. He might state that that gentleman had expressed his anxiety that a marine engineer should be engaged to follow or to act with him both in the survey of Victor Harbour and the sea-mouth of the Murray.

Mr BAKER, in reply, read the third, fourth, and fifth paragraphs of the first report of progress of the Select Committee appointed September 5, 1852, to enquire into the probability of navigating the River Murray. They referred to the inaccuracy of the plan of Port Elliot supplied by Sir Henry Young, and upon which the report of the Harbour Commission was founded, and expressed the opinion of the Committee that for various reasons the port would be found ineligible as a port of refuge for strangers or of safe accommodation even for small sea-going vessels. With

respect to its artificial improvement, the extracts read by the hon gentleman showed the opinion of the Committee to have been that the expense would be far greater than the small amount of protection it would afford to shipping. That opinion, he observed, was arrived at after the examination of witnesses, and notwithstanding Captain Lipson's report of February 11, 1856, in which he said—"Indeed, it is my opinion that Port Elliot will be found the safest anchorage, except Port Lincoln, on the south side of the province." Neither Captain Lipson nor Captain Douglas could be supposed competent judges of engineering difficulties, but upon all matters of mere maritime surveying they were no doubt equally well qualified to express an opinion. On such subjects he would as soon take the opinion of Captain Lipson, who was an old and experienced officer, as that of Captain Douglas, and it was worthy of remark that Captain Lipson, in the report from which he had quoted, did not even allude to Victor Harbour—the only two places he spoke of as at all probable were Rosetta Head and Port Elliot.

The motion was carried without a division.

TONNAGE DUTIES BILL

This Bill having been brought up with a message from the House of Assembly, requesting the Council's concurrence.—The Commissioner of Public Works moved that it be read a first time.—The Surveyor-General seconded the motion, which was carried, and the second reading of the Bill was fixed for Tuesday next.

IMMIGRATION.

Mr. BAKER, pursuant to notice, asked the Commissioner of Public Works if any further correspondence had taken place between this Government and the Government of Victoria on the subject of immigration, and, if so, if he would lay such correspondence on the table of the House, and give such further information as it might be in his power to afford upon the subject of immigration, and upon the course the Government intended to pursue with regard thereto.

The Commissioner of Public Works had only to say, with reference to the first part of the question, that no further correspondence had taken place since that which was published in the Blue Book of 1856. As regarded the second part of the question, he admitted the importance of the subject, though he thought its discussion would at present be premature. He would, however, endeavour to give an outline of the course intended to be pursued by the Government on the subject of immigration. There was a balance in the hands of the Commissioners sufficient to bring out one shipload of emigrants per month during the present year. Hitherto, half the proceeds of the land sales had constituted a fixed sum for the purpose, but the new Constitution had placed the entire fund under the control of the Parliament, and it was proposed that, instead of the money coming from any particular fund, the whole receipts of the colony should go into the general revenue, and that the Parliament should judge from year to year what amount of labour it was requisite to import. This plan would have the further advantage of bringing the subject of immigration under annual consideration, not only as regarded the amount, but the classes of persons to be brought out, which would be very desirable as the colony progressed. For instance, it would have diminished the cost of existing railways had such foresight been exercised as to have imported labourers accustomed to the particular description of work. It might be useful, therefore, for such questions to engage annually the attention of the representatives of the people. Then, again, the question of agency would have to be considered, and it was proposed that it should be left in the hands of the Par-

liament for the time being to appoint an agent for the general affairs of the colony. It could not but have been observed that the Commissioners had betrayed an amount of ignorance of the distinctive wants of the colony only to be accounted for or excused by the fact of their having been called upon to act for various colonies in different parts of the world. He could not doubt, therefore, that all would agree in considering the appointment of an agent of our own desirable. Another question for consideration, was the reproductive expenditure, as he might call it, of the fund. They all knew to what an extent the colony had suffered in the loss of labour through the attractions of the neighbouring province, and it was probable the evil might be partly avoided by a more careful selection of emigrants, therefore, it was proposed to encourage nominated immigration, as being the most likely to secure persons who would remain in the colony. Some difficulty had arisen from the emigration orders not being transferable. To obviate this it was proposed that embarkation orders should be issued, which should be purchasable at home at such price as the Parliament from time to time might determine. Another proposition was, to enable capitalists coming to the colony to bring out servants with them, and to claim, at the end of a certain period, the repayment of the passage-money, or its deduction from the price of any land they might purchase. He was not prepared at present to say to what amount of consideration the German colonists were entitled. They amounted now to about one-tenth of our population, and were certainly most useful colonists. The subject, however, would be open for consideration, as the vote was to be an annual one. The whole question would have to be considered by the Government and the present Parliament, with a view to adopting such a system as would be the most useful to the colony.

The House then adjourned to Thursday.

HOUSE OF ASSEMBLY.

TUESDAY, MAY 12.

GAWLER TOWN RAILWAY.

Mr Dutton presented a petition, signed by 1,609 people, all of whom were holders of property, praying that the Gawler Town Railway be extended to the South Para.—Received and read.

VACANCIES.

The Attorney-General rose to move that a writ be issued to fill the place left vacant by the resignation of Charles Simeon Hare in that House.—The Speaker said a writ had been issued under a clause which enabled him to do so without a notice by the House.—The Attorney-General, in answer to Mr Blyth, said a writ had, he believed, been issued for Barossa. The nomination would be on the 28th instant, the election on the 29th, and the return on the 1st of June.—Mr. Blyth thought the Government should give notice to the House when a writ really was issued.—Mr Bagot agreed with this, and thought a little delay should be allowed before the writs were issued for filling up vacancies.—The Chief Secretary said the Government were bound to issue the writs, at once, without delay or notice.—The Attorney-General said, with regard to what the Speaker had stated, there must be a resolution of the House sanctioning the issue of a writ. He would, therefore, move that a writ be issued to fill the place left vacant by Charles Simeon Hare.—Seconded and agreed to.

ELECTORAL ACT AMENDMENT BILL.

The Chief Secretary laid on the table a Bill to amend the present Electoral Act. It had been stated in the Governor's speech that the Electoral Law had been

found cumbersome and costly, and he need not therefore go into an explanation. Its object was to remedy the evils referred to—Read a first time, and second reading fixed for Tuesday next.

REGULATION OF WASTE LANDS BILL.

The COMMISSIONER of CROWN LANDS said, in moving the second reading of the Bill, it would be seen that it was not proposed to make any material alteration in the law existing up to the proclamation of the new constitution. The Bill was rather a curtailment of the old law than an alteration of its provisions. A clause in the old Act relating to special surveys was omitted, and the 4th clause of the present Bill was put in its place. With reference to the 5th clause, authorising the Governor to sell, he would observe, that there was no power to grant leases in the Bill; that the words were precisely the same as those of the old Act, and therefore the words were sufficient, as they had been construed as giving power to grant leases. There were but two classes of land (town and country) now instead of three—town, suburban, and country—as heretofore. Several matters provided for in the old Act, such as making payment in England, were now considered unnecessary, and consequently were omitted. Under the Act of 1846 (9 and 10 Vic.) a pre-emptive right was granted to the holders of leases under certain circumstances. They were never adopted in the regulations, and they were not included in the present Bill. He moved that it be now read a second time.

Mr HUGHES asked if the old rule of not expecting members to pledge themselves to principles in agreeing to the second reading of a Bill held good in this House.

The CHIEF SECRETARY could not lay down any principle for the guidance of hon. members.

Mr HUGHES would be obliged, then, to oppose the second reading of the Bill. The last clause struck at the very root of the principle upon which the colony was founded. It provided that the proceeds of the land sales should be paid to the credit of the general revenue. Under the old Act the purchaser of land had a knowledge that one moiety of the purchase-money went for public improvements, and the rest for the introduction of labour; but under the new system they would have no certainty of any advantage from the proceeds of the land sales. (Hear.) He considered that any purchaser of land should have a right to nominate parties as immigrants. He was not for the immediate outlay of the Land Fund, but he insisted that a portion of it should be kept sacred for immigration purposes, on which the labouring man, who became a purchaser of land, might operate for the introduction of his relatives. How was the money expended which had been applied to what was called reproductive works? What benefit was it to the country to expend a large amount on the bridge and road between North and South Adelaide? What benefit did the country derive from the Glenelg Jetty or the City Water Works? If the Government persisted in the proposed system they would soon prove the fallacy of the Attorney-General's declaration that there could be no parties in that colony, as it was certain to raise up a country and a town party. He was alarmed to hear the Commissioner of Crown Lands decry the importation of labour because labour was dear. (Hear.) The Government never could be the great employers of labour in that colony, for if they so raised the rate of wages as to render it impossible, by increasing the cost of production, for the farmer to sell his produce in other colonies, the result must be to destroy the Land Fund by discouraging the extension of farming. He admitted that in 1854 there were many labourers unemployed, but that was owing to the shameless selection of improper labourers, just as they

afterwards had been burdened with unsuitable Irish orphans. (Hear, hear.) The development of the South Australian mines had, he was persuaded, attracted as many or more labourers from other colonies than had afterwards left for the Victorian gold-fields. (Hear.) A moiety of the Land Fund was not a whit too much to set apart for the purpose of introducing labour. He thought a clause might with propriety be introduced into the Bill to raise a revenue from newly issued pastoral leases, that might help to pay the interest on the railway bonds, and give confidence to the public creditor. He was not an employer of labour, and had no particular interest to serve, but, as a South Australian, he must enter his protest against the ruinous policy which the Bill before the House would initiate; and he must oppose its second reading, as the hon. the Chief Secretary had intimated that he must take it as a whole, and not attempt to modify any clause in Committee.

Mr. WATERHOUSE would support the Bill. He admitted that the old land sales system had been highly beneficial, and that it was difficult to say whether the colony owed most to the sale of land in small sections, or the continuous introduction of labourers. He was constitutionally inclined to let well alone; but he thought that where the Legislature was competent to its other duties, it must be competent to declare from year to year how much of the public revenue could be wisely applied to the introduction of labour. (Hear, hear.) It was possible, he thought, to apportion the expenditure so as not only to introduce labour, but to keep it here. (Hear.) It was quite possible that town and country parties might arise, but he apprehended no mischief from that. There was power to sell and to lease in the Bill, but there was no power to grant mineral leases. He considered such power highly essential to the development of colonial wealth. If the discoverers of pastoral districts were to have the benefit of their discoveries, surely the discoverers of mineral wealth should have a similar advantage. He was of opinion that land once having passed the fall of the hammer should be open to be claimed on lease, with a right of purchase, by poor cultivators. (Hear, hear.) He would support the second reading of the Bill, reserving the right to suggest amendments in Committee.

Mr. BURFORD did not agree with the hon. member for the Port, for he thought the altered circumstances of the colony required the alteration in the management of the waste lands proposed in this Bill. The colony had attained a pre-eminence which was likely to induce a large immigration, and if the nomination principle was adopted it would be better than any gratuitous system. He did not think the public creditor would see anything in the proposed alteration to alarm him. The best policy for the future would be to provide for the distribution of wealth, and not its concentration. That was a state of things perhaps inseparable from the old system of indirect taxation, but it required alteration. They would do wisely to resort to a better plan, and the public creditor would derive additional security from the adoption of that plan. By cutting down the size of the sections for sale to the means of humble purchasers, who would, by cultivation of their purchases, become a stalwart yeomanry, they would obtain prosperity—that best of security. He had no fear of evil from the existence of town and country parties. Opposition was always beneficial to progress. He saw nothing in the argument founded on the votes for public works. (Hear, hear.) It was found that at public meetings there was generally an outcry against immigration, but the labourers had settled the question long ago, by showing their perfect independence. He confessed that the principle of the Bill, which was like the postscript of a lady's letter, was what he most ad-

mired in it (Hear, and a laugh) If the Government could not be trusted in one respect, they could not in another, but if they had a Government in which they could trust as to public works, they should also trust them as to immigration. (Hear, hear)

Mr. **BABAGE** supported the second reading of the Bill, feeling that the expenditure for immigration should be regulated, not so much to meet the demands of a class, as to secure the general welfare of the community. He had sufficient confidence in their constitution, to leave to that House, and to future Houses, the management of all matters on which the public prosperity depended.

Mr. **DUNN** said the people were buying land weekly under the impression that when labour was required it would be imported. It was clear that when the revenue fell off, the departments would be provided for in the first instance, and a diminished sum would then, of necessity, be set apart for immigration. It should be borne in mind that this was solely an agricultural country, and that wheat was the only staple produce (No, no) To raise the price of labour 25 per cent., therefore, would be ruinous to the farming interest.

Captain **HART** felt called upon to support a proposition to set apart a certain sum for the introduction of immigrants, and he did so in opposition to a Ministry whom he had formerly opposed when they submitted a scheme for borrowing £500,000 for that very purpose (Hear, hear.) The question was, that a sum should be set apart to be held sacred until required for immigration. That was the simple principle upon which the second reading of the Bill was opposed. The Bill, however, was supported on another ground—that was, that there was no necessity at all for providing for the importation of labour. That, in fact, was the real question before the House. He was opposed to the old system where inapplicable, but a reaction was taking place. They were now in want of labour, their payments were now high enough to compete with other colonies. The question now was, were they prepared to legislate so as to compel capitalists to leave the colony as labourers had hitherto done. (Hear, hear) He maintained that the public creditor would not have the security or the confidence under the proposed arrangement that he would have if there was a fund in reserve, or a constant importation of consumers to augment the revenue to which he looked for payment. The question to be decided that day was whether or not they were to have immigration. (No, no) The argument as to trusting the Government went for nothing, as they could not introduce immigrants when they were required, if the means of the colony were already applied to other purposes, and he never knew a legislature that did not appropriate all its available means. He had purchased while in England £500 worth of colonial land for the express purpose of bringing out the artisans and labourers which he required, and the intention to leave that power out of the Bill was an evil which he would attempt to remedy in Committee, while he intended also to oppose its second reading.

Mr. **MILNEB** supported the Bill, as it proposed to carry out the great principle of the Constitution, that of placing in the hands of the colonists a control over their Land Fund. It would be the duty of the Legislature to see that the revenue was every year properly appropriated. He held that it lay with the House to determine the quantity and quality of labour required. He believed it would be impolitic at present to import labourers unless some equitable arrangement was made with Victoria, by which she would supply her own wants. He was opposed to assisting persons who on

arrival would work for themselves. That he thought would be unjust to the capitalists.

The **TREASURER** should, had he not been acquainted with the Bill, have supposed from what he had heard that it was intended to prevent immigration, while it was in fact expressly intended to forward that object. (A laugh) No clause in the Bill had been referred to as preventing the introduction of immigrants. The part of the Bill most objected to left it to the House to determine what immigration was required each year. Supposing that a portion of the revenue was laid aside for immigration, what would be the result? Under the Bill, they could offer as a security the whole of the revenue, but if a moiety were set aside—

Captain **HART** said that the Treasurer was not fairly putting his argument. He did not contend for setting apart a moiety, but a certain sum.

The **TREASURER** certainly thought he heard the word sacred—

Captain **HART** had not denied the use of the word sacred, but of the word moiety.

The **TREASURER**: that would not mend the argument, for any sum set sacredly apart for immigration would not be sacred for the payment of the interest of a debt. How, then, could it increase the confidence of the public creditor? They had sufficient set apart for immigration at present, but if, in addition to that, they had to set apart £30,000, the means of progress would be reduced to that extent. He would not recommend any loans that would involve interest exceeding £100,000 per annum, but if the £30,000 was to be set aside, he could not recommend borrowing to any such extent. No doubt the colony had progressed under the old system, but it did not follow that under the altered circumstances it should continue to prosper by that system. To introduce labourers now would be to throw the money away. Persons would combine to purchase land, notwithstanding the guarantee as to the appropriation of the Land Fund had ceased. That had not been acted on for some two years, and yet the land sales had not fallen off. After the Bill had passed, it would be competent to capitalists to purchase land in England, and get embarkation orders all the same as at present.

Mr. **MARKS** supported the second reading of the Bill. When the Government proposed to borrow £500,000 for immigration purposes, he had no doubt but that such a measure was necessary. (No, no) However, what occurred then had nothing to do with what existed now, and he could not see what object any one had in opposing the second reading of the Bill. (Hear, hear.)

Mr. **YOUNG** thought if the House was competent to deal with one-half of the Land, it was competent to deal with the whole of it. That was the principle on which the country had expressed itself fully some years ago, when objecting to the presence in that House of nominees. If a portion of the revenue was set apart for one purpose, another part could be set apart for other purposes, but it was the right of that House to deal with the entire revenue of the colony.

Mr. **REYNOLDS** supported the Bill. An hon. gentleman present had referred to his opposition purposes. There was, however, a slight inaccuracy in the reference. At that time an opposition was offered to the intention of the Government to borrow such an amount for the prosecution of public works, and the provision as to immigration was only contingent on the derangement of the labour market. (Hear, hear) Were it not for

the discovery of the gold-fields, he did not know what would have become of the unemployed labourers then in the colony. There was at that time a state of things which should not have arisen had the colonial Legislature power to alter the immigration system. He considered that the fact that a majority of the members in that House were country members, would always secure a vote for the introduction of labour when it was required. If South Australia would pay as highly for labour as her neighbours, those who were now casually employed would come in the hope of obtaining constant employment. If she could not offer such wages, the men introduced by her Land Fund would not remain, they would go to where they could obtain higher wages. They should avoid the old system, by which the colony lost, in the desertion of immigrants, a sum equal to one-half of the moiety derived from the land sales. If the motion placed on the paper by the hon. member (Capt Hart) was carried, there could be no doubt that there would be an increased demand for immigrants. He (Mr Reynolds) was also in favour of smaller sections than those containing 640 acres; but he would support the second reading of the Bill.

Mr. SCAMPELL considered that the sale of land in blocks so large as 640 acres would tend to throw it into the hands of jobbers, who would put it up and sell it to the cultivators at a greatly enhanced price (Hear, hear). He thought also with the hon. member (Mr Waterhouse) that the discoverers of mineral wealth should be entitled to leases of such discoveries. He was also inclined to consider that the leasing of land that had been offered for sale and passed would be an important mode of developing the agricultural capabilities of the colony. If some such plan were not adopted, considerable tracts of land would, he feared, fall into the hands of speculators. With regard to the principle in the last clause, if it had been acted upon some time back, the colony would have been greatly benefited. He felt that the arguments of the hon. member (Captain Hart) had been misrepresented. He merely asked for the retention of a certain sum for each year, at the end of which, if it was not wanted, it would be at the disposal of the House. He would support the second reading.

The ATTORNEY-GENERAL considered the Bill quite sure to be read a second time, but would remark on the proposition of leasing lands to persons unable to purchase them. The history of colonization was a history of the failure of every attempt to carry out such an object. It was found impossible to devise a plan to compel any person to cultivate land after it had been leased to him. It was admitted, again, that every sober and industrious man could, in a few years, be in a position to purchase land (Hear, hear). Had it not been for the disturbing influence of the gold-fields, and the loss that the withdrawal of our population had entailed on the Land Fund, he would have been probably for the appropriation of one-half of the Land Fund to immigration. But with the experience of those disturbing influences, he was for retaining the right to legislate for the colony, according to the varying circumstances of each year. If the sum proposed to be set apart was not to be expended on immigration, it was a sham. The plan of 1851, which had been referred to, was to borrow £500,000, two-thirds of which was to be expended on public works, and one-third on the introduction of labour. It was clear that, at that time, such a large expenditure would have greatly affected the labour market, and it was deemed prudent to provide for that contingency. With those remarks, he would support the Bill.

MR. DUFFIELD considered the debate had turned more on the details than on the principle of the Bill. He would oppose the second reading, because the Bill

was opposed to the principles on which the colony was founded. The three great ingredients of colonial prosperity were then held to be land, capital, and labour. It had been said that the majority in that House were country members. He said, without intending offence, that that was a mistake. Representatives of country districts they had, but the gentlemen were not acquainted with the wants of the country. When gentlemen said labourers were not wanted in the country, he told them they were mistaken, and that a great extent of land would be left uncultivated for want of labour. He maintained that the City of Adelaide and Port Adelaide had heretofore monopolised the representation of the colony. He would vote against the second reading of the Bill, not because it was intended to set aside immigration, but because he thought that would be its effect.

Mr. KRICHAUFF thought it an object of great importance to improve the means of carrying produce to market. It would also be an advantage to small landholders to allow them a few weeks to purchase land that had been passed at auction.

Mr. PEAKE supported the second reading of the Bill, reserving to himself the right to criticise it in Committee. It was a great constitutional principle that the House should keep a strict watch over its annual public expenditure.

Mr. COLE thought it impolitic to retain a larger sum for immigrants than might be required. They ought to retain in their hands the power to apply the revenue according to the exigencies of the hour (Hear, hear).

Mr. Lindsay thought hon. members who opposed the Bill might, if they carried their object, defeat their own ends. He would support the second reading.

Mr. HAY said, in reference to the remarks of the hon. members for Barossa and Mount Barker (Messrs. Duffield and Dunn), that those gentlemen might consider themselves the peculiar champions of the country interests, but he, a country member, took a different view from them, and would support the Bill. He could not consent to hand over any portion of the Land Fund to the tender mercies of any Government to be expended or not as they pleased on immigration. He thought the amount to be appropriated to the introduction of labour should be annually voted by that House. He was not for confining the House to any sum, it might be more or less, according to circumstances, than a moiety of the produce of the land sales. When labour was required it should be introduced, and when it was not wanted the money should be expended in public improvements. The Act should be so framed as to make its intention clear, and leave nothing to be inferred by Ministers. (Hear, hear)

The COMMISSIONER OF CROWN LANDS was not opposed to immigration, but he had no desire to introduce colonists who would not remain and develop the resources of the colony. (Hear, hear) He was opposed to class legislation; although he admitted that under certain circumstances it might be necessary. It would be impossible for that House to regulate the labour market, now that immigration to one colony was immigration to Australia generally. They could not reduce the cost of production of wheat by an importation of labour that would not remain in the colony, and the proposal to do so was as unsound as to propose to encourage agriculture by giving so much per bushel on wheat. He did not think any great benefit had arisen or would arise from mineral leases, neither did he think it advisable to follow the example of Victoria on the squatting question. He did not anticipate any attempts to interfere with existing contracts, and, for the rest,

he was convinced, that, to raise the price, would, owing to the distance and character of the land in new runs, diminish the revenue. (Hear)

The Bill was then read a second time, committed, and the further consideration in Committee made an Order of the Day for Friday.

IMMIGRATION RESOLUTIONS

The further consideration of these resolutions was made an Order of the Day for Friday

The House adjourned till Thursday following.

LEGISLATIVE COUNCIL.

THURSDAY, MAY 14.

TRAMWAYS

Captain BAGOT asked leave to withdraw the motion on the above subject which stood in his name, so as to enable Mr Baker to introduce as a substantive motion the amendment of which he had given notice contingently—Mr Baker wished the hon Captain Bagot to adopt his amendment in lieu of his own motion. He thought that hon gentleman the most fitting person to bring the subject forward—Captain Bagot objected to that course. If he adopted the hon gentleman's motion, and it was carried, it would place him in the position of being Chairman of the Committee, which he did not think desirable, as he had already formed and expressed such strong opinions in favour of tramways. He would ask leave to withdraw his motion altogether—Leave granted—Mr Baker still hoped the hon gentleman (Captain Bagot) would act as Chairman of the Committee (Hear, hear, and "No, no," from Captain Bagot.) He would move then for the setting aside of the Standing Orders, to enable him to bring forward his amendment as a substantive motion.—Leave granted

RAILWAYS AND TRAMWAYS.

Mr BAKER, by leave of the Council, then moved, that it be referred to a Select Committee to enquire and report whether in the general introduction of the railway system into this province, in lieu of ordinary roads, it would be most expedient to adopt the locomotive system, or one adapted to animal power, and that it be an instruction to such Committee to ascertain and report as to the comparative expense of forming and establishing such systems respectively, between any given termini, specifying separately the estimated cost of each system between such termini—distinguishing the earthwork from the rails and permanent-way—of working each system with an assumed number of passengers and amount of goods traffic respectively; and that it be a further instruction to the Committee to enquire whether the Adelaide City and Port Railway and the Gawler Town Railway might be more economically worked by animal power, and if so, what alterations, if any, would be required to convert those railways into animal-power railways, the present cost of working such railways by locomotive-power, and the mode and cost of conducting the same traffic on such roads if worked by animal power. He thought a Committee appointed with such instructions as those would meet their wants, but he did not think they had sufficiently conclusive evidence at present, for, in all the existing calculations, the premises were incorrect, having been based upon an over estimate of our population and our traffic. He granted that, in America, or even in Victoria, the system of railways might be successful, but it did not follow that it should be so here, and he must say that the experience they had already had through the Port line tended to show that its establishment was premature. His motion was not hostile to the railway system, nor, as had been reported, to the present Government. His object was rather to give the Ministry an opportunity of

withdrawing from the position they had taken—that of pledging themselves to the locomotive system.

Captain BAGOT seconded the motion.

The COMMISSIONER of PUBLIC WORKS was most happy, as representing the Government, to be able to support the motion. He did not know why it should be considered hostile to the Government, inasmuch as they were as anxious as the hon member could be for correct information, and had pledged themselves to nothing beyond the extension of two particular lines. He considered it but fair to give the question itself the advantage of full investigation before a Select Committee. It must be remembered that few persons, comparatively, in this province, had any practical knowledge of railways, which circumstance, together with the high expectations which had been formed of their value, rendered enquiry more important.

Mr MORPHEE had no intention of moving any amendment, but he should, notwithstanding, have liked the motion to have provided for an actual trial of the two systems. He did not think there were the means of information in the country; but they had railways actually at work, and if they were also to establish a line of tramway—say from Gawler to Kapunda—they might ascertain in about twelve months the comparative working expenses and general advantages of the two. He would not oppose the motion, but he thought the Committee would be going on in the dark as to the working expenses of tramways. The laying down of a short line would give more information than could be derived from examining witnesses, and he trusted the labours of the Committee would result in such a recommendation as he had suggested, otherwise he should again bring the matter under the notice of the House.

Captain SCOTT said the Goolwa Tramway would furnish the means of ascertaining the cost of working as compared with the amount of traffic. With respect to that part of the motion which referred to working the Port line by animal power, he was convinced that the plan would not do for passenger-traffic, although it might perhaps for a longer distance. There was but a single line of rails, and as that would be required, both for goods-trains and passenger-trains, the latter would only be able to perform three journeys a day, which would not answer the requirements of the public, but would drive them back to the use of Port carts. The motion was one of immense importance, as it might perhaps affect the expenditure of a large sum of money, and the fullest means of information should therefore be secured.

The SURVEYOR-GENERAL felt that it would be useless to oppose the motion, though he must remark that it was very inopportune, inasmuch as it would have the effect of delaying the extension of the railroad from Gawler to Kapunda, which he looked upon as being a matter of the very greatest importance. Other countries had consented to sacrifice the large sums they had previously expended on common roads, canals, or tramways, for the purpose of introducing railways, and he did not see why they should go back to the practice of former days in South Australia. The question was much misunderstood out of doors, and people fancied that the Government proposed to introduce a general system of railways. This was not the case. They did not recommend a railway to the top of Mount Lofty, which of course was not wanted, but simply two extensions in different directions over a country to which railways were particularly suitable. He thought each proposed line should be taken on its own merits, but they could not arrive at any fair conclusion from the traffic return and original cost of the Port Railway,

which was a short line, and had been constructed at a time when everything had to be paid for at a very high rate. He believed the Gawler line would shortly show a far more favourable result. The hon. member then read some statements concerning railways in several American States, remarking that they were found so advantageous there, that, not only did proprietors give the land through which they passed, but the settlers turned out as volunteers to aid in the performance of the earthwork. In America and Canada, they did not wait for traffic, but constructed their lines in the most economical manner, through countries very little occupied, and he should like to see this colony pursue the same plan. He certainly thought it would be a very retrograde step to convert existing locomotive lines into tramways for animal traction. He would rather maintain and extend locomotive lines in directions in which they were likely to pay.

Dr DAVIES believed the country would be ruined if the locomotive system were attempted to be fully carried out. It would be better to construct lines for animal power, which could afterwards be adapted to locomotive engines.

Mr FORSTER thought the hon. Mr Morphett had suggested the only course fairly open to them in that House. He hoped it would not be imagined that he was opposed to the railway system, which he would support whenever it should appear practicable, but the question had hitherto been argued upon fallacious grounds—a state of things had been assumed as regarded population and traffic very contrary to what really existed. It was not pretended that railways in this hemisphere would not pay for their construction, but it was contended that Government should construct them, because, out of its immense resources, it could afford to carry passengers cheaper than private persons, or, in other words, could afford to lose more by them. (A laugh.) He did not look upon the present question as one between tramways and railways, but between tramways and main roads. At present the cost of keeping the latter in repair was very large, and the question was whether, in some instances, tramways could not be advantageously used. He did not say that railways should not be constructed in some directions where the prospects were favourable, but that would not furnish the settlers in other directions with the means of getting their goods to market. It had been said that a railway was not wanted to Mount Lofty, but it did not follow that they might not want a common road. The hon. the Surveyor-General had objected to their going back to the practice of former ages. To that he would reply, that, in a new country, it was necessary to do so. Why, otherwise, had they begun by building mud huts instead of marble palaces? In a colony, with 100,000 inhabitants, it would be madness to introduce a general system of railways, but it was not madness to endeavour to secure the means of internal communication by more economical means. The hon. Surveyor-General had referred to gratuitous grants of land in America and to voluntary labour upon railways. He (Mr Forster) was ready to admit, that, if the same economical arrangement could be made here, and also be extended to the working of the carriages, he would be one of the last to raise any further objection to adopting the system. (A laugh.)

Major O'HALLORAN was glad to see that only one hon. gentleman had opposed the motion, and he would remind that hon. gentleman that the country generally had declared against a general outlay upon railways. There was no analogy between this colony and the thickly peopled States of America, nor even with the wealthy province of Victoria. He had no fear of their being said to go back. It was what they would do under similar circumstances in their private affairs. If

he were to set up a carriage, and found he could not afford it, he should retrograde, and walk on foot. (A laugh.)

Mr. BAKER, in reply, said the trial of tramways suggested by the hon. Mr. Morphett might be recommended by the Committee if they should think it necessary. But the trial must be made upon equal terms. A tramway from Gawler to Kapunda would only act as a feeder to the locomotive line leading into Adelaide, and in that case the latter would of course show to most advantage. There was no doubt that the locomotive system was the more perfect of the two, but at present they could not afford to adopt it. He fancied the hon. Surveyor-General had made something like a bull when he said that in America the inhabitants of the unpeopled districts turned out to assist in the construction of railways. (A laugh.) He imagined the lines, though passing through unoccupied land, connected thickly-peopled districts, and, in that case, there could be little doubt that both were benefited. He thought it likely that some kind of rail might be adopted which would answer the general traffic of the country for heavy as well as light vehicles, the latter turning off the line to pass the former, and afterwards drawing on to it again. He believed the hon. Captain Bagot was acquainted with some system of the kind, and he hoped, not only that the House would place him on the Committee, but that the Committee would appoint him Chairman. (Hear, hear, and a laugh.) He did not see that his motion was inopportune, as he had brought it forward as soon as possible after the Government policy had been announced. It would be far more inopportune to leave the enquiry, as had so often been the case, until the money had been laid out, and it was too late to retrace their steps.

Question put and passed, and the following gentlemen placed upon the Select Committee—Captain Bagot, the Surveyor General, Mr Morphett, Mr Ayers, and Mr Baker.

To report on Thursday, June 11.

CONSOLIDATION OF THE LAWS

Mr BAKER moved that in the opinion of this Council the mode of legislation by reference is cumbrous and inconvenient, calculated to render the law upon any given subject obscure and difficult of comprehension, that it has had the effect of multiplying the number of Ordinances in our Statute Book, and is a fruitful source of litigation and expense, and that it is desirable to repeal all obsolete and unnecessary Acts, and to consolidate the laws in force in this province. He had observed that the practice generally obtained in this colony of multiplying amendments to Acts. As an instance of this he might mention the Constitution Act, which, instead of dealing with the subject at one view, referred to several previous enactments, and even to Acts of the Imperial Parliament. It would have been much more convenient to have had their whole power comprised in one measure. The same difficulty occurred in many other cases, where, instead of referring to a single Act, it was necessary to look through six or seven—a system which rendered necessary a very frequent resort to legal advisers. He would propose that, for the future, instead of amending old Acts, they should pass new ones—a practice which was now being adopted in England, and he would suggest that the recommendation of the Commission there to that effect should be acted upon in this colony. There had been more than 300 Acts passed in South Australia, some of which had become obsolete, and others were so amended as to be unintelligible. He would like to see them consolidated and published in a single volume at a moderate price. If his motion were carried, it would become his duty to go into detail, and to recommend some mode of carrying out the principle he advo-

cated—whether by a Government Commission, by a Committee of that House, or some other means.

Mr Gwynne seconded the motion. He could hardly be expected to give a silent vote upon such a subject. Any one who chose to take the trouble of examining the various Statutes relative to aliens would see how complicated they were, as he had had an opportunity of observing on the occasion of a recent enquiry. He only mentioned that as one instance, but he could cite many others if needful. He must say, however, that much of the difficulty arose, not from local, but from imperial legislation. He might refer to the very first Bill which had been brought before them relative to tonnage dues, which commenced by reference to the Act constituting the Harbour Trust, and was sufficient to show that the system complained of was still in operation. He feared, however, that the work of codifying the statute laws of the colony would be far too onerous to be imposed upon an unpaid Committee of that House. He should be sorry to act in such a matter without a fee, the more especially as he conceived the duty to fall properly upon the paid law officers of the Crown. He would suggest, as a first step, the codifying as they went on, and the passing of no new Bill referring to a former measure. To revert to the Bill before them if that plan were adopted, they must, instead of passing a short Act, re-draw and amend the old one. That would involve so much labour, particularly if the old laws were to be codified also, that it would be necessary to enlarge the salaries and increase the staff of the law officers of the Crown. He certainly feared they would find that though the proposed method might, like the railway system, be by far the best, it would prove, like that, enormously expensive.

Captain BAGOT supported the motion. The Bill before them (the Tonnage Duties Bill), repealed part of a former Act, and added some fresh provisions to it, so that neither Act could be of any use without the other. It might be expensive to codify the law, but it would confer a corresponding benefit upon the colony.

Mr FORSTER should not have supposed, had it not been for the opinion of the hon and learned member Mr Gwynne, that the expense would be so great. It appeared to him rather a matter of scissors and paste—cutting out such clauses as were repealed, and sticking in such as had been added. But, even if the expense in printing and otherwise were large, he still thought it would be beneficial if the intention of the resolution could be carried out.

Mr BAKER feared the hon and learned member (Mr Gwynne) had somewhat misunderstood him. He recommended rather the consolidation than the codification of the laws, and that he thought would tend to make amendments less common. Many amendments had been introduced without their bearing upon existing Acts being perceived at the time, and thus laws had in some instances become so complicated, that even the legal gentlemen themselves could scarcely understand them. He had been absolutely puzzled by looking through the various Acts referring to the powers of that Parliament. One referred to another, and the Acts relating to other colonies were so drawn in, that he could arrive at no result. The hon. and learned member (Mr Gwynne) said he would not undertake the task of consolidating the law. He had hoped when the hon and learned gentleman seconded the motion, that he would have consented to do so, and he hoped so still, for by lending his efficient aid, he would justify the good opinion of the community who elected him, and would place the colony under a debt of gratitude which would never be discharged, so long as the name of Gwynne was remembered. (A laugh.) He was not sure that

the expense of printing new Acts would be any greater than that of keeping up, as was at present necessary, the copies of old ones, at all events, the convenience would be great, and, as regarded the old Acts, he thought with the hon member Mr Forster, that it would be more a matter of paste and scissors than anything else. With respect to future Acts, he would have each refer to one subject, and each made complete in itself. He did not see what tonnage dues could have to do with wharf frontages, yet both were included in the Bill to which reference had been made. If his motion were carried, he should move that it be communicated by message to the House of Assembly, from whom they had received that Bill. As regarded the labour of consolidating the laws, he trusted that he should not lay himself open to the censure, that "fools rush in where angels fear to tread," if he ventured to offer his own services to undertake the work which he had hoped to induce the hon Mr Gwynne to perform. He would himself, unless they should prefer the appointment of a Commission or a Select Committee, direct his attention to the work of consolidation, and would provide such assistance as might be necessary for the purpose.

Carried unanimously.

Mr BAKER moved that the resolution just passed be communicated by the President to the House of Assembly.

The motion was carried, and the Clerk, by direction of the President, conveyed the message to the other House.

PARLIAMENTARY REPORTS.

Mr BAKER next moved that in the opinion of this House the time has arrived when it is desirable to ensure a reliable report of the proceedings in Parliament, and the speeches of members thereof, and that it be an instruction to the Standing Orders Committee to communicate with the Standing Orders Committee of the House of Assembly, with a view to report upon the best and most economical means of procuring the same. In bringing forward this motion, he had not the least intention to complain of the reports at present published. So far from that, he considered, that, both in former sessions, and in the present one, so far as it had proceeded, they were for the most part very fair and correct. He had submitted a similar motion to the late Council, but, at that time, it was considered premature. He must say, however, that, in his opinion, the course suggested was the only way to keep public men honest. It was true they had at present the newspaper reports; but it was useless to refer to them as showing what a particular speaker had said upon some former occasion; for he would turn round directly and reply, "Oh, it's incorrectly reported, it's a horrid paper, I never said anything of the kind." (Laughter.) When he formerly brought the subject under the notice of the House, negotiations were commenced with one of the existing newspaper establishments, by means of which the published reports might be submitted to each speaker for approval, and printed afterwards in the form of a book, with which every member should be supplied, and which would constitute something like a colonial Hansard. It would be much more easy to refer to any debate in a book, than in a file of newspapers, and such reference would often be both interesting and useful in future years, as showing why any particular alterations had been made in the laws, and by what arguments they had been enforced. He thought, therefore, that they should endeavour if possible to secure such reports as he had referred to, which could be put forth with some degree of authority, bound up, and properly indexed. He had suggested in the motion, that the arrangements should be left to the Standing Orders Committee, as it referred to the busi-

ness of the House, and they had already been authorised to communicate with the other branch of the Legislature. In his own opinion, they would be quite right in incurring some small present expense for the purpose of securing the advantages to which he had referred. He said "present" because it was likely that the subsequent sale of reports would repay the cost. He had no faith in those public men who were in the habit of altering their opinions from day to day. He did not deny that there were occasions which might justify such changes, but they all knew, that, in the old country, they were very often made for the sake of place, and the same might happen in this new country. He thought such a record as he had suggested was greatly to be desired.

Question put and carried.

House adjourned till Tuesday next

HOUSE OF ASSEMBLY.

THURSDAY, MARCH 14.

The Speaker announced that his Excellency had directed the issue of a writ for Yatala, in pursuance of the vote of the House.

THE MOUTH OF THE MURRAY.

The Treasurer laid on the table a report of the Harbour-Master relating to the survey of the mouth of the Murray. It was ordered to be printed, with the charts appended lithographed.

ROADS AND BOUNDARIES.

Mr Blyth move for leave to bring in a Bill to define main roads and disputed boundaries. He had, as District Chairman, found that many roads were delineated on land-grants, but did not appear on the authenticated maps of the province, and *vice versa*. In some cases, also, roads had been altered by consent or arrangement, but, as no sufficient sanction had been obtained, cases were open to litigation. He would, by the proposed Bill, endeavour to cure these evils, and he was afraid, if it was not sufficient for the purpose, that the only remedy would be an entirely new survey of the colony. —Mr Dunn said there were many instances of roads having been enclosed without any authority. —The Treasurer thought it would be of great importance to have the public maps in duplicate, one copy of each to be deposited in the Registry Office. That would provide for the contingency of a fire at the Survey Office, and the reparation of maps worn out by daily use. He regretted that a measure which he had introduced, with the view of extending the usefulness of the Registry, had been set aside by a Select Committee to which it had been referred. He would support the motion. —Dr Wark would support the motion, feeling that it would avert much litigation. —The Attorney-General said there were two classes of questions which should be dealt with—one between individuals, and the other between individuals and the public. He apprehended that the plan of submitting private disputes to Commissioners to be paid by the parties requiring their decision would answer very well, but for the more embarrassing matters, in which the public were interested, it was a question, whether larger powers should not be granted to the Commissioners, and whether the public should not defray at least a part of the expenses. The main South-road had been laid out after the land was sold. It was adopted, and the traffic passed along it, but the Government arranged, as a compensation to the landowners, to close up the old roads. The question had, however, been raised as to whether the Government had power to close roads once dedicated to the use of the public. The settlement of that question was a matter which it would be convenient to provide for by giving in the Act a power to settle it. There were other roads laid

out, according to the maps, on precipitous land, where the owners allowed a practicable road to the public. To resume, in such cases, the authorised road, would interrupt the existing traffic. He threw out these remarks that the hon mover might, if he thought fit, include provisions in the Bill to meet such cases. —Mr Blyth said there was a provision in the Bill to meet the cases referred to by the hon member (Mr Dunn). He expressed his acknowledgments for the suggestions of the Treasurer and the Attorney-General, and would attend to them. —The motion was put and carried.

TENDERS FOR WATER-PIPES.

Mr Blyth asked the hon. the Chief Secretary why the tender of Messrs P Levi and Co. was accepted for water-pipes, in preference to that of Mr H Martin, a person tendering at a lower rate than Messrs P Levi and Co. He had, he said, no communication with the person whose tender was rejected, but asked the question on public grounds. —The Chief Secretary said the reasons why the tender in question was not accepted rested on the consideration that the house of Levi and Co. was more extensively engaged in shipping matters than Mr Martin, and that it was prudent of the Commissioners to overlook the difference in the amount demanded, with a view to secure what appeared to them the most eligible offer. —The Chief Secretary produced a number of papers on the subject. —Mr Blyth hoped the hon Chief Secretary would lay the whole of the papers produced on the table. —This was done, and they were ordered to be printed.

ADELAIDE AND PORT RAILWAY.

Mr Babbage moved for a return showing the total cost of the Adelaide City and Port Railway, and the branch lines to the wharfs, specifying the cost under the following heads. —1 Preliminary expenses previous to the passing of the Act under which the present line was authorised. 2 Earthwork on the main line. 3 Ballast on the main line. 4 Bridges on the main line. 5 Culvert on the main line. 6 Permanent-way on the main line. 7 Level crossings on the main line. 8 Adelaide Station buildings. 9 Bowden Station. 10 Alberton. 11 Port. 12 Branch lines to the wharfs. 13 Land and compensation. 14 Law. 15 Fencing. 16 Rolling Stock. 17 Stationary engine, machinery, tools, lathes, tanks, &c. 18 Management, including Secretary, Bookkeeper, &c. 19 Engineering, including surveying, chain-men, draftsmen, &c. Also, showing the amount reimbursed from the Gawler Town Railway funds for the accommodation afforded to that railway. And also showing—1 The length of the main line. 2 The length of the turn outs, sidings &c, on the line or at the stations. 3 The length of the branch line at the Port. —The value of the information asked for was so obvious, that he would content himself with moving for the returns. —The Chief Secretary would support the motion, particularly as such information was at the present time in the highest degree desirable. The information had indeed been given in other forms, but it would be a great task on the time of hon. members to classify it in the manner asked for. The Government had, however, great facilities for such a work, and had no objection to undertake it. —The motion was agreed to.

PARLIAMENTARY HOUSE AND CITY BRIDGE.

Mr Babbage moved for a return showing—1. The total cost of the present Legislative Council Chamber. 2. The cost of alterations and additions made to it, including those made to the old building. 3. The cost of furniture, &c. Also, a return showing the total cost of the City Bridge and approaches, under the following heads. —1. Expenditure on the abutments and foundation of the Torrens Bridge. 2. Expenditure on iron-work obtained from England. 3. Cost of erection and completion of superstructure. 4. Expenditure in forma,

tion of road leading to the bridge. He thought it desirable to have an account of the cost already incurred in building to accommodate the Legislature before further cost was incurred. It was the more important to have that information, inasmuch as the Governor-in-Chief had publicly referred to the application of the present building to the purposes of the South Australian Institute. He did not apprehend there would be any difficulty in furnishing the information asked for in the latter part of his notice.—The Chief Secretary suggested a verbal amendment in the notice, which would enable the return to include the cost of the whole building.—The motion was amended as suggested, and agreed to.

CITY AND PORT RAILWAY.

Mr HUGHES had given notice that he would move for a statement of the expenditure incurred in keeping in repair the permanent way of the City and Port Railway in each month since it was opened, and for a like return from the Railway between Adelaide and Salisbury. He now requested permission to amend his notice by including the cost of constructing the line to Salisbury, and the number of trains that travelled on the two different lines, and the cost of repairs occasioned by floods. His object was to get information as to the comparative cost of the two railways, as it was known that they were constructed on different principles, and such information would be useful in discussions likely to take place in that House.—The motion as amended agreed to.

QUARTZ REEF AT ECHUNGA

Mr KRICHAUFF asked the honourable the Commissioner of Crown Lands whether the Government was aware that Messrs Nicholson and Ewing claimed the same ground, or part of the same ten acres, now leased to Messrs France, Blundell, & Co, at the Echunga Quartz Reefs; and, if so, what reasons the Government had to ignore their claim, as it is stated by them that they originally opened the Quartz Reef now leased, discovered gold, and, meanwhile, expended a not inconsiderable sum. He understood that Mr Chapman originally discovered a quartz reef at Echunga, but abandoned it, when it was taken by Mr Nicholson, who occupied it constantly up to the 1st January, 1857. He would, if in order, also ask for a copy of the lease granted to Messrs France & Co.—The Crown Lands Commissioner said the Government were not aware that the ground was claimed by Messrs Nicholson and Ewing, when it was granted to Messrs France, Blundell & Co. There was, in fact, no lease granted, as without further legislation the Government had no power to grant a lease.—At the request of Mr Krichauff, the Commissioner placed the papers referred to, and other documents on the subject, on the table.

STEAM POSTAL COMMUNICATION.

In Committee.

Dr Wark moved, that with a view of establishing monthly steam postal service between this colony, Great Britain, and Europe, the Government be requested to correspond with the Anglo-French Company whose line is now established via Aden to Mauritius, for the purpose of ascertaining the amount of subsidy that Company would require to carry the same into effect. The expediency and necessity for rapid postal communication was universally admitted. A glance at the globe would satisfy any one that by far the nearest route between England and Australia was by the Mauritius. There had been a dock recently constructed at Port Louis which was the admiration of all seamen, and no matter how efficiently or costly vessels might be fitted out, repairs were sometimes required (Hear, hear) The Company also had one great recommendation—it carried out its present operations without any British subsidy. That fact would,

he thought, be a reason why they would readily enter into an arrangement with South Australia. Then, it was but reasonable to expect that Victoria would, with its rapidly increasing cultivation, soon cease to be a market for our cereal produce. The Mauritius, on the other hand, would be a certain and profitable market for our flour, while it produced and could supply us with the equally essential article of sugar. The advantages of the intercourse would be reciprocal, while by it South Australia might occasionally repay the conduct of Victoria, not in kind, but by kindly supplying her occasionally with English news.—Mr. Babbage seconded the motion.—The Chief Secretary would willingly have supported the recommendation, but was surprised to hear nothing beyond a eulogy of the Mauritius and a denunciation of Port Adelaide. (Hear, and a laugh) —The question was then put and carried.

GAWLER TOWN RAILWAY.

Mr. Dutton moved that the Honourable the Chief Secretary request the Railway Commissioners not to proceed with the works at the terminus of the Railway near Gawler Town, till the Assembly had decided upon the petition presented by him on the 12th instant.—The Chief Secretary requested the hon gentleman not to press the motion, as he was not aware what contracts it would affect, or what inconvenience or interruption of business it would occasion.—Mr Dutton assented, and remarked that, having given the necessary notice, the petition would, as a matter of course, be printed.

INTRODUCTION OF CONVICTS.

Mr Waterhouse moved for leave to introduce "A Bill intituled an Act to prevent the introduction into this Colony of convicted felons, and other persons sentenced to transportation for offences against the laws." He did not imagine that any opposition would be offered to the motion, and would merely give one or two reasons for it. It was well known that Swan River was now the only convict colony in Australia, and as it presented few inducements for criminals to remain there, it was only reasonable to assume that they would be desirous of obtaining a settlement in other colonies, and nearly the whole of the exodus of crime would reach South Australia. There was also a peculiarity in the system of transportation to Swan River. The colonists there wished to have male convicts only, and that of itself would be an inducement to the men to get away to colonies where there was not a disproportion between the sexes.—The Chief Secretary would not oppose the introduction of the Bill, but he would support no Bill that would interfere with the liberty of the subject. (Hear) The Bill was then laid on the table, read a first time, ordered to be printed, and the second reading made an Order of the Day for that day fortnight.

THE COLONIAL SURGEON.

Mr WATERHOUSE moved, that this House regrets that, after the evidence adduced before a Committee of the recent Legislature as to the nature of the duties devolving upon the Colonial Surgeon, a gentleman in the possession of a most extensive private practice should have been appointed to that office. Had he consulted his own feelings merely, he would have shrunk from that duty. Where an individual had no personal feelings to gratify, such a motion could only be brought forward under a strong sense of duty. Did it relate to a gentleman who was open to the charge of treating the persons committed to his care with inhumanity the task would be easy. Where such a motion related to a person either cruel or incompetent, he would have no hesitation in addressing himself to it. But it was a most unpleasant duty, when it referred to a gentleman of acknowledged kindness and undeniable ability—(hear, hear)—a gentleman whom he held in high respect for his eminent and estimable qualities of head and heart. (Hear, hear) His position, however,

as a member of that House, required that he should not shrink from the performance of an unpleasant duty, and his feelings, however unpleasant on that occasion, should not influence the course he deemed it his duty to take. The question was a most important one to the destitute, especially the sick destitute. It was a question of life and death. The change of Governors, or the rise and fall of parties, were matters of little moment to the poor in comparison with the manner in which the Colonial Surgeon performed his duties. A negligent performance of those duties might entail the loss of a life on which the hopes of a family hung, and leave a wife and children a helpless widow and orphans (Hear, hear.) The duties of Colonial Surgeon were described as having charge of the Hospital, Superintendent of the Lunatic Asylum, Chairman of the Vaccine Board, to advise the Government in regard of matters affecting the public health, to visit the Convict Stockade once a quarter, the Gaol three times a week, and oftener if required, to prescribe for sick destitute persons receiving Government aid, and to visit all such as were unable to leave their houses, to attend the Sappers and Miners with their wives and families, to attend the Mounted and Foot Police, to give evidence without fees at the Supreme and Local Courts, to attend when called on by the Coroner, and to examine candidates for the Police. He (Mr Waterhouse) admitted that it would be difficult to find any man more competent than Dr Gosse to perform all those multifarious duties, but owing to his extensive private practice it was impossible for him to devote that attention to those duties which under other circumstances his own kindly heart would prompt him to bestow on them. He was willing to admit that no mortal could do more than Dr. Gosse did, but then he could not do impossibilities (Hear.) Occasions would arise also when his private practice might clash with the performance of his public duties, when either the private or the public patient must suffer. The Colonial Surgeon could not be in two places at one time—(ironical cheers from the Ministry)—and then he feared that the patient on the bed of straw must die that the patient on the bed of down might live (No, no.) In the evidence given by Dr. Nash before the Estimates Committee, he was asked, "Are you allowed private practice?"—"I was allowed," he said, "to practise privately in my profession, but I felt myself obliged to give it up. I found its pursuits incompatible with a proper discharge of my public duties" (Hear.) Then question 2085—"You say you recently gave up your private practice?"—"Not recently, I gave it up by degrees. I first gave up my country practice, as I found I could not attend to it and perform the duties required by Government, and I afterwards relinquished my private practice in town." Question 2095—"Would it be desirable that a person having an extensive private practice should undertake the duties of Colonial Surgeon?"—"I should say not, the private practice or the Government must suffer, I am confident." When it came to that, when either the private practice or the Government must suffer, who was likely to suffer? Was it the private individual, who could pay for the attention devoted to him, or the poor patient for whom no extra fee was allowed? North Adelaide was as much a portion of Adelaide as Rundle-street, yet the poor of North Adelaide, although receiving aid from the public Board, were not benefited by the attendance of the Colonial Surgeon. Again, it was found necessary, in consequence of the many calls on the time of that officer, to devolve some of the duties upon the House Surgeon of the Hospital, who was thus frequently taken away from a place where he should be in constant attendance, as casualties might occur, or crises in the cases of patients, which would require his attendance. He (Mr Waterhouse) had known one instance where the Colonial Surgeon was called and kept away the whole of one day, and another occasion, in which he

was absent for several days. He did not blame that gentleman for accepting an office, the duties of which he no doubt felt himself competent to perform but he blamed the Government for appointing a person to those onerous duties who had such an extensive private practice. He would merely call the attention of the House to the evidence of the late Colonial Surgeon, and then ask them if they could come to any other conclusion than that expressed in the motion (Hear, hear.)

Mr. REYNOLDS seconded.

Mr. DUTTON admitted that a strong case would have been made out by the hon mover, had he not omitted all reference to the smallness of the salary. (Hear, hear.) He had fairly enough stated that it was an important office, and they all admitted that the poor should have the best possible medical advice. Could they, however, expect that a properly qualified person would be found to devote the whole of his time to the public duties of an office so badly paid? The hon. mover had cited suppositious cases to show that death might ensue if the Colonial Surgeon was engaged elsewhere. He was not aware that any complaint had been made, but he knew that the Colonial Surgeon was a very energetic man, and his own conviction was, that he had, up to the present time, efficiently discharged all the duties he had undertaken (Hear, hear.) He also felt convinced that in no case had Dr Gosse left home even for a day without making arrangements to supply his place (Hear, hear.) He admitted there was much force in the arguments advanced in support of the motion, and hoped the amount of the salary would be taken into consideration at the proper time, if any alteration was made as to the nature of the duties to be performed by the Colonial Surgeon.

Mr. SCAMMELL had expected to hear some cases of neglect referred to in support of the motion, but, instead of that, he heard a high encomium on the gentleman referred to. (Hear, hear.) The remark, however, that a man on a bed of straw would be left to die, that a man on a bed of down might be attended to, more than obliterated the effect of that encomium. He thought it would be time enough to bring such a motion forward when there was a complaint as to some case of neglect. (Hear, hear.) Such a feeling seemed to steal over the mind of the hon mover, when he put the next motion on the paper. He (Mr Scammell) understood that the limit of the Colonial Surgeon's duty was one mile from the Post-Office, so that he was not required to visit North Adelaide. The practice of the medical profession required talents equal to any other profession, not even excepting the law, and the fact that the Colonial Surgeon had attained eminence in his profession was a proof that he possessed such talents as justified his appointment. Was the Government, then, to be restricted to a third or fourth class man, because the salary attached to the office without private practice would not secure the services of a first-rate man? How would the principle embodied in the resolution apply to the selection of the first law officer of the Crown? Suppose the post of Chief Secretary were vacant, what would the country think of the selection of an unknown member for that office, instead of calling in the hon. gentleman, the member for East Torrens, who seemed destined to signalize himself by his brilliant display on that occasion. He would move as an amendment, that the Government acted on the right principle in selecting the gentleman who fills the office of Colonial Surgeon.

Mr BURFORD seconded.

The TREASURER, in supporting the amendment, said he was reminded, by the speech of the hon. mover, o

those offensive drugs which were carried over with sugar, or some of those deadly snakes whose skins glittered with all the colours of the rainbow. The sugar and the glitter were for the public out of doors—all those beautiful and affecting allusions to the poor man dying on his bed of straw, and the sick man recovering on his bed of down—all those were intended to take out of doors—but the nauseous kernel, the concealed venom, was—

Mr WATERHOUSE rose to order. He would ask the Speaker whether the Treasurer was justified in the course of remark in which he was indulging. He was imputing most falsely, to him (Mr Waterhouse) an attempt to deceive the House, that, with words of kindness on his lips, he had venomous malice in his heart. He could assure the House that the imputation was most unjust. He had stated his feelings, if not fully, at least fairly, in opening the question.

The SPEAKER ruled that the Treasurer had gone too far in imputing motives to the hon. member.

The TREASURER bowed to the decision of the Speaker, but maintained that some liberty must be allowed there. (A laugh.) He would show that the language of the hon. member imputed improper motives to the medical officer in question when he spoke of the patients on the bed of straw and the bed of down.

Mr WATERHOUSE explained that his object was to show that the private practice of the gentleman must interfere with his public duties.

A long discussion ensued, in which Messrs Waterhouse the Treasurer, Mr. Babbage, Mr. Reynolds, Mr. Marks the Chief Secretary, Mr. Peake, the Attorney-General, Mr. Bagot, Mr. Smedley, the Commissioner of Crown Lands, Mr. Krichauff, and Mr. Hay took part, and Mr. Waterhouse replied.

Mr. WATERHOUSE contended that his case, based on the evidence of the Colonial Surgeon, remained unanswered. With regard to the disclaimer of the Treasurer, the House heard what had fallen from the hon. member, and would judge whether he (Mr. Waterhouse) was, in bringing forward the motion, influenced by malignant feelings, while he would not say what were the motives of the hon. Treasurer in bringing forward personalities. If he expected to be treated with courtesy, he must be careful how he used language which left such an impression on his (Mr. Waterhouse's) mind, and which, he was convinced, was also the impression it made on the minds of hon. members generally.

The House divided on Mr. Scammell's amendment, with the following result.—

AYES, 19.	NOES, 8.
The Chief Secretary	Mr. Cole
The Attorney-General	Mr. Hay
Commissioner of Crown Lands	Mr. Krichauff,
Mr. Bagot	Mr. Lindsay
Mr. Blyth	Mr. Reynolds
Mr. Burford	Mr. Waterhouse
Mr. Dawes	Mr. Young
Mr. Duffield	Mr. Babbage (Teller)
Mr. Dunn	
Mr. Hallett	
Mr. Harvey	
Mr. Hughes	
Mr. Marks	
Mr. Mildred	
Mr. Milne	
Mr. Peake	
Mr. Scammell	
Mr. Smedley	
The Treasurer (Teller)	

Mr BABBAGE then moved as an amendment on Mr. Scammell's motion, that in the opinion of this House, after the evidence adduced before a Committee of the recent Legislature as to the nature of the duties devolving upon the Colonial Surgeon, it is not desirable that the gentleman holding that office should be allowed to have private practice, and that the duties of President of the Medical Board, consulting medical officer, and adviser of the Government, in all cases affecting the public health, should be otherwise provided for.—Messrs Lindsay, Bagot, and Reynolds supported the amendment. The latter gentleman called the attention of the House to the meaning of the words of Mr. Scammell's amendment, now the motion. It was, that it was the right principle to appoint an officer to the performance of important public duties who had extensive private business of his own to attend to. With regard also to the argument of an extensive practice being a proof of ability, he wished to know how far that went in the case of a purchased practice.

Mr SCAMMELL explained that his words were intended to affirm the principle that it was right to secure the best possible medical advice and aid for the poor. (Hear, hear.)

The amendment was negatived and Mr Scammell's motion was carried.

Mr WATERHOUSE then moved, that a return be laid on the table of this House of the number of visits per week paid by the Colonial Surgeon to the Destitute Asylum—also, what days and hours he appoints to see the destitute out-patients.

The CHIEF SECRETARY said the return should be made out if, after the recent decision of the House, the hon. gentleman required it.

Mr. WATERHOUSE would wish to see the return.
House adjourned until next day.

HOUSE OF ASSEMBLY

FRIDAY, MAY 15.

PETITION.

The Treasurer presented a petition, signed by nearly 400 naturalized Germans, praying that German colonists may be allowed to participate in the advantages of the Immigration Fund.—Received and read.

REGULATION OF WASTE LANDS BILL.

IN COMMITTEE.

The House went into Committee upon this measure, and the two first clauses were passed as read.

Mr BURFORD asked if the use of public lands for building purposes, referred to in the third clause, signified for use of churches and chapels.

The COMMISSIONER of CROWN LANDS said churches and chapels were not intended, schoolrooms and such buildings were referred to.

Mr BURFORD moved the addition of words "not being intended for purposes of worship." That would make the fact more clear.

The COMMISSIONER of CROWN LANDS did not think it would be necessary to make this alteration, as it was understood that the Legislature did not interfere with religious matters.

Mr DUTTON remarked that schoolrooms might be used for public worship if not guarded against by the Act.

Mr BABBAGE suggested that the kind of schools should be described, and that water-reserves should be provided for.

The COMMISSIONER of CROWN LANDS thought the clause was explicit enough. He believed it would be best to decide about the kind of schools when the question of education was before the House.

Mr KRICHAUFF proposed that the reserve of quarries should be provided for.

The ATTORNEY-GENERAL thought they had better have the clause in general terms, because if they defined a few things to be reserved, others would be supposed to be excluded from not being mentioned.

Mr BURFORD's resolution was put and carried, and the clause was passed.

Mr LINDSAY proposed a new clause in the place of No. 4.

The TREASURER thought that notice should be given of so extensive an amendment as that now proposed.

Mr BURFORD proposed that "100 acres" be substituted for 640, proposed in the clause.

Mr DAWES would second the amendment. Everybody must be convinced that the selling of land in small blocks was of the utmost importance.

The COMMISSIONER of CROWN LANDS agreed with those remarks generally, but would observe that the Government should possess power to sell land in large blocks, when required for pastoral purposes.

Mr PEAKE would confine the small-block system to the counties and hundreds, and let the land beyond be sold in large quantities. Opportunities should be given to men of property to obtain estates, just as to small farmers liberty was given to obtain homesteads.

The TREASURER thought the clause had better remain as it stood. The Government had always supplied purchasers with small blocks in sufficient quantity, and they would no doubt continue to do so. The Legislature should favour no class, but give all classes equal opportunities.

Mr BABBAGE, Dr. WARK, and Mr. DUTTON thought the existing system had worked well, and did not need to be altered.

Mr BAGOT suggested that an area of two or three hundred acres should be inserted in the place of 640 acres.

The CHIEF SECRETARY urged that the clause should remain as it stood, the Government having power to sell small blocks as required.

Mr KRICHAUFF proposed that the large blocks of 640 acres should be divisible into four small blocks.

Mr DAWES urged that there should be reserves for roads through blocks of 640 acres.

Mr DUFFIELD was of opinion that the selling of large blocks was very useful as a mode of getting rid of bad ground with good. The Government should be allowed a latitude in the matter.

Several amendments were proposed and lost, to fix the sale of blocks at about eighty acres; after which, an amendment was proposed by Mr. Duffield, that a

right to make roads through 200-acre sections should be reserved by the Government, on which point the Commissioner of Crown Lands stated a separate clause should be prepared for the purpose.

Clauses from 4 to 9 inclusive were agreed to.

The 10th clause was withdrawn, in order to be incorporated with an amendment of Mr Krichauff, that land passed at auction should not be sold by private contract at an earlier period than four weeks after it was offered by auction.

The 11th clause was withdrawn for further consideration.

The House resumed; the report was brought up, and leave given to sit again on Tuesday next.

IMMIGRATION RESOLUTIONS.

Made an order of the day for Tuesday.

House adjourned till Tuesday.

LEGISLATIVE COUNCIL.

TUESDAY, MAY 19.

PARLIAMENTARY ETIQUETTE.

Major O' HALLORAN had just been in that part of the House of Assembly which was understood to be set apart for members of the Legislative Council, and to his surprise an hon member took notice of his presence as a stranger, and an indignity was thus put upon him, and upon the Legislative Council, as he considered, viz, that of his being desired to leave.—The President had heard, by a new arrangement, that the members of the Legislative Council were to be accommodated with the other end of the Chamber, instead of at that on the left of the Speaker's chair. He undertook to communicate with the other House on the subject.

MR. BENNETT HAYS.

Mr Forster asked the hon. Commissioner of Public Works whether Mr Hays had obtained any sum of money from the Commissioners in England for what he called a patent right in connection with the construction of breakwaters.—The Commissioner of Public Works said Mr. Hays had received from £500 to £600 from the Commissioners, but he could not at that moment say how far this had been approved of by the Government here. The correspondence on the subject should be laid before the House in a day or two.—Mr. Forster would not, on that understanding, take any further action in the matter.

MYPONGA AND YANKALILLA.

Dr. EVERARD moved that returns be laid on the table, showing the number of acres sold in the Hundreds of Myponga and Yankalilla, with the amount realized for the same; also, the amount expended by the Central Road Board in that locality, and the amount laid out upon the jetties of Rapid Bay and Yankalilla. He had been requested to bring this matter forward, and he believed it would be seen that the settlers in those hundreds had very great reason to complain of the Central Road Board. The quantity of land purchased entitled them to some means of arriving at their respective localities, but at present they had little means of doing so. When first the hundreds were declared, the settlers were in the habit of coming into town by the Myponga, or (as it was commonly called) the Honeysuckle Flat, and thence to Willunga. That road became too much cut up for use, and they then went by Loud's Hill. There they were soon cut off by fences, no road having been reserved, and they had to take a far worse way by Sellick's Hill, which was dangerous to life and limb. They sought legislative sanction to the improvement of that line, and a Bill for the

purpose was brought into the late Legislative Council by Mr Blyth. When that Act was assented to, the settlers in the south-western district thought they would get an available line, but they calculated too quickly, for the Central Road Board declared that there was no money to be spared for the purpose. Eventually the Board sent their chief officer—the Inspector-in-Chief he believed they called him—to survey a line, but he (Dr Everard) must say that that gentleman was a man of a very peculiar temperament (A laugh) He would rather choose the more difficult than the more easy line, the more expensive than the less expensive. Thus he avoided Sellick's Hill and found an opportunity of showing his skill in making a bridge over a gully—he was a noted bridge-builder' (A laugh) That line, for one mile and a-half, would cost the public £12,500. He (Dr Everard) had taken an opportunity of pointing out to the Road Board the useless expense likely to be thus incurred, and had told them that its adoption was in effect the putting off of the road, as he might say, *ad Græcas calendas*. They thought perhaps that he was not interested, but he was—and they were all interested in matters of public expenditure. He therefore determined to examine the locality more closely, and took out with him a very talented surveyor, Mr Murray, who showed him a line quite as short as that suggested by Mr Hamilton, and which could be made for £2,500. But the Road Board appeared to consider it quite *infra dig* to take the advice of private individuals, and the hon Surveyor-General declined the responsibility of going against the letter of the Act, which contained the words, "at or near Sellick's Hill." This was the more singular, as the hon Attorney-General had given his opinion that the Act would allow a deviation, and furthermore Mr Hamilton's line deviated quite as much as that laid down by Mr Murray. He (Dr Everard) thought the settlers in the Hundreds of Myponga and Yankalilla might expect from the Central Board an available road; and he would put it to the hon the Commissioner of Public Works whether he would investigate the matter, or whether he (Dr Everard) must ask leave to bring in a Bill to amend the Act No. 20, 1855-56.

Major O'HALLORAN seconded the motion *pro forma*, though not agreeing with all the hon mover's remarks. There were fortunately three members of the Central Road Board present—three, at least, who were members at the time referred to—and he thought they would uphold the opinion and report of the Inspector-in-Chief, which had already received their confirmation. As far as he remembered, he thought they had full reason to put faith in that report.

The SURVEYOR-GENERAL would not oppose the motion, as the returns would be valuable, but, in the name of the Central Road Board, he must repudiate the insinuation that an expensive line had been purposely selected. The country had been very carefully examined, and three separate lines had been reported upon. The result was that McRae's Hill was not considered as good as Sellick's, although the Attorney-General's opinion showed them that they might have taken it had it been desirable. The hon member had said that he (the Surveyor-General) had declined to act upon the Attorney-General's opinion. In answer to this, he must say, that the words "or near" were inserted with Mr Blyth's consent, for no other purpose than to give permission for the road to avoid the summit. Mr Blyth consented to that in the full faith that it was not intended to go by McRae's Hill. The Board, he believed, was already arranging for the making of a practicable road by Sellick's Hill.

The COMMISSIONER of PUBLIC WORKS concurred in the remarks of the hon the Surveyor-General, and bore testimony to the intelligence and capacity of Mr

Hamilton. He was happy to place upon the table the returns for which the hon member had asked, and he might say that though the Central Road Board had laid out a little money only in Myponga and Yankalilla, there had been quite as much public money expended there as the population warranted. Myponga at the last census contained only 337 inhabitants, and Yankalilla 1,015. The amount of money paid for land was only £53,000. The outlay on jetties, &c, had been nearly £5,000, and a further sum of £2,500 was voted for further improvements.

The motion put and carried.

DUTIES ON THE MURRAY.

Captain HALL moved—That there be laid on the table correspondence between this Government and the Government of Victoria, on the subject of duties leviable on goods sent up the Murray for consumption in Victoria and New South Wales, prior to the establishment of the late existing arrangement.—He thought the House should be put in possession of the full correspondence which had led to the charge made against our Government by Mr Childers. He was not at all surprised at that gentleman's having felt annoyed, for he was Collector of Customs at Melbourne at the time, and perhaps at first thought the Murray trade too insignificant to notice. But it afterwards became more important, and the Melbourne merchants sent their tobacco round that way to gain the benefit of our tariff. He did not think the House should suffer our Government to remain under the imputations made by Mr Childers. He therefore moved for the returns, with the object of introducing a resolution on the subject.

Mr. MORPHETT seconded the motion.

Mr. BAKER did not object to the motion, but he was inclined to think that the original proposition of the Victorian Government ought to have been accepted. They only asked us to collect their duties at our Custom House, and they seemed to consider that the question of smuggling was their affair, not not ours.

The COMMISSIONER of PUBLIC WORKS said the whole of the correspondence, except one letter, was already printed. The sole unpublished letter, dated April 2, 1857, he begged to read and lay upon the table. It was addressed to the New South Wales Government, and its purport was to decline an assimilation of the tariffs: He trusted that a future opportunity would be given to the Government of discussing the remarks of Mr. Childers. As regarded the hon. Mr. Baker's remarks, it would not have been honourable to leave Victoria open to the loss which would have arisen from smuggling.

Mr. BAKER said the Victorian Government had offered to run that risk.

The COMMISSIONER of PUBLIC WORKS: the Victorian Government had used language, and put a necessity upon this colony, as regarded the adoption of their tariff, which, if this colony had consisted of slaves, might have been submitted to, but it could not have been borne by free and honourable men, nor would any men of business have assented to such an arrangement as was proposed.

Mr. YOUNGUSBAND remarked that the difference of duties upon tobacco was very great, and that it would be almost impossible to prevent smuggling without an officer upon every boat. There were 10 or 12 boats now, and there would be more, so that the cost would be about £1,500 to £2,000 a year to protect about £15,000 or £16,000's worth of property belonging

to the other colony—15 per cent. upon the amount to be collected.

Captain HALL had brought the motion forward for the purpose of enabling the Government to assert its own dignity, which he did not think it had sufficiently done at present, so far as he could see from the published correspondence in the Council Paper No 23. The Government did not, he thought, come out with a very good grace. It was Mr Childers's want of consideration and foresight which had led to all the difficulty. He never ought to have consented to our collecting duties on tobacco at our own rates, which led to a sort of semi-*illicit* traffic on the part of the Victorian merchants. The question of the Murray traffic might now be very easily settled upon the basis of Mr Donaldson's conciliatory letter. He did not see that the Custom House officers need be paid, as the hon Mr Young-husband appeared to suppose, by this Government. They must be paid by the Governments of New South Wales and Victoria who wanted them. (Hear, hear.) Mr. Childers had, in the first instance, very much underestimated the amount of the Murray traffic, but he must not be allowed to visit his sins upon our Government. It was for the sake of throwing back the stigma into his teeth that he had brought forward the motion.

Carried without a division.

TONNAGE DUTIES REPEAL BILL.

The COMMISSIONER of PUBLIC WORKS moved the second reading of this Bill. Its objects were twofold—first, to repeal the tax on shipping imposed in 1854, and, secondly, to substitute certain wharfage rents. The Act of 1854 had been passed with a view to meeting the expense of deepening the harbour, but it had been found to interfere more with shipping than was intended. The object of the present Bill was to repeal that tax and to substitute for it the revenue which would arise from the leasing of wharf frontages opposite to which vessels might lie. The increased line of water frontage would facilitate the operations of foreign shipping, and would thus benefit the consumer of imported goods. At present our regulations were rather obstructive, but the proposed alteration would tend the opposite way, and it would also be convenient as regarded railway traffic. He might further remark that the proceeds of the existing tax had not come up to £2,000 per annum, so that they were not in reality effecting their object. It was provided by the Act now sought to be repealed that the Treasurer should lay by £10,000 per annum towards the payment of the harbour trust loan of \$100,000 and interest, which the tax did not enable him to do. The wharfage rents now proposed would remove this difficulty.

Mr. MORPHETT seconded the motion, considering the Bill a step in the right direction. They could not at present make a free port, but they might do something towards it. The expenses of the Port, though not brought before them by petition, were grievously felt as a burden by foreign shipowners, and the evil of course fell upon ourselves as consumers. If the fact were doubted, he would say that the outlay of a vessel of 1,000 tons had been, upon visiting Port Adelaide, \$103 4s; and, if the cost of towing were added, the amount would be £170 16s. Let them compare that with the cost of English or of other colonial ports, and it would be found very large. He therefore supported the Bill, as it would tend to remove this great objection to our port. Besides that, the service of deepening the harbour, for which the dues were levied, was not as yet performed. The money was not yet expended, and vessels were still put to great expense for mooring and unmooring in consequence of the harbour not being sufficiently deepened. He knew of one ship

lately that had been removed for this reason three times. The second object of the Bill seemed to him perfectly legitimate—the leasing of water frontages for the purpose of improving the harbour. The plan was by no means new. He might refer to Glasgow as a precedent. He was told, though he could not speak to the fact, that the rents would amount to far more than the duties proposed to be repealed. This seemed a good arrangement, as the money would be gained, and yet the burdens would be removed from the shipping.

Captain HALL did not feel himself much enlightened by the explanations which had been attempted. The Bill was a hybrid production, having reference to two matters wide as the poles asunder, for the leasing of the North-parade was wholly unconnected with the repeal of the tonnage dues. As regarded the latter, he had hoped at first that the Government intended to abandon them simply because they could afford to do without them, and he was not prepared to find them seeking an equivalent in some other shape. But he really did not see why they need be abandoned. They had never, so far as he knew, been complained of, nor did he believe they were felt to be oppressive or unjust. It was true the money arising from them had not as yet been expended, but there was nothing remarkable in that. The usual course in England was to impose light dues as soon as the first stone of a lighthouse was laid. In such cases the ships were charged before they received any benefit, but really it was not so here, for, though the deepening of the harbour was not completed, it was in progress, and the ships had the advantage of cent per cent upon all they paid in the reduced charge for ballast. No explanation had been given of the amount expected to be received from the leasing of the North-parade, nor were they told where the money was to come from to make the ground available. The Act now sought to be in part repealed made no provision for the purpose. He considered that in passing the Bill, they would be parting with the substance for the sake of the shadow—losing their harbour dues without securing their rents. The Harbour Trust had never done more than deepen the centre of the stream. They had never come within 100 feet of the banks. It would require the raising of 300,000 tons of silt, and would occupy the steam-dredge for at least six years, at a cost of £30,000. If that amount were to be taken from the sum of £100,000, supposed to be available for the deepening of the harbour, how would the Harbour Trust be able to deepen the bars, and make the port of Adelaide, as they were prepared to do, worthy of the capital? They had imported machinery for this purpose, and would carry it out if their money were not diverted to other purposes. He had not heard the port charges complained of, except by the colonial steamers and even they did not refer to the harbour dues. There had been an injustice at first in levying duties upon vessels which only came to the Lightship, but that had been removed by a minute of the Harbour Trust. Reference had been made to the necessity of frequent moorings and unmoorings, but this difficulty had been to a great extent removed by the operations of the Harbour Trust in deepening the stream. Taking the average of vessels which came into the port, they received much more than an equivalent for the dues they paid. As to leasing the North-parade, he should imagine it would require a special Act, for it was a reserve for the public, and could be no more taken up for private purposes than Victoria-square.

Mr. BAKER felt some difficulty in dealing with this the first Bill sent to them by the other House. Perhaps the better way would be to go into Committee, and agree upon some message to be sent to the House of Assembly. The Standing Orders did not provide for such Bills.

The PRESIDENT said the same course must be taken as if the Bill originated in the Legislative Council.

Mr BAKER must in that case vote against the Bill, as he really could not understand its provisions. He read the second clause as a specimen of unintelligible legislation, and confessed that he could not make out what it meant. He also objected to the Bill on account of its referring to subjects totally unconnected with each other. He hoped the hon. Mr. Gwynne would give them the benefit of his legal knowledge in explaining the Bill, which he must say was a disgrace to its framer.

The COMMISSIONER OF PUBLIC WORKS begged to remind the hon. member that the Bill was not brought forward by its framer. It was sent up by the other House. Again, they were not now discussing the separate clauses, but the principle of the Bill, so that he thought the hon. member was hardly in order.

Mr BAKER could not understand the principle of the Bill, and that was one reason why he complained of it. There was nothing in its wording to show him that the walls of the wharfs were not to be carried out into the middle of the stream in such a manner as to obstruct the harbour. He should certainly vote against the repeal of the tonnage dues, but he would support the leasing of the wharf if a separate Bill could be introduced for the purpose. They had sent a message to the House of Assembly on the subject of legislation by reference, and it would certainly be very inconsistent with that resolution to pass the present Bill.

Mr YOUNGusband did not think the wharf would yield so much as had been estimated. Not less than 300,000 tons of silt must be removed, at a cost of £40,000, and other expenses would bring up the sum to £60,000. The rent at present derived from Queen's Wharf was £600, and £400 for the warehouses, which conveniences there were not on the North-parade. It would appear, therefore, that the latter would scarcely yield more than a fair interest upon the necessary outlay. He would, however, support the removal of the tonnage dues and should therefore vote for the second reading of the Bill.

The SURVEYOR-GENERAL supported the motion, and observed that the two subjects introduced into the Bill had been already brought before them in the Act now sought to be repealed. It was evident that even the Harbour Trust had found the existing duties oppressive, and as regarded the abandonment of any portion of the revenue, he must say, if the other House, which had more particularly the charge of the revenue, assented to it, it was scarcely for that House to object (Disapprobation.) If the Harbour Trust felt it difficult to part with the fund raised by tonnage dues, they could possibly make it up in some other way—perhaps by raising the price of silt for ballast. He trusted the Bill would be read a second time.

Captain BACOR opposed the motion. He considered that the repeal of the tonnage dues would be a breach of faith with the public, for they were imposed as a means of repaying a loan. It was not alleged that those dues were found to be oppressive, even in the case alluded to by the hon. Mr. Morphet it was not shown how much of the amount charged to the vessels had arisen from tonnage dues. Our port could never be made a free one, there were not more than two or three such in the British dominions, and they were all open roadsteads. Take the Cape, for instance. It was free indeed, but the cost of lightering was far greater than any dues would come to. Such ports as Glasgow, Liverpool, and London had been made at great expense,

and the money was raised by means of dues while the process of improvement was in progress. Why should we expect our port, which was a close port, to be completed before any dues were collected? As regards the leasing of the North-parade, he looked upon it as a most Utopian scheme, for no person would take the land under the proposed conditions.

Mr FORSTER should feel it his duty to support the motion, because he saw no reason why the Bill should not be read a second time. It had been said there was no reason why the tonnage dues should be taken off. It was at least as good an argument to say that there was no reason why they should not be removed. They had to compete with other harbours, and therefore they should make the expenses of our own as light as possible. It had been objected that the Bill included two separate matters; but he could see no objection to this, as both might fairly be considered as belonging to the Harbour Trust. An hon. member had said that a special Act would be required for the leasing of the North-parade; but to this he would reply, that the Bill under consideration would form in fact the special Act for the purpose. As regarded the deepening of the harbour in front of the locality in question, he did not see that the Harbour Trust would be required by the Bill to do this out of their present revenue. He must say he had heard many complaints of the costliness of our port, and he thought it highly desirable to relieve the vessels trading here from as much burden as we could. He saw no breach of faith in the proposed repeal of duties, for the Act establishing them was passed by a Legislature which did not so fully represent the people as the present Parliament; therefore the existing Houses might be supposed to guard at least as carefully the public credit. He thought the abolition of all charges upon shipping desirable, as far as it could be effected in a new community; therefore he agreed in the principle of the Bill, though he saw that the wording of some of the clauses would require alteration. It would have been desirable that the second reading should have been deferred until they had come to some arrangement with the other House about the consolidation of the laws, but they must not stop legislation for that purpose, and it was certainly desirable to avoid upon any small matter a collision with the other portion of the Parliament.

Mr GWYNNE said there was at present no certain legal definition of the Port. It was true that the Harbour Trust had adopted limits of their own, but it was to be wished that the Act should contain some authoritative description, as at present it was doubtful where ships should discharge their cargoes in accordance with the tenor of their bills of lading. He had no alternative but to vote against the second reading of the Bill, as its passing would be wholly opposed to the resolution lately adopted by that House condemnatory of Bills having reference to unconnected matters. The two subjects included in the Bill had no connection whatever, except as regarded locality, for they certainly both referred to Port Adelaide. The repeal of tonnage dues had nothing to do with the disposal or the leasing of the waste lands of the Crown, and upon the latter subject he believed there was already a Bill before the other House of Parliament. He did not see that it was necessary to repeal the harbour dues, as their collection was not compulsory upon the Harbour Trust; and, as regarded the rest of the Bill, it was so inaccurately, uncertainly, and he might almost say unintelligibly drawn, that he thought the House, for that reason, if for no other, would be justified in throwing it out. Among its various incongruities he might observe that, though the tonnage dues were taken away from the Harbour Trust, the rents to be raised from the water frontages were not given to it, but to the general revenue.

Dr. DAVIES saw so many objections to some parts of the Bill that he should vote against its second reading. It appeared to him that the leasing of the North-parade was an attempt to force Port Adelaide in the wrong direction. (Hear, hear) It should increase down the stream, not up the stream. He would move, as an amendment, that the Bill be referred back to the other House.

The PRESIDENT said that would be out of order.

The COMMISSIONER of PUBLIC WORKS rose amidst cries of "Divide" and "Hear, hear." He was inclined to move an adjournment of the debate, as they had not a very full House, and he should feel it a misfortune for the Bill to be thrown out by a small number of members. ("Go on") It was not competent to him to move an adjournment, but perhaps some other hon. member might consent to do so ("Go on") If it were the determination of the House, to proceed, he would endeavour to say a few words in reply. First, with regard to their recent resolution, he must remark, that it was passed on the 14th of the month, two days after the House had received the Bill, and fixed its second reading for the 19th. To adhere so closely to that resolution as to stop legislation would be going further than he was prepared to do, especially as, in sending the resolution to the other House, they had included no request for compliance. He would put it to the House whether it would be fair to stop legislation upon such grounds. The objection that the passing of the Bill would be a breach of public faith seemed to him incautiously put, for the tonnage dues were not at any time landed over direct to the holders of bonds; they formed no distinct fund, but were paid into the Treasury, as the rents of wharfs would be. The amount of the latter would be greater than that of the former, so that he really could not see how there could be any breach of faith. Even the calculations of the hon. members who had spoken on the subject, though they varied from each other, showed that the proposed alteration would rather increase than diminish the revenue. It had been said that no complaints had been made of the tonnage dues. He must remind the House that the Chamber of Commerce had complained, and also that several captains had objected to the high charges of our port. On the other hand, he might remark that no objection had been raised to the repeal of the duties. The hon. Mr. Gwynne had said the levying of the dues was not compulsory upon the Harbour Trust. If so, he would only say, why retain an Act which was not necessarily operative? The effect of the Bill, it could not be denied, would be to render our port more attractive, to lessen the price of imports, and increase the value of exports. He came to the conclusion, therefore, that the House must assent to the second reading of the Bill, unless, indeed, they should determine to throw it out upon a mere question of form. He agreed with the hon. Mr. Forster in thinking that a collision ought to be avoided, especially at so early a period, and under circumstances which might occasion irritation and misunderstanding.

The House then divided on the motion "that the Bill be read a second time."

AYES, 6	NOES, 6
Mr. Morphett	Dr. Davies
Capt. Freeling	Dr. Everard
Mr. Forster	Mr. A. Scott
Mr. Younghusband	Capt. Bagot
Mr. Angus	Mr. Gwynne
Mr. Davenport (Teller)	Capt. Hall (Teller)

The numbers of the ayes and noes being equal, the President gave his casting vote for the ayes, explaining that he did so to allow of further discussion on the subject of the Bill.

Bill read a second time, and ordered to be considered in Committee on Thursday, 21st May.

House adjourned till Thursday.

HOUSE OF ASSEMBLY.

TUESDAY, MAY 19.

PETITIONS.

Mr. Reynolds presented a petition from the creditors of Borrow and Goodiar, praying that their claim be taken into consideration, and, if necessary, that they be heard by counsel at the bar of the House.—Mr. Duffield presented a petition from 100 electors of Barossa, praying to be heard at the bar of the House concerning the return of Pr. Dean, but as the signatures were not on the parchment, but on a piece of paper pasted to the parchment, it was pronounced informal.

A STRANGER IN THE HOUSE.

Mr. Dutton called the attention of the Speaker to the fact that there was a stranger in the House. This was understood to refer to the Hon. Major O'Halloran, who at once withdrew.

HOUSES OF PARLIAMENT.

Mr. Bagot asked if the site of the new Houses of Parliament had been fixed.—The Chief Secretary said it had not.

POSTAL COMMUNICATION.

Mr. Waterhouse asked if any communication had yet been received in answer to the letter of this Government to England, on the subject of postal communication, sent in June last.—The Chief Secretary was not aware that there had been.

RIVER MURRAY TRADE.

The Chief Secretary, in answer to Mr. Waterhouse, said no fresh information on the subject of the Murray River trade had been received from the neighbouring colonies.

PAPERS.

The Chief Secretary laid on the table returns showing the number of visits paid by the Colonial Surgeon to the Destitute Board, also, returns from the Port Adelaide Corporation.

REGULATION OF WASTE LANDS BILL.

IN COMMITTEE.

The COMMISSIONER of CROWN LANDS moved the House into Committee on the Waste Lands Bill, and proposed that the 10th clause do stand as read.

The ATTORNEY-GENERAL proposed, in accordance with a suggestion made when the clause was postponed, that the following words be inserted:—"Within a period of four weeks from the sale by such auction; or, if more than one person shall apply to purchase the same, within such period of four weeks."

Mr. HAY opposed the proposed alteration. Its effect would be to give the land agents a month to carry out their objects, when they should not have an hour. He was for the clause as it originally stood.

Dr. WARR, Mr. HUGHES, the TREASURER, and Mr. BABBAGE, agreed with Mr. Hay.

Mr. NEALES objected to going backward in the spirit of legislation. Public advertisement in the first instance was sufficient notification of the intended sale of the land. The best way to cut off land jobbing was to cut off larger deposits.

The COMMISSIONER of CROWN LANDS withdrew his amendment, and the clause was agreed to.

Mr NEALES, during the discussion of the 11th clause, urged the importance of fixing a larger deposit than even 10 per cent on the purchase-money

Mr HUGHES moved that 20 per cent be inserted in the clause. He would himself prefer that the whole of the money should be paid down.

Mr BLYTH thought a bona fide purchaser would not object to pay 50 per cent. It would be the land jobbers only that would object.

The TREASURER thought the payment of at least 10 per cent. should be required, but they should be careful not to raise the deposit higher than 20 per cent.

Mr. REYNOLDS would go for 10 per cent deposit, as under that arrangement men had often been tempted to make purchases who would have been deterred had a larger deposit been required.

Captain HART supported the amendment. He was convinced that many a poor man had lost the section which he had set his heart upon by the operation of the old system.

Mr. MILDRED would also support the amendment, as he believed its effect would be an unmixed good.

The ATTORNEY-GENERAL believed that the Commissioner of Crown Lands would have no objection to include in the clause a minimum deposit. He referred to cases in his knowledge where land was run up above its value by speculators and the deposit forfeited, after which the land was again put up and sold for one-third of the price it was first knocked down for.

The amendment introducing 20 per cent deposit was agreed to.

During the consideration of the 12th clause,

Captain HART enquired whether a discoverer of pastoral lands at the expense of the Government would be entitled to a lease.

The COMMISSIONER of CROWN LANDS said it would be competent to the Government to reserve such discovery from the operation of the clause. At present the first applicant would be successful, in the event of two applicants, the one who first stocked the land would get the lease, in other cases the Commissioner was empowered to settle disputes.

Mr. LINDSAY suggested the introduction of words limiting the area to be leased to a discoverer to twenty-five square miles.

Captain HART said the limit should be as heretofore—to the number of stock. Twenty-five square miles might be more than one man could stock, and not enough for another man's calves.

The COMMISSIONER of CROWN LANDS said the land always improved by occupation, but in the far north twenty-five square miles would be useless or would not induce occupation. It would therefore not be judicious to limit the extent of the runs to be leased in the far interior.

Mr. WATERHOUSE thought it was the feeling of the country that the Crown lands should be made the source of an increased revenue, and that upon the expiration of the term the leases should be put up for sale by auction. In justice, however, to the sheep-farmers, it would be but right to offer the sale of the leases twelve months before the expiration of the term. (Hear, hear.)

The COMMISSIONER of CROWN LANDS quite approved of the proposal to put up for sale the leases twelve months before the expiration of the term.

The clause as amended was then agreed to

The COMMISSIONERS of CROWN LANDS submitted a clause to provide for granting of mineral leases of tracts of land not exceeding 40 acres, not to extend beyond 14 years, as also for the resumption of land under certain regulations.

Captain HART said such leases would be useless if granted with any restriction as to the working. The public interest would be secured by the proposed rental of 10s per acre, and the expiration of the lease at the end of 14 years.

Mr BLYTH moved the postponement of the clause.

Mr. NEALES thought it should be deferred, as it was a most important one. He believed that in a few years the mineral export would beat both the wool and wheat export. He could not see the justice of requiring 10s. an acre for rocky land, while the same land would be given for 2d an acre for another purpose. He was for securing the proper working of mineral lands; and it should be borne in mind that the lessee should have a right to claim the lease of Crown land through which the lodes ran. The difference between the rents of the pastoral leases and the mineral leases would not be allowed long to continue. In fact it would be found that a large extent of surface need not be charged under a mineral lease as the principal working would be under ground. He argued that competition in mining should be encouraged, and leases of ten acres of auriferous quartz should not be allowed. There would be no excuse for giving leases to look for gold, but facilities should be given for copper and lead mining. He would not charge more for using the land on the surface for mining, than to those who use the surface for grazing purposes. Then if small rewards were offered for the discovery of iron, copper, and lead persons would come forward and divulge their discoveries. He would tack the reward to the discovery, and publish it in the *Gazette*, so that any man who wished to take it up could do so on paying the reward. He also thought that there should be a power to renew mineral leases as in Cornwall. A Committee of that House, or some other competent authority, should define the nature and conditions of the leases, for it depended upon that whether they were to have in the colony one or a dozen Burra Burras. One mine had yielded £7,000 in six months, but it had, like others, through neglect and ignorance in its management, been sold off under the Winding-up Act. Heretofore the expense of machinery deterred all poor men from mining, but now Tuxford and others would lease engine-power. He hoped the clause would for the present be withdrawn.

Mr. PEAKE thought they were bound to develop the vast mineral wealth of the colony, and agreed with the last speaker that it was not good policy to charge a surface rent for mineral land. He would give the surface for the discovery of the mine, but he would look for a contribution from the results of the mineral workings.

The CHIEF SECRETARY thought there should be a condition in the mineral leases that the land should be worked, otherwise the leases might be applied for merely to strip the land of its timber.

The COMMISSIONER of CROWN LANDS said the rule now was to require one year's rent in advance to cover the expense of surveying, otherwise persons might call for leases, and after the land was surveyed they

might not take it up. He thought there were many reasons why a provision to compel the working should be embodied in a mineral lease. The station of a squatter, for instance, or a water reserve, might be claimed. He had no objection, however, to withdraw the clause for further consideration.

Captain HART thought a state of things had been supposed which could not occur. A station could not be claimed and certainly would not be granted if there were no evidence that there were minerals there. Waste land, except for mineral workings, would not be worth 10s per acre. He thought the proposed restriction would operate most injuriously to the interest of poor discoverers, by compelling them to work the mines before they had made the necessary arrangements.

The TREASURER opposed the view of the hon. member (Captain Hart). Some reasonable condition should be enforced, not to obstruct, but to regulate the working of the mine. It was clear that the holder of a short lease might make the greatest profit by a negligent system of working the mine, which would greatly deteriorate if not destroy its value.

The ATTORNEY-GENERAL said the only object of the condition would be to secure the use of the land to the purpose for which the lease was granted. There could be no objection to a condition which the interest of the lessee would induce him to comply with, but the public interest should be protected in those cases where the lessee neglected to comply with the conditions.

The clause was postponed.

The COMMISSIONER of CROWN LANDS, in reply to Mr. Hay, said many of the runs were let for less than their present value. That value, however, had increased since they were first let. There were hundreds of square miles now unoccupied, and would remain so until some person would expend time and capital to improve them. The lands that were now so valuable near Mount Remarkable would, in all probability, be taken for agricultural purposes before the term of the leases would have expired. Indeed, it was generally admitted that the poorer runs were the best bargains, as being least likely to be interfered with.

Clause 14 was read.

Mr. KRICHAUFF proposed the addition of words, to grant leases for timber cutting on the unsurveyed lands of the Crown.

The clause, as amended, agreed to.

The 15th, 16th, and 17th clauses, agreed to.

House resumed, the report was brought up, and leave given to the Committee to sit again on Friday.

IMMIGRATION RESOLUTIONS.

IN COMMITTEE.

The COMMISSIONER of CROWN LANDS moved the first resolution, namely, that it is not expedient to appropriate any fixed proportion of the revenue derived from the sale of waste lands to immigration purposes annually out of the general revenue.

Carried.

The COMMISSIONER of CROWN LANDS moved the second resolution, that, inasmuch as the revenue of this province has for several years past been devoted to the introduction of immigrants in a larger proportion than those of the adjacent colonies, it will not be expedient to introduce immigrants wholly at the public expense, after the amount now in the hands of the Land and Emigration Commissioners shall have been

expended, unless some provision is made which will afford a reasonable security that the immigrants so introduced shall remain at least twelve months in the province. That, he said, would put an end to the system, by which thousands of pounds had been wasted in the introduction of labourers for the adjoining colonies.

Mr. MILDRED submitted an amendment to the effect that immigrants should sign an agreement to continue in this province two years, or else that they should repay any portion of their passage-money which might be demanded by the Commissioners.

The CHIEF SECRETARY said they might require the immigrants to sign such engagements, but they could not enforce them, and to make laws which could not be enforced was only to bring law and law-making into contempt.

Captain HART complained of the resolution as illogical. The class of labourers which was most required, the farm labourers, were altogether unable to pay any part of their passage-money, and should be brought out free of expense. The Commissioners, no doubt, had reasons for rejecting applicants, and the proposed plan would not give the power of selection. How could they deny a person of 18 years of age the remission in the price of land. It was the want of proper selection of immigrants in England that had caused the loss heretofore. If they had had a proper agent in England, the number of ineligible females they were lately burdened with would never have been thrown upon their hands. By the proposed scheme they would not get the class of labourers they most required. As a general principle, the purchasers of land should have the right of introducing their own labourers, and there was no certainty whatever that assisted immigrants would remain in the colony.

The ATTORNEY-GENERAL said the hon. member (Captain Hart) had charged the resolution with being illogical, and he must charge the hon. gentleman with being either illogical or unintelligible. (Hear, hear.) To all that had been advanced by the hon. member against the resolution, he would resort to the hon. member's speech for an answer. He said that probably the persons who were rejected by the Commissioners were not of a proper class, but he afterwards said, truly enough, that the great evil they had to complain of was the want of proper selection on the part of the Emigration Commissioners. The resolution appeared to him to be harmless. He believed that there would be a great difficulty in retaining immigrants. Their experience had shown them the futility of attempting to counteract the influence of existing temptations. He thought the best policy, therefore, under the circumstances, was not to expend their funds on the introduction of immigrants whom they could not keep. He did not say that the Government plan was the best, but it was better than any he had as yet heard discussed. The three colonies of New South Wales, Victoria, and South Australia formed now a common labour field, and a rise in wages in any one of them would draw off the population from the others. The very argument that South Australia had recently paid more than her proportion for immigration was the best, that could be advanced in favour of a cessation of that expenditure.

Mr. BABBAGE confessed that he did not see the logic of the resolution. What was the reason they had not kept their immigrants? Was it because they brought out more than they wanted, or was it because they did not remain? (Hear, hear.) He confessed that he was in doubt as to whether the resolution intended that they

were to drop free immigration, or to adopt assisted immigration.

Mr PEAKE said it was to him a clear matter, that they had been expending on immigration more than their share for the benefit of the adjoining colonies. It was, under the circumstances, quite natural that they should retrace their steps. With regard to the coercive measure recommended by the hon. member (Mr. Mildred) it involved a weakness in attempting to keep men from the place or the employment which would suit them best. He agreed in all that had been said as to the inferior selection of immigrants sent out by the Commissioners, and that to his mind was a strong and conclusive reason why the colony should take the matter out of their hands.

Mr. MACDERMOTT had had some experience of the impossibility of regaining payment for introducing labourers. He had brought people to Western Australia, who remained by him while provisions were at a famine price, but they would neither remain nor refund the expense of their introduction when they could do better elsewhere.

Mr. HUGHES said to affirm the resolution would be to say that the Land Fund belonged to the working men now in the colony ("No, no") If they attempted to keep up the rates of wages by public works to induce men to come here from other colonies they would destroy the Land Fund, for no one could then buy land. When they attempted to attract labourers they would attract from the nearest source, and that would be the destruction of their own farmers. The resolution said, in effect, that, when the money now at home was expended, no more should be applied to immigration. (No, no) He understood that the tide of immigration was turning from Victoria, and that the people were returning to South Australia, as they before did from New Zealand. He maintained, that, with all the Attorney-General's knowledge of logic, he had not made out a case to reconcile him to the resolution, which only proposed to resort to immigration, when, according to his own showing, an impossible state of things came to pass.

The TREASURER said the present policy of the Government was expressed in the resolutions, but altered circumstances might compel them to change that policy. Whenever they could be assured of retaining immigrants, then they would be for introducing them free at the public expense.

Captain HART said it was neither to the credit nor the dignity of the House to make such remarks as were frequently indulged in by the other (the Ministerial) side of that House. He always avoided personalities, and he should take care not to be goaded into any such unbecoming course (Hear, hear.) If there was to be no immigration, until the immigrants could be kept, which it was admitted was impossible, then there would be no immigration, and if so, there would be no necessity for the appointment of a special agent for the colony. (Hear, hear.) There was, however, one way to keep labour after it was introduced, and that was by paying the current rate of wages in the colony. Had the hon. member for Finders done so, he could have kept his labourers at the Swan as he (Captain Hart) had at Adelaide. He had now men in his employ brought out by him three or four years ago. Those men he brought out by means of a land purchase, but the resolutions would give no such facilities in future.

The CHIEF SECRETARY said the great object they had on that side of the House was to show the futility of any attempt to retain immigrants in the colony by coercion.

Mr. BURFORD thought they had thrown away so much money that they would act wisely in adopting the resolutions. He thought the fourth resolution would enable a person to introduce such labour as he required without even having to purchase land.

The House divided on the amendment, when it was lost by a majority of 10.

AYES, 18.

The Chief Secretary
The Attorney-General
The Treasurer
Mr. Macdermott
Mr. Leake
Mr. Peake
Mr. Harvey
Mr. Lindsay
Mr. Krichauff
Mr. Scammell
Mr. Hay
Mr. Burford
Mr. Smedley
Mr. Milne
Mr. Dawes
Mr. Hallett
Mr. Cole

NOES, 8.

Mr. Hughes
Mr. Blyth
Mr. Marks
Mr. Mildred
Mr. Babbage
Mr. Duffield
Mr. Dunn
Captain Hart (Teller).

The Commissioner of
Crown Lands (Teller).

House resumed, the report was brought up, and leave given to the Committee to sit again on Friday.

ELECTORAL LAW AMENDMENT BILL.

This Bill was made an Order of the Day for Friday.

House adjourned until 1 o'clock next day.

HOUSE OF ASSEMBLY.

WEDNESDAY, MAY 20.

PETITION.

Mr Bagot presented a petition signed by the Rev. John Gardner, on the part of the Presbyterian Church, praying that the new Marriage Bill be not sanctioned by the House. He need scarcely say that he did not agree with the prayer of the petition, since it was against a Bill which he had introduced himself. But he thought every member was bound to present a petition when requested to do so.—Received and read.

ADJOURNMENT.

The Attorney-General moved, that the House at its rising, adjourn till Friday, on account of the necessity of the members being present to-morrow at the Court of Appeal. He would also move that the notices on the paper for to-morrow, be orders of the day for Wednesday next.—Agreed to.

RAILWAY EXTENSION.

Mr. MILNE moved an address to his Excellency the Governor-in-Chief, requesting him to cause the engineer officers of the Government to survey a line of road for a railway from the east side of Mount Lofty Range, in a direction as near as may be east to the banks of the River Murray, and to lay the estimates of cost of constructing the said railway before this House, in order to enable this Parliament to judge of the advisability of Passing an Act and providing funds for the said work. His idea was, that a line might be made from the Thirty-nine Sections down to the crossing-place at the Murray. A railway in this direction would, undoubtedly, carry produce from the agricultural districts of the colony to the river at a rate much lower than by any other way. As all that was now asked for was, that a survey should be made, he was

surprised that a contingent amendment should have been placed on the notice paper against it by the hon member for Encounter Bay, who was desirous of giving birth to a more ambitious project. He thought that hon member would have acted with better taste had he made his amendment assume the form of a distinct and separate resolution.

Mr DAWES seconded the motion. He believed no one would deny how important it would be to open an outlet for the produce of the colony, beyond the Mount Lofty Ranges. He found that the traffic in that direction was exceedingly great, and would fully justify the proposed scheme. The expense would no doubt be great, but as to the engineering difficulties which had been spoken of, they were not to be thought of. It was merely a matter of pounds, shillings, and pence.

Mr LINDSAY moved a contingent amendment of which he had given notice, to the effect that his Excellency be prayed to direct surveys to be made, with a view to show whether a general scheme of railways throughout the colony might not be adopted. His object was not to oppose the motion which had been proposed, but to have it considered in connection with a general plan. The hon gentleman had referred to the report of Mr Hamilton on the Strathalbyn line in which report Mr Hamilton spoke of a mode of formation introduced by Captain Freeling, whilst the truth was, that that mode had been in use in America for twenty-five years. The fact that Mr Hamilton should refer to this as something quite new, showed how much English engineers required information of what was going on elsewhere.

The COMMISSIONER OF CROWN LANDS expressed himself in favour of the original motion, but was sorry the survey was not be extended to Adelaide. He believed there were many lines across the ranges which would be found practicable without any extraordinary difficulties. A line in that direction would be one-half the distance of the line by Moorundee and besides that, it would pass through the Mount Barker district, one of the finest in the province.

Mr DUNN supported the motion, referring to the cereal produce and timber supplies to be derived from the Mount Barker district. The north had its railway, the south its jetties and tramway, and the east, the best and richest district in the colony, was entitled to the benefit sought by the motion.

Mr MILNE obtained leave to amend his motion so as to include the recommendation of the Commissioner of Crown Lands.

Mr BABBAGE thought it would be found advisable, in the present state of the trade and finance of the colony, to lay down a tramway, and not a railway. He thought the Surveyor should, concurrently with the proposed survey, make a survey for a tramway, otherwise the work might, under a vote of that House, have to be made at a considerably enhanced expense over again.

Mr KRICHAUFF saw no necessity for the amendment, and called attention to the fact that there was an unexpended vote of £500 to survey the best trunk line.

The CHIEF SECRETARY would give his reasons for supporting the motion, and avoid the general question. He was at a loss to know the definition of the word tramway. That should be known before they legislated upon the subject. He understood a tramway to be a railroad with a weight of rail insufficient for locomotive traffic. Whenever he used the term railway, he

meant such a railway as would bear locomotives. With these remarks, he supported the motion.

Mr NEALES seconded the amendment. He did not at all adopt the definition of the Chief Secretary. They had a knowledge that wooden rails shod with iron-hoop carried locomotives in America, so that it was not a question of light and heavy rails. Tramways could be formed at gradients, which would answer for animal power, but would not answer for locomotives (Hear, hear). He was satisfied that the heavy engines on the Port line were daily laminating the rails. He had on a former occasion proposed a motion almost identical with that before the House, but it was laughed at. He was happy to see the altered feeling of the Legislature on the subject. He might also say that he was convinced that the opening of the tunnel would open up mineral riches which would more than pay for the undertaking. (Hear, hear)

Mr MILNE would, with the consent of Mr. Dawes, introduce after the word "railway," the words "for locomotive or animal power."

Mr BURFORD would insist on the introduction of the word tramway.

The COMMISSIONER OF CROWN LANDS said that before they could supersede the present stone roads with advantage they must attain a gradient of one in fifty. The gradients for a railway and a tramway must be the same (No, no). The danger was very great of using higher gradients on an iron road. The tramway at the Dry Creek was about one in forty, and there had been already more than one serious accident there.

Mr DUFFIELD imagined the question was as to a survey (Hear, hear). The difference of opinion as to railways and tramways must call for an enquiry by a Committee of the House. His enquiries—and he had consulted the best books he could find—led him to a different conclusion from that of the hon member, (Mr Neales). He was no engineer, and would not put his opinion in opposition to that of the hon member, (Mr Babbage). The colony had some knowledge of that gentleman's abilities, and had not been greatly benefited by them. One thing he would, however, venture to say, and that was, that when they came to sell tramway bonds they would not command a premium in England as their railway bonds did. (Hear, hear). He was not, however, for a single survey, but would rather have a comprehensive system of surveys.

Mr BABBAGE did not object to the term "railway" for animal power, but to the difference in the cost of construction between the two sorts of railway. He also maintained that very different gradients could be made available in one case from the other. The main object was not to attain great speed, but to avoid the incessant cost of repairing their common roads. If the interpretation given by Ministers to the terms "railway" and "tramway" were correct, there would not be any necessity for two surveys.

Captain HART thought, as one who had before given an opinion, it would be well to say something on the matter. The great question was to attain the greatest extent of communication with the amount of funds at their disposal (Hear, hear). If they could gain a greater amount of accommodation at less expense by tram than rail, then the question was settled. He understood that the timber had to be imported for the permanent-way on both railroads, and he was satisfied that cheaper tramways could be formed, to give place in time to the locomotive railway. He had a conviction that the engineering authorities who had been referred

to would, if they knew our circumstances, give opinions the opposite of those quoted (No, no) He recollected the hon. Treasurer giving expression to doctrines on the Bullion Act, founded upon great authorities, but they found that those authorities, when acquainted with the circumstances, gave a very different opinion. (No, no, from the Treasurer) The food of the iron horse here was eight times dearer than in England, the food of animals of draught was generally about the same. In England, rapid travelling was a matter of great importance, but here the goods traffic was the great matter, and speed was not so essential. He looked forward to the application of the superseded tram to the purpose of laying down lines of feeders for the improved locomotive lines. The tramway could be laid down by less expensive labour, and the material would be the produce of the colony. All the materials on the Port and Gawler Town railways were imported—

Mr DUFFIELD said the bulk of the timber certainly was imported, but a large proportion was colonial. The Central Road Board had many complaints of district roads being cut up by the carts supplying timber to railways.

Captain HART still the great bulk of the timber, and all the other material, except the ballast, was imported. He regretted, for the sake of the Mount Barker district, that the tramway idea was not taken up by the Government, as a railway was. The Government seemed to be afraid to try the tramways, although the only experiment made in the colony paid its expenses and yielded a profit. They seemed to be afraid of becoming too successful. His view of the case had gained ground out of doors, and he did not despair of seeing the gentlemen on the Treasury benches converted to that opinion soon.

Mr DUNN said there was an abundance of timber in the valley of the Onkaparinga suitable to railway purposes, and not subject to the ravages of the white ant.

The ATTORNEY-GENERAL referred to occasions when the hon. member, (Captain Hart), evinced a very thin-skinned sensibility, and asked whether it was possible to make a more offensive imputation against the members of Government than that involved in the charge of being afraid to try the system of tramways lest they should be too successful. He flung back the imputation, and remarked that the hon. gentleman was fond of acting the part of a prophet, and often referred to cases where his predictions were verified. He thought the records of that House would show that three predictions of the hon. member had been falsified for the one that had been verified. Apart from that the hon. gentleman must support the motion, as he said that his view was that no further expense need be incurred than the taking up the lighter rails and putting down heavier ones. He (the Attorney-General) protested against the idea that they were to construct public works not by the best means, but for the purpose of consuming colonial produce, and employing colonial labour.

Mr BLYTH thought a fair and clear definition of what was meant should be given by both sides. He understood clearly enough the cheap and efficient tramway at the Goolwa, and the expensive and unsatisfactory railway to the Port. He believed the country generally, and the majority of members in that House, considered the inexpensive plan best suited to the present condition of the colony.

Mr MILNE, it being 3 o'clock, moved the suspension of the Standing Orders.

The House divided on the question, which was negatived by a majority of 19.

MARRIAGE LAW AMENDMENT BILL

Mr BAGOT moved the second reading of this Bill. Public attention had, he said, been aroused to that subject by the newspaper press, and also by the publication of a pamphlet. He regretted that the discussion should have arisen after, and not at the introduction of the Bill. In the late Legislature the Bill seemed to meet with general concurrence, and he admitted that it would not be in order to discuss the merits of a pamphlet published out of doors. Still he might say that its arguments, if they could bear examination, would derive additional weight from the position of the author (Hear, hear). As, however, the argument really would not bear examination, he would, without further preface, proceed to state, that the object of the Act was to declare valid a marriage between a man and his deceased wife's sister. He thought that as the law did not sufficiently place that matter beyond doubt, it was necessary to bring in the present Bill. The Act 5 and 6 William IV declared marriages within the prohibited degrees illegal. In an Act, the 25th Henry VIII, cap 22, such a marriage as the Bill referred to was illegal, but that Act was repealed by a subsequent enactment, the 28th Henry VIII, cap 7, and the only prohibitions that remained were as to matters contrary to Scripture. Then came the Canon 99, of 1603, which declared such marriages illegal, but he could not see how such a Canon could apply to that colony. As there was, however, a difference of opinion on the subject, he thought the time had arrived to settle the question, and as he had the assurance, that the Chief Secretary and the Attorney-General were in favour of the principle of the Bill, he hoped the Ministry as such would support it. He hoped the Bill would be supported if it could not be shown that it was opposed to Scripture or morality. It had been said that the English Parliament had invariably thrown out a similar Bill, but he called attention to the fact that it had been repeatedly passed by the House of Commons, but was thrown out in the House of Lords by priestly interference and for the furtherance of priestly influence. When they looked at the effect of the measure they must conclude that many children would, by its operation, be placed under the best and most natural protection. It was said indeed that the law would be repugnant to the law of England, but he could see nothing in that, inasmuch as it had been carried through the House of Commons, and would have been the law of England had it not been for the opposition he referred to.

Mr HUGHES looked on the principle of the Bill as most important and objectionable, and would move that it be read again that day six months. The hon. gentleman had not shown any necessity for the Bill. It was true that he had said a pamphlet had been written, and that a newspaper had taken up the subject, but he had not shown that the public required such a measure. The Act stated that there were doubts on the subject, but there was no doubt if the law of England applied in this colony. (Mr Burford—No.) The hon. gentleman understands the law better than I do. (Hear, hear, and a laugh.) The hon. gentleman should, after breaking down that fence of the social system, go further, and do away with the laws against bigamy. It would be extremely difficult to quote anything from the Scripture against polygamy, but the law, as it stood, had been in force in England for many ages, and from that it was certain a majority must have been in favour of it. He maintained that a lady would be a better protectress to the children of her deceased sister as an aunt than as a mother-in-law. He believed that the proposed law was opposed to the law of England, and

would much like to hear the opinion of the Attorney-General.

Mr. MILNE seconded the amendment. He thought they should, if they wished to keep that a Christian country, make laws of a Christian character. Mr. Stuart Wortley, the great champion of the proposed change in England, admitted that if such marriages were prohibited in Scripture the question was settled. In the Levitical law a man was forbidden to approach in marriage those near of kin—a word which referred to affinity as well as consanguinity, and who could, short of that, be nearer akin than a sister-in-law. In the prohibited degrees, a man is forbidden to marry his brother's wife, and if they took the converse of the prohibition, it would be, thou shalt not marry thy sister's husband. He found that all Churches which claimed Christian origin, the Romish, the Greek, and the English Churches, agreed upon that point. If the authority of the Canon was questioned, he would only say that it rested on the same authority as the 39 Articles, the Book of Homilies, and the Book of Common Prayer, as they were all settled by the same convocation. In the Church of Scotland a man may not marry any relative of his wife nearer than he could of his own. That was expressly stated in the Confession of Faith, chap. xxiv. 4, that was part of the law of Scotland during its independence, and was confirmed for ever by the Act of Union. All the Churches that had standards to refer to agreed in prohibiting such marriages. It was incumbent on those who were in favour of the Act to show that it would improve the social relations and morals of the people before they asked the House to legislate against their long and deeply seated convictions. He would have no objection to refer the question to the ladies of the colony. He was convinced they would vote against it. (No, no.) A sister visiting the children of her sister would have to restrain her affections, lest she should be suspected of having ulterior personal views. He hoped the day was distant when, in that colony, marriage should be looked upon as a mere civil contract.

The COMMISSIONER of CROWN LANDS would support the Bill. If he could find no moral or social objections, which he could not, he considered the matter settled. They had decided that there should be no State religion, and to prohibit any act on merely theological grounds was a tyranny unless there was a State religion. There was, in his opinion, no resting-place between a State religion and non-interference in religious matters. (Hear, hear.) He fully concurred in all the arguments advanced in favour of the measure, and would support the Bill.

Mr. BURFORD had the same idea of a Christian country as he had of a State religion. He thought it was to their honour that they had commenced a new state of things, and got rid of a State Church. If the Bill was not passed they would be going back to the middle ages, and submitting to be governed by councils and convocations. He could respect the Scriptures, but he despised State Church councils and convocations. (Hear, and a laugh.) He thought he had as good means of knowing the opinions of people out of doors, as most members, and they were decidedly in favour of the Bill. (No, no, and yes.) He thought the fact that the Bill was repugnant to English law a great recommendation. (A laugh.) They had exhibited their repugnance to English law, in abolishing a State religion, and in the adoption of the ballot, as also in the admission of Jews to Parliament. (Hear, hear.) Repugnance to English law formed no ground of objection in his mind, and he would support the Bill.

Mr. MARKS supported the Bill. He had known many cases where ladies made exemplary wives to the hus-

bands of deceased sisters, and took the greatest care of the children of their deceased sister. With regard to the Levitical law, he could, as a Jew, say that they did not understand it to prohibit such marriages. He referred to the cases of Abraham and Jacob, and remarked on a case decided in Scotland four months before, in which a marriage with a deceased wife's sister was held valid. In the 18th chapter of Leviticus he found words forbidding indeed the taking a wife's sister, but implying that, after the death of one sister, a man may marry the other. The most talented men in England had decided that there was no immorality in such marriages, and there was a provision to verify this in the book of Deuteronomy requiring a younger brother to marry the widow of his deceased elder brother, and, if he refused, a penalty was imposed. He trusted that the Bill would receive the hearty sanction of the House.

Mr. SMEDLEY thought the measure had been treated too lightly. He had endeavoured to consider it seriously. Hon. members might not be in the habit of consulting their wives in the matter of legislation, but as he had a wife blessed with good common sense, he had consulted her. (Hear, and a laugh.) He would take no authority in a question of that sort except the Bible. He had referred carefully to it, and he asserted that he could find no positive prohibition in it of such marriages. He then referred to the possibility of his having to choose a successor to his wife, and she had earnestly recommended, should the necessity arise, the selection of one of her sisters. (Hear, hear.) Feeling also that it was the wish of the colony generally, he would vote for the second reading of the Bill.

Mr. BABBAGE contended that Christian liberty should not be fettered by the book of Leviticus. Meats were forbidden, sacrifices regulated, the Sabbath year enacted by that book, and it would not be right to make law in accordance with a book that had been, so far as they were concerned, abrogated. They should take the whole law of God as the basis of their legislation. He had noticed that the regulation of the early Christian Church forbade the person who married his wife's sister to fill even the lowest offices of the Church, but that was the extent of the penalty, and there was no further prohibition.

Dr. WARK supported the second reading of the Bill. He could not recognise any obstacle to matrimony but consanguinity. (Hear, hear.) He would only, for his own part, regard marriage as a civil contract. He would not interfere with the religious ceremonies which people thought fit to celebrate, but he would regard marriage as a civil contract only. He had known such marriages as the Bill referred to to have produced the most happy results, and he never knew a child to be ill-treated by such a step-mother. He thought the hon. gentleman who introduced the measure scarcely gallant, as he should and he ought to have allowed the widows to marry their deceased husbands' brothers.

Mr. KRICHAUFF said he drank in with his mother's milk the feeling that marriage with a deceased wife's sister was not only valid, but desirable. He was surprised to find, in fact, that any doubt could have ever been raised on the subject.

The ATTORNEY-GENERAL had been requested to refer to the legal aspect of the question. He had great doubt whether such marriages were prohibited in that colony by the Marriage Act of 1835. They could be declared null by certain Ecclesiastical Courts in England, but as there was no such machinery in this colony, he had doubts whether such marriages could

be declared illegal here. That doubt was a reason why all doubts should be removed, and if he had no doubt, he would be all the stronger in favour of the Bill. He agreed with the hon member (Mr. Babbage) that, as they were legislating for Christians, they should legislate upon Christian, and not upon judaical principles. He thought that no man should be compelled to do a thing which he believed to be wrong, neither would he forbid a man to do a conscientious act merely because he (the Attorney-General) thought it wrong. (Hear, hear.)

Mr BAGOT said the argument of the hon member (Mr. Hughes) amounted to the dictum that he had no doubt, and therefore there was no doubt. (Hear, hear.) He could not help remarking on the gross and sensual line of argument adopted in opposition to the Bill. That any woman would live with her married sister, and speculate on her death, was an idea most gross, sensual, and devilish, and he could not entertain it. (Hear, hear.) He was glad to hear the remarks of the hon member (Mr. Marks) of the Jewish persuasion, and hoped that an infusion of his co-religionists into the English Parliament would secure the speedy triumph of the measure in England. He moved that the Bill be read a second time.

The Bill was read a second time and committed.

Mr. BAGOT moved that the first clause do stand as printed.

Mr BURFORD moved that the words "also between any person and her deceased husband's brother" be inserted.

Mr BAGOT opposed the amendment. It introduced matter which had not been so fully discussed as the matter dealt with in the Bill as it stood and he thought its favourable reception would be secured in the Legislative Council by withdrawing the amendment.

The ATTORNEY-GENERAL would support the amendment if pressed, but recommended its withdrawal.

Mr. BURFORD consented.

The clause was agreed to and the preamble read.

Mr MILNE moved a clause of which he had given notice, to this effect, "that it shall not be compulsory for clergymen to celebrate marriage with a deceased wife's sister." He had been informed that if the Bill passed the House it would be compulsory on clergymen to celebrate such marriages. (No, no.) He had a legal opinion to the effect, but would be glad to have the opinion of the hon Attorney-General.

The ATTORNEY-GENERAL could not, without reference, give an opinion, but he thought a minister of religion licensed or permitted to celebrate marriages could not be compelled to do so. Deputy-Registrars could be compelled, but ministers could not. He would, however, be prepared to support the amendment.

Mr. MILNE read an opinion by Bartley, Bakewell, and Stow to the effect that a clergyman would not be exempt by the Court on conscientious scruples from celebrating such marriages, and the clergyman might be liable to an action for refusal.

Mr BAGOT, in reply to that opinion, said the position of a clergyman here, where there was no State Church licensed to marry, was in a very different position from a clergyman of the Church of England in England. He would not, however, in respect of conscientious scruples, oppose the amendment.

The ATTORNEY-GENERAL dissented from the opinion. He thought that, inasmuch as clergymen were licensed to perform certain functions by reason of their religious character, the Court would respect the religious scruples of such ministers, and hold them harmless for their refusal to celebrate such marriages on such grounds.

The amendment was added as a proviso to the clause.

House resumed, report brought up and adopted, and the third reading made an Order of the Day for Wednesday next.

House adjourned until Tuesday next.

LEGISLATIVE COUNCIL

THURSDAY, MAY 21.

Mr E Stirling appeared in the Council for the first time since his recent accident, and having taken the oath, and signed the declaration required by the Act, took his seat as a member of the Council.

PETITION.

Captain Bagot presented a petition from eight of the creditors of the late firm of Borrow and Goodair, praying for a speedy settlement of their claims. He stated that it was a counterpart of the petition presented to the House of Assembly, where he presumed action would first be taken on the subject, but the petitioners thought it respectful to present it also to that House — The petition was received and read.

ADMISSION OF MEMBERS TO THE HOUSE OF ASSEMBLY

The President announced that, in consequence of what had occurred in the House of Assembly in reference to the presence there of the Hon Major O'Halloran, he had spoken to the Speaker on the subject, who stated that such arrangements would be made as were necessary to prevent the recurrence of the same objection.

QUESTIONS

Mr Younghusband asked why the promise made by the Chief Secretary during the last session of Council, with reference to the extension of the postal communication from Moorunde to the corner of the colony, on the Murray, had not been carried into effect — The Commissioner of Public Works said that the tenders sent up for the service had been considered too high, but that a vote had been placed on the Supplementary Estimates for that purpose.

Mr Younghusband asked the date of the first instructions given to Captain Cadell relative to the expenditure of the sum of £2,000, voted on the Estimates of this year, for clearing the River Murray — The Commissioner of Public Works said the instructions were not given before the 6th February.

Dr Davies asked what number of convicts having tickets-of leave had been sent back by Victoria to this colony, and what had been the expense entailed on this colony in consequence — The Commissioner of Public Works replied that he had not been able to find any records on the subject.

TONNAGE DUTIES REPEAL BILL.

IN COMMITTEE

On the reading of the first clause which provided for the repeal of the tonnage dues on vessels entering Port Adelaide,

Captain HALL expressed his determination to oppose it. When the Bill was introduced, it had been argued

that the tonnage dues should be repealed, because they had fallen short of the amount anticipated. He did not think that a sufficient reason why the amount of £2,500, which they might anticipate from that source towards the expenses incurred in deepening the harbour, should be thrown away. Besides, he did not think there was any connection between the repeal of the tonnage dues and the proposal for the leasing of the North-parade included in the Bill. He moved that the clause be struck out.

Captain BAGOT seconded this. Enough had been said during the former debate to show the propriety of striking out the clause. Whether a revenue could be raised by the leasing of the North-parade or not, that was not the time to abandon the tonnage dues. When they were in receipt of £10,000 a year from the leasing of the North-parade frontages, that would be the time to give up the present tonnage dues. But, though he did not object to the leasing of the North parade, he had very little expectations of any good results arising from it.

Mr FORSTER called attention to the fact that they had already affirmed the principle of the Bill, which was the repeal of the tonnage dues on shipping. Having admitted the principle, the Council could not consistently act in opposition to itself by striking out the clause.

The COMMISSIONER of PUBLIC WORKS had expected, from the time which had elapsed since the second reading of the Bill, to have heard from the hon member (Captain Hall), some more powerful reasons for his objections to it than those he had used. The hon member said that the Bill was introduced because the tonnage dues had not been so great as was expected. He denied that any such argument was brought forward by the Government when the Bill was introduced. The Act No 20 of 1854, authorised the raising of a loan of £100,000 for deepening and improving the harbour, and provided that the interest and amount required for a sinking fund should be taken from the general revenue. The amounts raised by harbour dues were also paid into the general revenue. The abolition of those dues, and the leasing of the North-parade, would not only bring in a larger amount to the general revenue, but would also be of greater public benefit.

Mr ANGAS said it had always been his impression that the tonnage dues were imposed for the purpose of meeting the interest of the loan for deepening the harbour. He thought it a very bad principle when a loan was effected, and certain taxes were levied to meet it, to remove those taxes from one source, and seek to derive them from another. But in this instance he was disposed to support the clause, for he thought the shipping should be relieved as much as possible of any taxes or impositions, though he thought it would have been a more straightforward course had the Government introduced a Bill for that special purpose, without connecting it with another of so foreign a nature as the leasing of the North-parade. He should oppose the motion for striking out the first clause.

Mr MORPHEIT was glad the hon member did not intend to oppose the clause. With regard to the remarks of the hon. member, respecting the object of the Bill, he would remind him that he seconded the motion for its first reading, and stated that he did so because it was designed to relieve the shipping interest. The hon member had said that it was not right to raise a loan, and impose taxes for its liquidation, and then seek to raise the amount from another source of taxation, but he submitted that the revenue to be derived from leasing the North-parade was no tax at all, but a rent

paid voluntarily for certain advantages. He trusted hon members would not agree to the amendment of the hon. Captain Hall, for it embodied the principle of the Bill as expressed in its title. The hon. Captain Bagot had said that this was not the time to take off the tonnage dues. He differed in opinion from him in that respect. The hon member knew very well that every encouragement should be given to shipping at Port Adelaide, and he submitted that, in the export of the article with which the hon member was more immediately connected, a considerable advantage would result from the abolition of the tonnage dues. At the same time a revenue would be derived of equal or greater amount by the leasing of that which was now useless.

Dr DAVIES would not oppose the clause. It was against the whole Bill that he voted on the former occasion. He believed the land at the North-parade would not bring in the revenue which was expected, for its extent was but one-third that of the Queen's Wharf, and it had none of its accommodations. Then, again, the tonnage dues were so very small that the public were not affected by them to so great an extent as they would be by the heavy expenses required for forming wharfs on the North-parade.

Mr A SCOTT remarked that the Council had previously passed a resolution relative to the codification of the laws, to which no reply had been received from the House of Assembly. Till that was done he should not support that or any other Bill sent up to them from the other House.

Captain HALL, in reply to the remarks of the hon. the Commissioner of Public Works, relative to his (Captain Hall's) having advanced no new arguments, would state that he fully expressed his objections when the motion for the second reading was discussed. Nothing which he had heard advanced tended in the least to shake his opinions. As long as his name remained on the roll, he should feel it his duty to vote against the clause. It was proposed by the Bill to abandon the substance for the shadow. It was an attempt to denude themselves of a certain revenue for a problematical one to be derived from the North-parade, which he believed would never yield sufficient to pay the interest upon the necessary outlay. The Government should have consulted those best acquainted with the subject before bringing in the Bill. The House proposed to do away with a certain revenue of £2,500 for the unsatisfactory reason that it was so insignificant. He could not understand the policy of the House, in seeking to deprive themselves of the amount, and to seek it from some other uncertain source. The hon. Mr Morpheit had said that he wished to see all restrictions and impositions removed from the shipping interest. So did he, but he did not sit in that House as the representative of any class interest, but to promote the general interest of the colony. Since the improvements at Port Adelaide had been commenced, the shipping interest had received double the advantages of the amounts paid as tonnage dues. But if these were taken off from what source could the amount be made up? Never from the North-parade. Probably, when this was ascertained, some hon member would propose to levy a tax on woolbags. He would remove all unjust and oppressive taxes, but the tonnage dues were not of this kind. There never had been any reasonable complaint against them. When Myndeer Von Dunk came to the Port with his cargo of timber, he could well afford to pay his 6d a ton, and those who chose to remain at the Lightship were not charged a farthing. Those who thought fit to come up to the Port could, however, save three times the amount of the tonnage dues by the diminished cost of ballast, which had been reduced to 2s a ton.

Mr. ANGAS suggested that the price might be raised to 3s a ton, without inconveniencing the shipowners, it having been formerly from 7s to 10s per ton.

Captain HALL would have hardly expected such a suggestion from the hon member. Did he think this would be a means of relieving the shipping interest? But the fact was that the Harbour Trust were not sellers of ballast, though they had by their arrangements been the means of reducing the price. Before the Harbour Trust commenced deepening the harbour, there were certain ballast-men, who charged whatever they pleased. The shipping interest was dependent upon their consciences, if they had any. The arrangements of the Harbour Trust had altered that state of things.

The COMMISSIONER of PUBLIC WORKS replied.

The House divided on the motion of Captain Hall that the clause be struck out, which was negatived by a majority of 4.

AYES, 9.	NOES, 5.
Mr. Younghusband	Mr Stirling
Mr Forster	Mr A. Scott
Major O'Halloran	Mr Everard
Dr Davies	Captain Bagot
Mr Morphett	Capt. Hall (Teller).
Captain Freeling	
Capt Scott	
Mr. Angas	
Mr. Davenport (Teller)	

Clause 1 was then agreed to, and the Committee obtained leave to sit again on the following Tuesday.

House then adjourned to the following Tuesday

LEGISLATIVE COUNCIL

TUESDAY, MAY 26.

TRAMWAYS.

A petition was presented by Captain Hall, from a number of the residents of Strathalbyn, Macclesfield, and adjoining districts, in favour of a system of tramways.—Received and read.

GUICHEN BAY.

In answer to Mr Morphett, the Commissioner of Public Works said that a Pilot had already been appointed at Guichen Bay, and it was intended to construct a Lighthouse.

EXPENSES OF RAILWAYS AND TRAMWAYS.

Captain Bagot moved for returns of the receipts and expenditure during six months, of the Goolwa Tramway, and the Port Railway.—Agreed to

PORTLAND BAY.

Mr Baker asked the hon Commissioner of Public Works whether any communication had been opened by our Government with the Government of Victoria relative to the duties on the goods brought from Portland Bay for consumption in South Australia. He (Mr Baker) had called attention to the subject some time ago, and he believed the amount would be found equal to that collected by our Government upon goods taken up the Murray for Victoria.—The Commissioner of Public Works was not aware of any recent communication on the subject, but he would be prepared with a reply on Thursday.

RIVER MURRAY DUTIES

Mr. Younghusband, before asking the question of which he had given notice, would call the attention of

the hon. Commissioner of Public Works to the Chief Secretary's letter to the Chief Secretary of Victoria, dated February 25, 1857, and published in Council Paper No 23, page 9. From that communication, it seemed clear to him that our Government had agreed, till the completion of the arrangements, to continue collecting the duties, and it was evident, from a despatch since received, that the Victorian Government took the same view of it. Notwithstanding this, he believed there had been two large parcels of goods permitted to go up the Murray, which had been shipped from Port Adelaide in bond, and upon which no duties had been collected by our Government. If such were the case, and the fact became known to the Victorian Government, it would certainly be considered a breach of faith, and would tend to increase any ill-feeling which might at present exist between the two Governments. He would, therefore, in pursuance of the notice he had given, ask the hon. Commissioner of Public Works whether the Government were aware, that, in contravention of the notification made by the Chief Secretary of this colony, on the 25th February last, to the Chief Secretary of Victoria, goods subject to duty in Victoria had been sent up the Murray without the duty having been collected here, and placed to the credit of that colony, such being, apparently, a breach of faith, and at variance with paragraph No 5 in the above despatch, relying on which the Government of Victoria was now acting.—The Commissioner of Public Works said it was quite true that the goods in question had been suffered to be sent in bond, but there had not in that been any contravention of the agreement contained in the letter from which the hon member had read an extract. The owner of the goods was allowed to ship them upon giving his bond to pay such duties as this Government might hereafter demand of him, and the amount, when ascertained and received, would be handed over to the Victorian Government.

TONNAGE DUTIES REPEAL BILL.

IN COMMITTEE.

On the 2nd clause being read,

The COMMISSIONER of PUBLIC WORKS moved as an amendment the insertion of the following reconstructed clause.—That it shall be lawful for the Governor, with the advice and consent of the Executive Council, to grant leases to any person or persons who may be willing to accept the same, of the water frontage at Port Adelaide, known as the North parade, in such lots as may be expedient, and for the best rent that can be reasonably obtained at public auction, for any period not exceeding thirty years; and every such lease shall contain a covenant that the lessee shall, within two years from the date thereof, run out a platform wharf, with open bays to a uniform line, not to extend beyond a straight line drawn from the Prince's Wharf to the Queen's Wharf, such platform wharf to be well and substantially erected, and in such manner as will admit of the bottom of the said harbour being deepened in front thereof to a depth of fourteen feet, provided that no lessee be allowed to erect any building upon the land so demised other than such temporary erections as may be necessary for the use of the wharf. The amendment in no way altered the sense of the clause as sent up by the other House, but the phraseology was made somewhat more clear.

The SURVEYOR-GENERAL seconded the amendment.

Captain SCOTT thought some doubt might arise as to what buildings should be considered "temporary."

Mr BAKER had hoped that, after the expression of opinion by that House, at the second reading, the Government would have withdrawn the Bill, or, at

least, have so modified it in Committee as to meet the objections which had been urged against it. Had he not been compelled to leave before the division, it would have been thrown out, and he was exceedingly sorry it had not. It would have been better if the Bill had been confined to the leasing of the North-parade, and then a separate Bill might have been introduced into the other House for the removal of the tonnage dues. There could have been no difficulty in this, and it would have given each hon. member the power of supporting one measure if he chose, and opposing the other. As it was, they were compelled to sanction the whole or reject both. He should feel it his duty to oppose the Bill in every stage. He trusted, however, that it would be withdrawn or modified, or at least delayed till the other House had expressed some opinion upon the resolution transmitted to it by that House against introducing various matters into one Act.

Mr YOUNGHUSBAND moved that all the words after "demised" be struck out.

The COMMISSIONER of PUBLIC WORKS seconded, but stated it was the wish of the Government to interfere with existing interests as little as possible, as was shown by the prohibition of such permanent buildings as would have served for the warehousing of goods.

Captain HALL asked the meaning of the term in the motion "open bays."

The SURVEYOR-GENERAL explained that a "bay," in technical language, was a part into which the current could flow with no other obstruction than the piles.

Captain HALL explained

Captain SCOTT said the Government would, of course, bind the lessees to do no injury to the Harbour, and the Harbour-Master would see that no improper projections were made. It would not, of course, be desirable or necessary to extend the wharf to more than 25 feet, which would leave Prince's Wharf extending 100 feet further, and leave ample space for vessels. The expense of deepening the harbour to 14 feet would be great, but then the wharf would be the best paying one in the Port, as it could take larger vessels than the Queen's Wharf, which had only 10 feet depth of water. Indeed, few at the Port had more than 11 feet. The Prince's Wharf might have somewhat more, and the Patent Copper Company were deepening theirs to 17 feet. As to the steps, that would be arranged also by the Government. The Bill need not specify all those things.

Captain HALL would not authorize the Executive to injure the harbour. The Act should bind them down to an extension not exceeding 25 feet.

Captain BAGOT concurred with the hon. Mr. Baker in thinking it would have been more for the dignity of that House to have awaited the effect of the resolution they had transmitted to the other House.

Mr. BAKER remarked that when the piling of the North-parade was agreed to, it was understood that jetties were to be thrown out, which would be a source of profit, and it was said they were only delayed for want of a plan of the harbour. He thought, therefore, that the plan should have been furnished before the introduction of the present Bill. When they were urged to leave all in the hands of the Government, they must remember that the same Government authorized the formation of Prince's Wharf, which was now admitted to be an obstruction of the stream.

Mr. YOUNGHUSBAND said the Prince's Wharf was

built on a piece of land which was a grant from the Crown. It merely went to the boundary of that grant and did not at all encroach on the harbour. As regarded any apprehended encroachment in front of the North-parade, the Bill did not bind the Government to permit the lessees to go out to any particular distance. It left it in the hands of the Government, who would, no doubt, obtain a report from some competent person before settling the provisions of the leases.

Mr. BAKER remarked that the leasing of Victoria-square for the purposes of business might possibly benefit the holders of the property immediately adjoining, but the other citizens would complain.

Captain HALL remarked that the clause, as introduced, would have enabled the lessees of the wharfs to erect paling fences and cut off the inhabitants of the North-parade from all access.

Mr. FOSTER would suggest to the hon. Commissioner of Public Works the deferring of the clause, if its passing were not a matter of very great urgency, though if he declined this he (Mr. Forster) should vote in its favour.

The COMMISSIONER of PUBLIC WORKS would act as the House might wish, as there was not the least pressure for the passing of the Bill. Its object was to give the Government power to act, and he must remind the hon. member (Mr. Baker), who had referred to what had been done by Government on former occasions, that the Government of former days was not responsible to the people. The Government was responsible now, and was not likely, therefore, to do or sanction anything publicly injurious. He seconded the motion, which was carried.

The House resumed, the Chairman reported progress, and obtained leave to sit again on Thursday.

Adjourned to Thursday next.

HOUSE OF ASSEMBLY.

TUESDAY, MAY 26.

PETITION

Mr. Hughes presented a petition from Mr. Alfred France, of Port Adelaide, praying the House to confirm the lease of a gold-bearing quartz reef at Echunga. It stated that the petitioner had already expended £700, and, as it would be necessary to employ expensive machinery, the petitioner prayed the House to secure him from loss by confirming the lease referred to.

ORDERS OF THE DAY.

The Speaker, in reference to a complaint by Captain Hart that there was a mistake in the printed Orders of the Day, remarked that several alterations were made hurriedly, as the House was about to rise on Friday evening, and it was quite possible that the Clerk made a mistake. He suggested that to prevent such mistakes in future it was desirable for hon. members to hand in all notices, motions, and amendments in writing.

IMMIGRATION.

The Commissioner of Crown Lands stated, in reply to Mr. Blyth, that a letter had been received from the Immigration Agent, but he was not prepared to say whether or not it would be laid on the table.

ROADS AND BOUNDARIES.

Mr. Blyth laid on the table a Bill to provide for the definition of roads and boundaries.—It was read a first time, and ordered to be printed.

MURRAY DUTIES.

The Treasurer laid on the table a Bill to regulate the collection of duties on the River Murray—Read a first time, and ordered to be printed

NEW HOUSES OF PARLIAMENT.

The CHIEF SECRETARY stated that he had plans of the new Houses of Legislature, which he would cause to be placed in the Library for the inspection of hon members previous to taking their opinions on the subject. The question of site would come on at the same time.

REGULATION OF WASTE LANDS BILL.

IN COMMITTEE.

The ATTORNEY-GENERAL moved that the new clause partly discussed at the last sitting of the Committee stand part of the Bill as follows—"It shall be lawful for the Governor to demise, for the purpose of mining, to any person applying for the same, any portion of the waste and unreserved lands of the Crown, not exceeding forty acres, for any period not exceeding fourteen years, at a rent of ten shillings per acre, subject to such regulations for the working and resumption of the same as may from time to time be in that respect made by the Governor, with the advice and consent of the Executive Council, and published in the *South Australian Government Gazette*."

Mr DAWES moved as an amendment that the word "forty" before "acres" be struck out, and "eighty" inserted in the clause relating to the area of mineral leases

The House divided on the amendment. It was carried by a majority of 6, the ayes being 15, the noes 9

Mr DAWES moved the insertion of words making the minimum duration of the mineral leases fourteen years.

The ATTORNEY-GENERAL would not oppose the amendment, but called attention to the desirability of giving a power of renewal of mineral leases to the Government. He was not, however, prepared to support such a power to the extent of fourteen years

Mr NEALES suggested that there should be a fine imposed of not less than £1 per acre of the area leased on all renewals. The amount could be settled under the arbitration clause in case of dispute

The ATTORNEY-GENERAL, in reply to Mr Mildred, said he had no doubt the clause as it stood would give power to the Government to annul leases of land proved on trial to be not worth working.

The CHIEF SECRETARY opposed the amendment. He would have no objection to a power of renewal by the Government, but that should be under conditions depending on the then value of the property

Mr WATERHOUSE thought it would be sufficient to sell the leases by auction at the end of the term, subject to the upset rent and the value of the improvements, which latter would go to the previous holders, and thus give them a great advantage in bidding for a renewal

The House divided on the amendment. It was lost by a majority of twelve

Mr. NEALES moved an amendment, giving a right of renewal of leases for fourteen years on payment of a fine of not less than £1 per acre of the area so leased.

The TREASURER could not support the amendment. The clause altogether was one upon which he looked with doubt. The ground upon which mineral leases were recommended was as a reward for mineral discovery. Generally the want of capital placed the discoverer in the hands of moneyed men, and the discoverer did not gain an advantage equivalent to the public acknowledgment of the value of his discovery. He thought the reward should be paid in a round sum. He did not wish to oppose the introduction of the clause, but must oppose the perpetuation of the leasing system.

Mr NEALES maintained that it was the law of liability which deterred capitalists from remaining in connection with mines when they began to look bad. That was now removed by the Limited Liability Act. There were other causes operating besides those referred to by the Treasurer. Most of the minor mines had been the property of the proprietors of the richer mines, but it was the fact he had stated, and the gold diggings which caused them to be abandoned. He had himself lost upwards of £2,000 by the abandonment of a mine on the gold discovery. He hoped that the lease of auriferous land that had been granted would not be sanctioned by the House, or if it was, that it should be expressly declared an exceptional case. He would repeat his conviction, that there were in the colony deposits of the precious metal. The results of the crushing mill, although not great, were sufficient to show a wide diffusion of gold in the colony.

The amendment was agreed to.

The CHIEF SECRETARY moved the introduction of words extending the power of the Government to make regulations for the granting of the leases.

The COMMISSIONER OF CROWN LANDS said it was necessary to make some provision as to granting leases of auriferous land. By this clause as it stood such power would be placed in the hands of the Government, and they were desirous of having the opinion of the House on the subject

The CHIEF SECRETARY said the rewards heretofore offered were lump sums, and applied to the discovery of a gold-field or fields. That did not apply to gold reefs, and as those parties referred to considered they had discovered a gold reef, a lease was granted to them of a small portion of that reef. The Government did that to meet a special case

Mr NEALES moved that each lease should contain a proviso exempting auriferous lands from its operation. He also explained that the Gold Commission had put before discoverers the advantage of the liberal arrangements of the Port Phillip Government, with permission to work an extended area of the auriferous land they discovered.

Mr PFAKE had referred more particularly to discoveries of gold on land leased under the clause

Mr HALLETT suggested the withdrawal and reconsideration of the clause

Mr WATERHOUSE thought the principle recommended by the member for the Burra would operate injuriously. When a party discovered gold he would endeavour to secure a mineral lease of the auriferous land, he would then prosecute his search, and probably claim the advantage of the gold discovery. There was, he believed, a reward of a large amount offered for the discovery of a gold-field.

The TREASURER supported the recommendation to withdraw the clause.

The COMMISSIONER OF CROWN LANDS would do so if it was the wish of the House ("No, no") That clause formed no part of the Bill as he introduced it, but it was included on the recommendation of certain hon. members.

The CHIEF SECRETARY said there should be a right retained to the public of entry to search for gold. It would not be fair to grant a gold-field on such terms as the leases embraced, and they would, in the event of a gold discovery, be powerless to prevent a rush of diggers. There should also be a right reserved to parties to dig for gold under the ordinary license. He asked the House to decide whether they would reserve the gold to the Crown.

Mr BLYTH objected to a withdrawal of the clause, as they had arrived at a settlement of nearly every point.

The COMMISSIONER OF CROWN LANDS said, in reply to Mr Reynolds, that there had been no lease of auriferous land granted, except that at Echunga, and it was desirable to have the sense of the House on the subject generally before the Bill passed.

Mr NEALES thought the clause was of sufficient importance to warrant the debate. He also thought there would be parties found to establish a prior right to six of the ten acres claimed to be leased at Echunga. He thought it better to allow the clause to be withdrawn.

Mr. Neales's amendment was carried.

The clause was then withdrawn. The Chairman reported progress, and obtained leave to sit again on Friday next.

IMMIGRATION RESOLUTIONS.

IN COMMITTEE.

The COMMISSIONER OF CROWN LANDS moved the third resolution, as follows:—"That it is expedient to afford immigrants, of a suitable class, partial assistance in procuring passages to this province, and that, for this purpose, embarkation orders should be issued to a limited extent, both here and in the United Kingdom, at a certain rate of payment, to be varied, from time to time, according to circumstances." Under the present system, he said, a right was given to land buyers to nominate persons for passages. That right was very seldom exercised by the parties first entitled. They either gave it or sold it to other persons having friends or relatives whom they wished to introduce. The system was acted on to a considerable extent. There had been within the last month 130 nominations, and in a recent immigrant ship, of 200 persons, 160 had been nominated. The nominations were constantly made through the land agents. In that respect the land agents had done a good service to the community, as most persons would rather pay their moderate charges than incur the trouble of acquainting themselves with the form and making the application. He thought the present rate of nomination could be kept up at a charge of £4 for each embarkation order. He would, however, charge a low rate first, and it could afterwards be raised or modified according to circumstances. The circumstances changed frequently and to a great extent. He might refer to the fact that at one time an urgent request had been forwarded to the Commissioners to send out miners. Before that request could be acted on miners were not wanted at all. Such works were suspended owing to the gold diggings, and the men sent out followed the others to the gold-fields. Upon the whole, the nomination system had worked well—it was better than sending for particular classes, as those classes might not be required just as the instructions to send them began to take effect.

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Mr MILDRED opposed the resolutions as a whole, while he agreed with the first; and he approved also of the House having the control of the agent in England. He believed that the facilities given heretofore for the introduction of immigrants had acted well, but now it was essential that they should have a constant stream of immigrants, or the mining and agricultural interests would be deeply injured. If the plotting system of the Commissioner of Crown Lands was carried out, it would injure the colony, and reduce it to the condition of Ireland where that system prevailed. ("No, no") He moved as an amendment, "That it is expedient to advance to immigrants of a suitable class assistance for procuring passages to this province, and that for this purpose embarkation orders should be issued both here and in the United Kingdom, containing a clause requiring payment of money so advanced, to be varied from time to time according to circumstances." In the year 1825 and up to 1830 it was usual to grant, up to a certain extent, an acre of land in Van Diemen's Land for every pound a person introduced. They did not want men with £100 to come, buy a section, and squat upon it, in the hope of becoming independent (Hear, hear) They wanted capitalists and labourers.

Mr. WATERHOUSE, without addressing himself to the various subjects referred to by the mover of the amendment, would second it. He thought they should make their immigration scheme self-sustaining. Mrs Chisholm had acted on that principle, and the German immigrants had carried out that principle. Some of the money probably remained unpaid in the latter case, but he thought at least 75 per cent had been collected. There was, he felt convinced, a strong feeling at home in favour of emigrating to this colony, and the parties would have no objection to enter into an obligation to refund their passage-money. By that means they would be able to devote the greater part if not all their Land Fund to internal improvements.

The COMMISSIONER OF CROWN LANDS was opposed to passing any law that could not be enforced. It was that and no objection to the principle of the amendment that led him to oppose it. There was no analogy between a public and a private agreement. Many persons would not hesitate to break an agreement with Government who would not do so with private parties. He confessed that he was surprised to hear the hon. the mover of the amendment condemn the system which was, he thought, justly the glory of South Australia—the system which was her admitted safeguard against the attractions of the gold colonies, and which wedded the population to her soil. He confessed that, so far from discouraging the introduction of humble but industrious small capitalists, it was the class he would encourage to the greatest extent. (Hear, hear)

Mr. HUGHES could not support the amendment, for he considered it recommended a system that had been tried and failed. He could not, however, agree with the resolutions. It seemed agreed on all hands that labour must be introduced, and he had hoped to have heard from the Ministry some definition of the conditions upon which they considered labour could be introduced and retained. (Hear, hear) He could not understand why the nomination system should be altered, as it was admitted to have worked so well. If they agreed to the resolutions, they would have few others he was convinced than small capitalists and artisans, who would avail themselves of their assistance to get to Melbourne. He believed that the most healthy class of immigrants were agricultural labourers, and to pass the resolution was to say that the province should have no more agricultural labourers, as they were not able to pay any portion of their passage-money. He would repeat that he could not see why the resolutions should not be embodied in an Act.

The TREASURER did not think the resources of the colony would be best developed by employing half the Land Fund in introducing persons to South Australia en route to Melbourne. That, if not the object of the member for the Port, (Mr Hughes), would be the inevitable result of carrying out his views. As to all that had been said in favour of nominations, he could only reply that the resolutions proposed to continue and extend that system. He had considerable experience in the matter at the Treasury, and could say that in nine cases out of ten the purchaser of land did not exercise his right of nomination, but persons did to whom they transferred that right. That day he had received twenty applications to interest himself with land purchasers to obtain remission orders from purchasers of land. The resolution proposed that the money now paid to land agents and others should be paid into the public funds for embarkation orders. He had seen the system of assisting by way of loan tried with the Germans, in this and other colonies, and in all such cases it had failed. He was satisfied that any attempt to reintroduce it would be futile, and would only entail defeat of the law. He was surprised at the turn which the discussion had taken, recollecting as he did the general feeling recently expressed in the House as to the folly of expending money to bring out people for Victoria.

Mr. DUNN confessed he could not understand what was meant by suitable classes. Some of the richest farming men in the colony had come out day-labourers. They began with a little, and so got on. He had heard an hon friend say that no farmer could afford to pay more than one bushel of wheat per day for the best farm-labourer. They had been paying a higher rate, and could not continue to do so. He thought they should continue free immigration even if one half the persons introduced went away. The colony was all the better for those who remained.

Mr BLYTH believed the end and object of the resolutions were to stop free immigration altogether. He believed that was the town policy as opposed to the country interest. He had, on a former occasion, supported a motion for the introduction of immigrants by at least one ship a month, and he rejoiced that he did so, as by that means the Burra mine and other great fields for labour had been kept in operation to the great benefit of the colony. He believed the object of the resolutions was to expend large sums in the erection of public buildings, and to stop immigration—in fact to burn the candle at both ends. (Hear, hear.) Then the words of the resolution “partial assistance,” and “limited extent,” as applied to assisted immigration, showed that the result must be what he had said. He would vote for the amendment, and if that was lost, he would vote against the resolution.

The CHIEF SECRETARY dissented from the amendment and the statements of the hon. mover. That hon member was for a repayment of the labourer's passage-money. He would vote against that because he knew it was impossible to carry it out. In every colony indentured servants had evaded their obligations. The effect here would be to urge them on to Victoria, and so lose all advantage from their outlay and from the residence of the individual. (Hear, hear.) He held to the system of repayment by retaining the labourer until he became the purchaser of land. (Hear, hear.) By that he gave an assurance of residence, and repaid to the colony means of introducing not one but two labourers in his place. The state of this colony and Ireland could bear no comparison. The small holder in Ireland did not cultivate land to escape hired labour, but to gain a subsistence. In this colony he thought it would be wisdom of the large farmers to encourage such men about them as the hon. member (Mr. Mil-

cred) seemed to hold in such horror. Men who wanted money to cultivate their sections would go and work for it. If they worked only 100 days in the year for hire, it would be better than to have mere labourers, who would run wherever high wages invited them. The hon member for Gumeracha had strangely misunderstood the words “partial assistance.” The meaning was, that the assistance should be small, and the words “limited extent,” were justified as their operations must of necessity be limited by the sum voted by that House. If there was a pressure of independent Englishmen who were starving at home, and who were eager to come out, their friends would no doubt willingly pay the amount required for remission orders. A party in that House seemed to think that a sum of £50,000 once set apart for immigration purposes could be made to work for ever by requiring repayment from the immigrants. That certainly came strange from hon members who charged the Government with opposition to immigration when they proposed an annual vote to be applied for the introduction of immigrants.

Mr BAGOT, as the representative of a large agricultural district, would have supported the amendment if he could have seen any force in the arguments with which it was recommended. As he believed the resolution was calculated to secure the general benefit he would support it. He thought there might be means adopted of requiring the party who nominated immigrants to bind themselves to secure residence or repayment of part of the passage-money. (Hear, hear.) He thought an addition of that sort would have the effect of removing the objections to the resolution. Then there should be some restriction as to the class of immigrants to be assisted. It would not do to introduce old men and other unavailable colonists. He was, however, while in favour of assisted immigration, not disposed to abandon free immigration altogether. (Hear, hear.) The farmer, it was true, would generally nominate a relative, who would work with him on his arisvak, and that would have the effect of relieving to that extent the labour market. The great question, however, was not to introduce, but to retain colonists. (Hear, hear.) He would support the resolution, without any apprehension as to its effect being injurious.

The ATTORNEY-GENERAL said the resolution stood half way between two opposing opinions entertained in that House—the one in which the hon. member for the Port (Mr Hughes) insisted, without regard to the circumstances of the colony, or the improbability of the persons remaining, that we should continue to devote a definite amount, probably one-half, of the Land Fund to a system of free immigration, and the other class of opinions represented by the hon mover of the amendment, namely, that instead of free immigration, without reference to the circumstances of the colony, they should impose on each person the necessity of paying into the general revenue of the colony the money expended on introducing him. The hon members who were opposed to the resolution must feel disposed to support it, feeling that if it did not accord wholly with their own views, it came nearer to them than anything else likely to be agreed on. When the hon. member for Gumeracha said the object of the resolution was to stop immigration—(hear, hear)—he said something not warranted by anything in the terms of the resolution. Had he said, indeed, that such was his impression, not from the resolution, but from the language of some hon. member of that House. Then he (the Attorney-General) would say that he was bound to nothing not in the resolution, and that the Government plan would be carried out irrespective of the private opinions of any individuals. (Hear, hear.) He said that because he was obliged to dissent from the opinions of the hon. the Commissioner of Crown Lands. The Government were only bound by the sentiments expressed in the

resolution. Every hon member knew how frequently the general scope of a measure was agreed to for widely different reasons, and no inconvenience arose from such difference of opinion which led to the same result. The principle embodied in the resolution was, that when the Government sold land, they should expend a certain portion of the price of that land to bring labour to the colony. That was the spirit of the resolution. (No, no.) With reference to the suggestion of the hon member for Light, he would find his views embodied in the second resolution—that suggestion was a practical solution of one of the difficulties of the question. (Hear, hear.) That was a means of carrying the resolutions out—(hear, hear)—and of enabling the Government to introduce immigrants wholly at the Government expense, and at the same time to take care that they remained in the colony. That was one of the suggestions which the Government would cordially receive from hon. members. In his view there was nothing against a continuation of free immigration in the resolution. The hon member for Gumeracha found the cloven foot in two phrases, which exhibited the deadly designs of the Government to limit the population to its present amount, and their intention to destroy free immigration. (Hear, hear.) He (the Attorney-General) should say that he always regarded a division of the Land Fund as an essential condition to the prosperity of this colony. With regard to the objections to the words “partial assistance” and “limited extent,” he would ask hon members to say what would be the effect of striking out those words. In the first place, if the assistance was not partial, they would negate a resolution passed by the House. With regard to the words “limited extent,” as it so happened that their funds were limited, even if they applied the whole to the purposes of emigration it still would be limited, and, as they did not intend to apply the whole of the fund to that purpose, of necessity the amount must be limited. Therefore by omitting those words they would be under the obligation to assist all persons who might be desirous of obtaining embarkation orders. The Government had in view three modes of introducing immigrants. First, wholly at the Government expense, but at present requiring something like an assurance that they would remain such a period in the colony as to give some repayment of the expense of bringing them out. The second plan was that persons desirous of bringing out their friends should, by means of embarkation orders, have a means of doing so. He would say with his hon friend the Chief Secretary that if there was any doubt as to the meaning embodied in the words “suitable class,” it should be made to express the labouring class. By paying the amount required for the embarkation orders, they would not only add to a certain extent to the general revenue, but, inasmuch as they expected to derive benefit themselves from the introduction of their friends, they must also benefit the colony.

Mr. MILDRED thought more stress had been laid on his words than they deserved. He had an idea of recommending that on a residence of two years, the immigrant should be free of all charge, at the end of twelve months, liable for half his passage-money, and at the end of eighteen months, for one fourth of it. Thus, instead of persons being called upon to pay any portion in England, the security should be given for the repayment in the colony.

Mr. NEALES thought the two points in the discussion approached very closely, and they could do nothing better than to pass the third resolution. He did not agree in the statement that orders obtained through the agents had worked well. He believed that many of the nomination orders had been forwarded to Melbourne, and sent home to assist out the friends of persons resident in Victoria.

Mr. BANBAGE congratulated the House on the change of mind in the hon gentlemen on the Treasury Benches. It was in consequence of the declarations of the Chief Secretary and the Attorney-General that they had no hope of any reasonable security to justify free immigration that he and others had voted against the Government. They voted so because they believed they were voting against a cessation of immigration. He felt, with the member for Mount Barker, that it was better to have immigration, even if half of the number introduced went away. He believed that the later arrivals had not gone away in the same proportion as their predecessors. He was glad to find that the change in the minds of the Government enabled them to see the practicability of the suggestion of the hon member for Light, and that they were not against free immigration.

Mr. PRAKE said he must continue to regard the question in a common-sense way. The immigrants heretofore introduced had left on arrival, and it was consistent with common sense to abstain from sending money for labourers until there was some reason to believe they would remain. He felt that the effect of the resolutions would be to introduce men who would remain—not mere birds of passage, but men who would stick by the colony. He was averse to any coercive detention of people, but had no fear that a proper class would rapidly localize themselves, and become valuable colonists. He would support the resolution.

Mr. DUFFIELD agreed with the principle enunciated in the amendment, but felt that the time had not arrived for its operation. The subject of it was a matter for federal legislation. (Hear, hear.) When Melbourne was bringing out her immigrants free, it was not to be expected that we could bring them out under restrictions. He could not support the resolutions either, and confessed that he could not understand them. That he thought must also be the feeling of other hon members when they heard such different explanations of them from the Treasury benches. He believed the effect of the resolutions must be to arrest free emigration, and he would oppose them step by step.

Mr. REYNOLDS said that with regard to a remark by the hon member (Mr. Neales) he could see nothing to prevent the purchase of embarkation orders, and their remission to Melbourne, to be used for the friends of persons resident there. When there was a possibility of a large proportion of their immigrants going away, he would be for retaining all the money in the colony. He would support the resolution.

The COMMISSIONER OF CROWN LANDS said, in reply to Mr. Cole, that it was not intended to apply the resolution to any other than British subjects. If the House wished to give it a more extended operation, a vote should be passed to that effect.

The CHAIRMAN put the question, and declared the amendment lost.

Mr. WATERHOUSE thought it desirable to lay down instructions for the Immigration Agent. The officer might be a person of intense national or religious feeling, and so disposed to favour his particular views. To prevent undue preference, he moved the following addition to the resolution:—“And that, in granting free or assisted passages, no undue preference be given to emigrants of any one of the kingdoms of which the United Kingdom of Great Britain and Ireland is composed, or to those professing any particular creed, but that the number of English, Scotch, and Irish to be introduced, wholly or in part, at the public expense, be determined as nearly as possible upon the proportion

that each people bears to the entire population of Great Britain and Ireland, and that the same rule be applied to the forwarding of emigrants of the Protestant and Catholic creeds."

Mr BURFORD seconded, as he considered there had been an undue preference to a particular creed.

Mr. DUTTON hoped the amendment would not be pressed, as there was a notice that all matters in connection with the resolutions should be embodied in a Bill. If that addition was agreed to, there was no reason why other additions should not be moved.

Mr WATERHOUSE would withdraw it, on the understanding that the resolutions would be embodied in a Bill.

The ATTORNEY-GENERAL recommended the hon gentleman not to withdraw his amendment on any such understanding. (A laugh)

The TREASURER thought the instruction would tie up the hands of their agent most unwisely. There were times when immigration might be carried out with one part of the country and not others. It would not enable him to go to the best source of supply. It would be better not to take note of the religion of the immigrant at all, but at any time that there was reason to be dissatisfied with the conduct of the agent to dispense with his services. The reason why the resolutions were put before the House by the Government was to state fully and honestly their policy as to immigration. The House could pronounce upon that, and it was for the Ministry then to consider whether they could carry out their policy, modify it, or leave others to carry out views more in accordance with the wishes of the House. (Hear, hear.)

Mr. BAGOT said it was a most important subject to which the amendment referred. It had taken him and the House by surprise, and he would move that the Chairman report progress.

House resumed, and the report was brought up, and the further consideration of the resolutions made an Order of the Day for Thursday next.

CONVICT PREVENTION BILL.

Mr WATERHOUSE explained that he had consented to postpone the Convicts' Prevention Act that it might be longer in the hands of hon. members before it came on for discussion.

House adjourned until next day.

HOUSE OF ASSEMBLY.

WEDNESDAY, MAY 27.

PETITIONS.

Mr MILNE presented a petition from 155 German colonists, chiefly resident at Lobethal, praying that Germans may be allowed to participate in the advantages of the immigration vote.—The petition was received and read, but, as there had been a similar petition printed, Mr Milne said he would not give notice to that effect in the present case.

Mr. HUGHES asked the hon the Treasurer, in reference to the petition of James Lawrence, presented to this House on the 5th May, why the said James Lawrence was not entitled to a superannuation allowance. The individual in question had, he said, been door-keeper to the former House of Legislature, and as he had contributed to the Superannuation Fund, he (Mr. Hughes) would ask why the man was not placed in the

same position as other contributors.—The TREASURER said there was, under the Superannuation Bill, a deduction made from Salaries to entitle to its benefits, but officers who resigned voluntarily, or were dismissed, forfeited all claim on the fund. The person referred to came under the latter class.

PARLIAMENTARY PAPERS.

The COMMISSIONER OF CROWN LANDS laid on the table a despatch from the Emigration Commissioners on the supply of mining labour.—The CHIEF SECRETARY laid on the table a return of expenditure on mainroads.

QUESTIONS

The CHIEF SECRETARY, in reply to Mr. Blyth, said the Government would have no objection to inform the House of the name of the person appointed to act at the Conference in Melbourne for the assimilation of the tariffs when that appointment was made.—The TREASURER, in reply to Mr Reynolds, stated that the restriction on the export of tin ore by the Murray was taken off last session, and he had not heard of its re-imposition.

SUPERANNUATION FUND.

Mr HUGHES moved that there be laid upon the table of this House a statement of the quarterly receipts and expenditure on account of the Superannuation Fund, since its establishment by Act No 21 of 1854; with a list of the names of those officers who have retired on that fund, and the amount of the pension they severally receive from it, and an estimate of the position that fund will be in five years hence, under the present laws and regulations. For the information of hon. members who did not take part in the discussion of that measure in a former Legislature, he would state that an Act was passed by which officers of the civil service could at their pleasure permit of a deduction from their salaries to constitute a claim on the fund. All such deductions were to be paid into the General Revenue, and the payments from the fund were not to exceed £10,000. It was admitted by the Treasurer that so erroneous were the calculations that the amount would, in a few years, at the present rate of absorption, be exhausted, it would therefore not be just to allow junior clerks to continue subscribing to a fund from which they could derive no advantage. He would put it to the House to say whether it would be better to allow an unlimited application of public money to keep up payments under the Act, or to pay over the £10,000 at once, to be invested and applied so far as it would go. With regard to Lawrence, the petitioner, he had resigned, and it was his advancing age that probably rendered that step necessary, but that should not have operated as a disqualification to benefit from his payments to the fund.

The TREASURER explained how the fund came to be in the position stated. Its history was remarkable. It was at one time proposed to pension off two old and meritorious officers, Mr Gilbert and Captain Lipson; but some members of the late Legislature wished that to be done as part of a measure for the superannuation of worn-out officers rather than as part of a pension system. They proposed that a sum of £10,000 should be appropriated as a nucleus of a superannuation fund—the necessary balance to be made up of deductions from salaries of officers to be benefited by the fund. The duty of preparing a Bill was put on him, when there was but a very short time to consider the subject. There was no time to make the necessary calculations, which hon members would see, from their nature, to be very intricate, and he declined the task. The House then directed him to prepare a Bill on the best calculations he could make, on the understanding that it could be passed, with a view

to its amendment, if necessary, during the recess. The measure was, however, met on its introduction in a very different spirit, and taunts were levelled at him as to its being founded on erroneous calculations, and it was eventually thrown out. It was distinctly stated at the time by the members of the Government that they could not rely on calculations so hurriedly made. They felt, however, that great injustice would be done under the Act to many officers who were now by deductions from their salaries paying the pensions of Mr Gilbert and Captain Lipson, while they had no hope of gaining any advantage themselves from the fund. He was happy to find from the motion that the Cabinet would be likely to meet support in bringing in a measure to do justice to the civil officers who contributed to the fund. Those gentlemen were really indebted to the hon member for the Port for bringing the matter forward. As to Mr Lawrence, he would make further enquiries on the subject, as he certainly understood that he had been dismissed on a complaint of the Clerk of the Council.

Mr. BLYTH said the action on the subject originated not with the Government, but with an independent member. The Bill he introduced was lost by a majority of one on the second reading. The object of that Bill was to invest the £10,000, and pay off with interest all subscriptions to the fund.

The TREASURER said there was no clause in the Bill to that effect.

Mr. BLYTH wished to explain the vote he gave upon that occasion. It was quite competent to the Government to introduce at the time such a clause, if they were favourable to it. (Hear, hear)

The TREASURER the Government Bill was at the time in hand, and the measures referred to was brought in to cut it out.

Mr. BLYTH only sought, then and now, the payment of the £10,000 authorised, and beyond that he was not inclined to go. He was happy to find that the returns had been asked for.

The CHIEF SECRETARY supported the motion, and he hoped the returns would induce the House to support an amendment of the Civil Service Retirement Bill. The statement of the hon Treasurer was strictly correct, as he would prove by referring to the records of the proceedings of the former Legislature. In February, 1856, a member, and not one of the Government, introduced a Bill, as stated and referred to by the hon member (Mr Blyth). Had the other Bill not merely proposed to repeal a measure, but to provide for the retirement of officers, it would have been just what the Government wished, and had promised to introduce. To show how the matter stood, it was moved by the Government that the word "repeal" be struck out. It was afterwards moved that an address be presented to the Governor to direct the preparation of a Bill to amend the existing Civil service Retirement Bill. He would admit that the existing Bill left the law in a most unsatisfactory state. The payments now made would in a short time extinguish the fund, as a great many officers had withdrawn their payments from a fund from which they could not expect to derive any advantage. He hoped the House would support a measure which would secure justice, not only to those who had paid to the fund, but who might yet have to retire from the service. (Hear, hear)

Captain HART, as one who took part in the former discussion, referred to the existing Bill. It arose from an application for a pension for a most deserving officer. There was a feeling on the part of the House

to comply with the request, but at the same time there was a desire to avoid such claims in future. As there had been no fund formed up to that time the House voted £10,000, that being a sum equal, in the opinion of the House, to the amount that would have been subscribed had a per centage been previously deducted from the salaries of civil officers. It was proposed then that there should in future be such a deduction from salaries, and 2½ per cent. was proposed. It turned out, however, that such a per centage was not sufficient to meet the claims on the fund, and they were in the dilemma of having the £10,000 swallowed up in a short time. Seeing, therefore, the unsatisfactory state of the fund—seeing that the payment of 2½ per cent. would not support the desired payments—the hon. gentleman who then represented Mount Barker moved a repeal of the Act. (Hear, hear.) He would say, however, most emphatically; let the £10,000 be devoted as originally intended. Let every man have his subscriptions refunded, with interest. (Hear, hear)

The TREASURER would ask was that merely the expression of an hon member, or was it a provision embodied in the Bill.

Captain HART it was not a portion of the Bill, but it was the intention of the House. Would any hon member suppose that the former Council any more than the present House would be disposed to do justice? (Hear, hear) Could it be supposed that they could have contemplated the injustice which the hon. gentleman's question would infer? He was quite satisfied that the present Legislature would do justice to the subscribers to the fund, while he was convinced they would not sanction the imposition of a pension list on the colony.

The TREASURER rose to explain. The object of the Bill introduced by the Government was not to establish a pension list, but to carry out the object of a former Bill, the sole difference was as to the calculations upon which the Bill was based.

Capt HART. it was seen that the Bill could not carry out the object and so it was rejected. It could not by any possibility make the £10,000, which was a final vote, meet the purposes intended, while it would have pledged the Council and the country to make good all deficiencies. ("No, no," from the Treasurer)

Mr NEALES would support the motion, and could affirm every word stated by the hon member (Captain Hart). The calculations upon which the second Bill were framed were not made by any actuary and could not be relied on. He was satisfied that not only 2½ per cent, but 10 per cent would be insufficient, unless the payment was made compulsory. (Hear, hear)

Mr HUGHES suggested that a statement should be made at the same time that the other return was supplied of the state the fund would be in had the £10,000 been invested with the deductions made by the Government

The motion was agreed to.

GRANITE ISLAND.

Mr HUGHES asked the hon. the Commissioner of Crown Lands whether it was true that the hon. the Treasurer had, by virtue of a preliminary land order, laid claim to Granite Island, in Victor Harbour; and, if so, whether such claim would or must be allowed by the Government. In asking the question, he stated that he did so, as he heard upon good authority that such a claim had been made. Also, because he bore in mind the Governor's recommendation with reference

to the harbour of the Murray. He considered that when a claim was made for a piece of land of such public importance as Granite Island, it was a fit time to consider the propriety of settling all outstanding claims under preliminary land orders. He believed the one in question had been used to claim a reserve at Mitcham, also the land where Port Augusta township was now laid out. (Hear, hear)

The COMMISSIONER of CROWN LANDS said it was a fact that such an application had been made. The land order in question was the only one outstanding. Mr Torrens first selected Port Augusta, but at the wish of the Government he withdrew it. He afterwards applied for sections at Mitcham, not the reserve, but unsold sections. He then took up eighty acres on Yorke's Peninsula; and, in satisfaction of the rest of his claim, asked for Granite Island. The question was, should the land be reserved by the Government for public purposes, otherwise they were bound to comply with the terms under which the liberty to select by a land order was given. Mr Torrens had a right to select Granite Island, unless it was required for public purposes. He was also authorized to state that Mr Torrens was not desirous to prejudice the public interest. (Hear, hear)

SYDNEY SOVEREIGNS.

IN COMMITTEE.

Mr BLYTH moved that an address be presented to his Excellency the Governor-in-Chief, requesting him to issue a proclamation, and take all other necessary steps to legalize the circulation in this colony of the sovereigns and half-sovereigns coined at, and issued from the branch of the Royal Mint at Sydney, New South Wales. On a former occasion the question was shelved by a reference to a Select Committee opposed to it, and the result was, that it was reported inexpedient to legalize Sydney sovereigns until they were made by law current in Victoria. The coins in question were now current in Tasmania, the Mauritius, Singapore, and Hongkong. It would be, he thought, a palatable measure to other colonies, and, as the question of federation must soon come on, they would be wise to conciliate all the support they could gain. There would, by adopting his view, be a saving in the importation of coin amounting to the difference between 16s per cent and 50s per cent. He was assured that the coin would soon be legalized in Victoria, and he would reserve his further remarks as a reply to any objections which he might think required notice.

The TREASURER handed in a lengthened correspondence between this Government and New South Wales, which was read, and he then confessed his astonishment to find the member for Gumeracha moving in that matter after the report which appeared under his hand as Chairman of the Select Committee appointed to consider the matter. He could not concur in the assertion that the question had been shelved by a reference to a Select Committee. He was not generally favourable to such references, but that being a question of finance and currency, it was peculiarly fit to send it to the investigation of a Select Committee. It was a subject to which the words could fairly be applied—“Drink deep, or taste not the Pierian spring” (Hear, and a laugh) The labours of that Select Committee were not unimportant, and it would aid the House, he thought, if he read some of the answers given by Mr. Oldham, the manager of the Union Bank. That gentleman thought the value in India of the Sydney sovereign would be under that of the British sovereign. He also thought the currency of all the Australian colonies should be the same. Mr. Elder also thought their not being legalized in Victoria, was a great objection to legalize them here. The opinion was general

that the proposed object was undesirable, and he concurred in that opinion. The hon gentleman had not shown that the notes current here were deteriorated in value, that the currency was insufficient, or that his proposition should be adopted in the face of the recommendation of the Select Committee of which he was Chairman. The only advantage that could result from the proposed change was, that it might enable some parties to cheat their creditors, by paying in less valuable coin than their debts were contracted in (Hear, hear) That, at least, would be one of the results which they might fairly anticipate from the proposed change. When the value of these coins was co-extensive with that of British sovereigns, there would be no objection to the change, but until that was the case, he hoped the common sense of the House would not be carried away by any specious reference to a branch of the Royal Mint, which certainly did not produce fruit of equal value with the parent stem (Hear, hear.)

Mr WATERHOUSE did not know whether the hon. member for Gumeracha had drunk deep or not of the spring referred to, but it was clear that the honorable Treasurer had drunk deep enough to muddle himself. (Hear, and a laugh) He (Mr. Waterhouse) had found in the backwoods of America, and among the mountains of Switzerland, the British sovereign passed current without question, but they were by no means certain that the Sydney sovereigns would pass current even in England. He could therefore see no advantage, and many disadvantages, in adopting the proposed currency, and must vote against the motion.

Mr NEALFS was of opinion that, in a short time, the Sydney sovereign would be legalized in Victoria, and he thought their resolution should be to adopt it as soon as their neighbours did. He was surprised to hear any remark from the Treasury benches on the repudiation of opinions expressed by a Select Committee after the repudiation of the Select Committee on the Estimates by the Chief Secretary. As to changing opinions, one individual at least had changed his opinions on the subject, in consequence of the change of circumstances.

The House divided on the motion. It was lost by a majority of nine.

AYES, 11.

Mr. Blyth
Mr. Dawes
Mr. Dutton
Mr. Hallett
Mr. Harvey
Mr. Krichauff
Mr. Leake
Mr. Lindsay
Mr. Marks
Mr. Needles
Mr. Scammell

NOES, 20.

The Chief Secretary
The Attorney-General
The Treasurer
Commissioner of Crown Lands
Mr. Babbage
Mr. Bagot
Mr. Burford
Mr. Cole
Mr. Duffield
Mr. Dunn
Capt. Hart
Mr. Hughes
Mr. Mildred
Mr. Milne
Mr. Peake
Mr. Reynolds
Mr. Smedley
Dr. Wark
Mr. Waterhouse
Mr. Young

RAILWAY TO THE MURRAY.

IN COMMITTEE.

Mr MILNE moved “That an address be presented to his Excellency the Governor-in-Chief, requesting him

to cause the engineer officers of the Government to survey a line of road for a railway, adapted to locomotive or animal power, from Adelaide over the Mount Lofty Ranges, and thence, in a direction as near as may be east, to the banks of the River Murray, and to lay the estimates of the cost of constructing said railway before this House, in order to enable this Parliament to judge of the advisability of passing an Act, and providing funds for said work."

Mr. REYNOLDS moved as an amendment, that all the words in the notice after the word "That" be struck out, and the following inserted. — A Select Committee be appointed to enquire into and define what roads should be considered main lines of roads, pointing out those which appear to the Committee most advisable to proceed with the immediate construction thereof. That it be an instruction to such Committee to enquire and report as to the cheapest mode of constructing such lines of road, whether macadamized, or as railways adapted for locomotives or animal power, showing the cost of constructing some given line of road, as well as the annual cost of conducting the probable amount of passenger and goods traffic over such road, and at what rate of speed, including repairs of road and carrying stock, according to each system, in order to enable the House to come to a decision as to what system will in the end be most economical, and should therefore be adopted in the construction of main lines of road throughout the colony. He saw that a similar Committee had been appointed by the other House, but he felt that it was a matter which that House should especially take action in, and they could by a conference take measures to prevent their separate investigations travelling over the same ground. He felt that the importance of opening up means of internal communication was so great that he would oppose every expenditure not absolutely necessary, that the money of the public could be applied to that all-important service.

Mr. WATERHOUSE supported the amendment, the necessity for which was obvious from the conflicting opinions which had been expressed in that House. He thought there was a great deal of misapprehension as to the feeling of those who advocated tramroads. It was not that they were considered better or even equal, to railroads, but the question was whether they were, with their means, to have any improvement on the macadamized roads. Although, in certain circumstances, it would be folly to prefer tramways to railroads, still the question was as to what was applicable to the present state of the colony—(hear, hear)—and whether it would be advisable to absorb the whole credit of the colony in forming a certain line of railway to the exclusion of tramways over the colony. He had seen at Long Island, America, a horse doing on a tramroad the work of nine animals with ease, and the Goolwa Tramway was a proof of the possibility of adopting the system with advantage here. Mr. Jackson, the engineer of the Yan Yean Waterworks, had informed him that the part of the tramroad in connection with that work, formed of wood, was constructed at a cost of £700 per mile, and that the whole line could be formed of iron at a cost of £2,000 per mile.

Dr. WARK thought it was high time to devise a colonial system, and the House would do well to adopt the amendment of the honorable member for the Sturt.

Mr. HUGHES was in a singular position, as he felt disposed to support the motion, and also the amendment. He thought there could be no hesitation as to the superiority of the Goolwa Tramway over common roads. He had no hesitation in repeating an opinion which excited a laugh on a former occasion, when he

said it, (the Goolwa Tramway,) was the best work the Government ever carried out. He was assured that a line similar to that at the Goolwa could be laid down at a cost of £1,600 per mile.

Mr. MARKS supported the motion. The object was to elicit information as to the cost of constructing and working particular lines. He hoped that the expense of the survey would not deter the House from placing all the information which hon. members required before them.

Mr. BABBAGE supported the amendment. They had heard a great deal from occupants of the Treasury Benches about the gradients being required to be the same on tramroads as on railways, there was nothing, however, said about the curves. He said much higher gradients were available for animal power than would answer for locomotives, and they could make curves of 90 feet radius for animal power, but they could not have curves of less radius for locomotives than 120 feet. It was because he saw a want of information even on the Treasury Benches that he was in favour of remitting the question to a Select Committee. No one said a tramroad was better per se than a railway. But the question was, which was best adapted to the present circumstances of the colony. (Hear, hear.)

Mr. KRICHAUFF was sorry that the amendment did not come on as a substantive motion. He was in favour of full enquiry, but he could not see how any objection could be urged against the survey asked for in the motion.

The ATTORNEY-GENERAL supported the motion on a ground which he was convinced would be considered valid by the hon. member for Encounter Bay. He confessed the extent of his ignorance, and no doubt that hon. gentleman felt with others his incapacity to deal with the question, and therefore they should have the information which surveys alone could give them. As the amendment would have the effect of preventing their having the needful information, he would oppose it. There was no member of that House who did not feel the necessity for a better communication between Adelaide and the Port—(hear, hear)—and between Adelaide and Mount Barker.

The CHIEF SECRETARY supported the original motion for the reasons advanced in support of the amendment—the attainment of information. That could be attained by means of actual surveys. A Committee could only found its calculations upon imaginary surveys. The amendment proposed to settle the main lines of road, but the enquiry was too large to effect any immediate practical advantage, while it would prevent the Government from bringing forward their measure for the extension of the Northern Railway to Kapunda and Teatree Gully. They had for years past been endeavouring to ascertain the best mode of making common roads. He thought they had now the best plan in operation for that purpose ("No, no," from Mr. Babbage.) He thought tramroads for animal power would be more costly than common roads; and if they had not the means of making common roads, they could not have means to substitute for them tramways for animal power. He was satisfied that enquiry would prove the superiority of railways over tramways.

Mr. REYNOLDS withdrew his amendment.

The motion was put and carried. The House resumed, and the report was brought up and adopted.

LEAVE OF ABSENCE.

Mr. REYNOLDS moved that an address be presented

to His Excellency the Governor-in-Chief, stating that in the opinion of this House no leave of absence should be granted to officers of Government, beyond three months, except on condition of the whole of their salaries ceasing during the period of such leave, in order that the persons appointed to fill offices temporarily vacant may receive the full amount of salaries or emoluments attached to them, and enable them fully to discharge the duties thereof. That motion had been submitted to a former Legislature, and it was thought better to reserve it for the decision of an enlarged Legislature under a responsible Ministry. He brought it forward now under those circumstances. It was known that the civil officers were employed for only thirty-two hours per week in the performance of their duty. They had more holiday time than persons in any other occupation. They had a right to six weeks' holiday per annum, and, at some unstated period, leave of absence for eighteen months on half salary. That operated as an encouragement to inconveniencing the Government's service, and as persons could be found to perform the duties at half pay the inference was that the salaries were too high. Then it was a fact that many officers who had remained absent while the salary was paid at the end of that term resigned, leaving themselves open at least to a suspicion that they had no intention to return when they obtained leave of absence with half pay for eighteen months.

Mr. WATERHOUSE supported the motion on the ground that the public service was injured by such long absences. It often happened that inferior persons were appointed to fulfil the duties at half salary, and when the vacancy occurred they had established a sort of claim for the permanent appointment.

The TREASURER felt compelled to admit that abuses had crept in under the system, and that the public service had been prejudiced to some extent. They should, however, look a little to the other side of the picture. The hours were nearly as long in the Government offices as in lawyers' and merchants' offices. Then he thought he could show that the remuneration was under that in lawyers', merchants', and bankers' offices. But that was as nothing compared to the slight chance of advancement in the public service. There were but eight offices exclusive of professional offices with salaries of £800 a year, and there were 120 candidates for those offices. He had often advised young men not to enter the public service, and he knew instances where men left that service and went into the bush, and had won wealth they never could hope to gain in the public service. It should be observed also that the office of Chief Secretary was now an office which was not open to official integrity or capacity, but was a political office open to members of that House. It was not so heretofore. The present Chief Secretary had gained his position by degrees; and, in fact, he (the Treasurer) had commenced as a humble landing waiter (Hear, hear). Then it was almost impossible for a married man to lay by means to support himself in ill-health, and if the hon. mover would introduce the words, "except in the case of ill health," he would not oppose the motion.

Mr. PFAKE supported the motion, provided the suggested amendment was extended to six months.

Mr. NEAL'S was afraid that would not do. They would find that the aristocratic members always could get medical certificates of ill-health, and when one expired another could be obtained.

The TREASURER had not recommended an unlimited extension. Say three months on half pay.

Mr. NEALES: the motion providing for full pay for

three months was equal to half pay for six months. He was for working Government officers harder and paying them better when at work, but not for giving them their salaries during sickness and inability to perform their duties.

The motion was agreed to.

DIRECT TAXATION.

Mr. BURFORD moved that a Select Committee be appointed to collect statistics and receive evidence, with a view to alter the present system of indirect to a system of direct taxation. He considered that in raising a revenue regard should be had to assisting the industrial and commercial capabilities of the country. He considered the present system one of positive evil, and every pound so raised a tax to that extent on industry. The system was also inquisitorial and congenial only to despotic minds. He thought there would be many advantages arising out of a change to direct taxation. The bearing of the public burdens would be equalized; it would promote prosperity, and increase wealth. It would also diffuse wealth more equally, and that alone would justify the House in attending to the subject. Now if such results would flow from an alteration of the system, it would be unpatriotic not to make the change. His idea was, that the real wealth of the colony was the only proper subject of taxation. The colony had now attained its majority and could bear the change. The Customs for the last year amounted to £145,000, or 30s per head. By a direct tax of three pence per acre the sum of £205,000 could be raised on the land alone. So that without touching the Land Fund, they had sufficient to carry on the Government without fettering industry or commerce. Farmers would only have to pay £1 on an 80-acre section. The public burden would be borne by large landowners, and it was the only system which would make absentees pay their proportion of that burden. Supposing a larger amount was required, an addition of one-sixth or one halfpenny per acre would give £35,000. He considered they had in District Councils and Stipendiary Courts the machinery for the collection of the proposed revenue. It would be collected without any per centage except in the case of arrears, and then the expense should fall on the defaulters. The cost of the Customs Department would be saved, and a large amount of Government patronage abolished. Patronage in the hands of any Ministry was a bane, and not a blessing to the country. Smuggling would be abolished and trade made really free under the proposed system. Another advantage would be that larger stocks could be kept by merchants, and the result would be to avert ruinous or injurious fluctuations in the market. Then those who grew could do as they pleased with their produce. It was an anomaly to prevent any man to do as he liked with his own, and under this system there would be no bungling with tariff or necessity for special taxes. All that House would have to do would be to pass the law and there was the money (A laugh). Then the tax would be paid by the most enlightened portion of the community, and therefore cheerfully paid. There was a point which should not be overlooked. There was a large class in England living on limited incomes, who, finding that they could live cheaper here than anywhere else, would be certain, the fine climate considered, to come here. To say that the system he proposed had never been tried was in his mind the strongest reason why it should be tried. It could be shown that by removing taxes on industry there would be a great impetus to the production of wealth. He considered it was a libel on the colonists to say that they would be repugnant to paying in another form an amount no greater than they paid at present. The duties raised on wine (£4,000), spirits and tobacco were £90,349, leaving £68,500 to be collected on other goods. He maintained that the con-

sumers of spirits and tobacco were chiefly among the industrial classes, and consequently they paid more than their fair proportion. He showed, in the case of the income tax, that the middle and productive classes were exerting themselves to prevent its reduction. (Hear, hear.) It had enabled the removal of so many duties on consumable articles as to set every factory in the country into active operation. As that House had a mission to work out the political regeneration of the community, he maintained that they were bound to agree to his resolution.

Mr MILNE thought direct taxation the best principle, and seconded the motion, although he had not the slightest expectation that it would be carried. He knew that a Bill for free distillation would be introduced shortly, but he could not understand how it could be carried except on the principle embodied in the motion. It was also the plan by which the money paid on Burra shares could be made to contribute to the revenue.

The COMMISSIONER of CROWN LANDS said the drinking and smoking classes paid the bulk of the taxes certainly, and as they did not complain, he saw no necessity for an alteration, but if the question ever arose in that form he would certainly be for direct taxation.

The question was then put, and on a division lost by a majority of 8. There being—

AYES, 9	NOES, 17.
Commissioner of Crown Lands	The Chief Secretary
Mr. Burford	The Attorney-General
Mr. Duffield	The Treasurer
Capt Hart	Mr Babbage
Mr Krichauff	Mr Cole
Mr Lindsay	Mr Dawes
Mr Marks	Mr Dunn
Mr Milne	Mr. Dutton
Mr Peake.	Mr Harvey
	Mr Hay
	Mr Hughes
	Mr MacDermott
	Mr. Mildred
	Mr Smedley
	Dr. Wark
	Mr Waterhouse
	Mr. Young

RAILWAY EXTENSION

Mr. MARKS moved that estimates be prepared, and laid on the table of the House, showing the expense of the northern extension of the Gawler Town Railroad to the Burra by the Wakefield and Gilbert routes, Nos. 1 and 2, alluded to in the report of the Surveyor-General, of the 16th January, 1857, in order to enable the House to form a decision as to which route it will be most advisable to adopt. As the surveys had been already made it would merely require a little trouble to gain the information he asked for. A difference of opinion might arise as to the preferable route, as one would possibly favour the Kapunda mine and the other a great extent of agricultural country.

Mr. PEAKE seconded.

The CHIEF SECRETARY supported the motion.

Mr WATERHOUSE suggested the propriety of including the lines 3 and 4.

Mr. MARKS assented.

Question put and carried.

House adjourned until next day.

LEGISLATIVE COUNCIL.

THURSDAY, MAY 28.

THE RIVER MURRAY.

Mr YOUNGHUSBAND moved, that there be laid on the table a report on the work effected in clearing the River Murray since the 6th February, 1857, being the date of the first instructions given by the Government on the subject.

Mr BAKER seconded the motion, and expressed a hope that the three Governments would co-operate in the clearing of the river. He trusted that there would be no objection to the motion, and hoped further that the hon. Commissioner of Public Works would inform the House what had been already done in the matter.

The COMMISSIONER of PUBLIC WORKS would gladly have answered the question at once had it been in his power, but he had made application to Captain Cadell, who happened fortunately to be in Adelaide, and who was able to supply more information on the subject than could be obtained from any correspondence in the hands of the Government. The Government were most anxious to foster the trade of the Murray and its tributaries—(hear, hear)—and had placed for that purpose a sum of £7,000 upon the Supplementary Estimates—£6,000 to go in the construction of a steam-slugboat, which was recommended by Captain Cadell, who had ascertained that the machinery for one could be procured in Sydney, the boat itself being built upon the river, and that if the money could be obtained in two months he could have it at work by the end of the year. The other £1,000 was to be set aside for contingencies. He might also state, though not exactly bearing upon the subject, but as showing the interest taken by the Governments and settlers of the neighbouring colonies, that he had heard from Captain Cadell that the Melbourne Government had placed upon the Estimates for the ensuing year a sum of £3,000 for the purpose of clearing the river between Echuca and Albury, and also that the settlers of the Darling, the Edward, and the Murrumbidgee, had applied to the New South Wales Government to place £4,000 upon the Estimates for a similar purpose in their neighbourhood, thus making a total of £7,000 to be brought to bear in conjunction with our amount. One consequence, as he was informed, of the opening up of the river navigation was, the determination of many of the settlers to substitute sheep upon their runs for cattle, on account of the facilities now offered for the transport of their wool.

Mr ANGAS expressed his appreciation of the exertions made for the clearing of the river, but called attention to the necessity of making the road from Gawler to Blanchtown, so as to facilitate the journey between Adelaide and the Murray. It was not more than 50 miles from Blanchtown to Gawler, to which place the railway was fast approaching, and if the road were once made, passengers might come down the river and reach Adelaide in half or three-quarters of a day from the time of their landing.

Mr MORPHETT the question of the road to which the hon. member had referred was, no doubt, important, especially to those who were interested in the northern districts, but the route to the Murray, whether by the Goolwa, or by Gawler and Blanchtown, was not at present before the House, but the still more important question of clearing the river. He was sorry to hear that only £1,000 was placed on the Estimates.

The COMMISSIONER of PUBLIC WORKS said the £1,000 was only supplementary to the £2,000 already voted.

Mr MORPHETT was quite aware of that, and he was aware also that the £2,000 was already expended.

The COMMISSIONER of PUBLIC WORKS, somewhat more than £1,000 of it

Mr MORPHETT then there was that balance, and the £7,000 now promised, of which £6,000 was to be expended upon some patent machine.

The COMMISSIONER of PUBLIC WORKS remarked that there would be a further sum upon the General Estimates.

Mr MORPHETT regretted that the hon. member had not afforded them all that information at once, which would have rendered these repeated interruptions unnecessary. We were voting only £1,000 while New South Wales was voting £4,000, and Victoria £3,000. We had the chief benefit from the Murray traffic, and it seemed to be acting in a most niggardly and illiberal way to vote only £1,000.

The COMMISSIONER of PUBLIC WORKS again rose, and complained that the facts were being misrepresented.

The PRESIDENT was understood to say that the discussion was going beyond the subject of the motion before the House.

Mr MORPHETT remarked that the hon. Commissioner of Public Works had opened the door to discussion by referring to the sum placed on the estimates. This had led him to express a wish that the amount had been more proportioned to the increasing importance of the Murray trade.

Mr AYERS understood that New South Wales was giving £4,000 and Victoria £3,000, while we vote £7,000.

The COMMISSIONER of PUBLIC WORKS observed that our £7,000 was supplementary to £2,000 during the present year. The votes of the other colonies would be for next year.

Mr AYERS said that strengthened the observations he was making—that the sums contributed by the other colonies were too small as compared with our contribution—and this he thought should be pointed out to the Governments of New South Wales and Victoria. He hoped also that, before any attempt were made to procure the machinery for the steambot at Sydney, enquiries would be made whether it could not be obtained in Adelaide.

The COMMISSIONER of PUBLIC WORKS said that point had not been overlooked; but it was found that nothing could be procured here sufficiently heavy.

Mr FORSTER said that one boat would be very inadequate to the work to be performed upon the river; for it could not, as he was informed, clear more than fifty miles in a year, therefore, he would suggest that the other Governments, who ought to feel equally interested with our own, should each be urged to contribute a similar boat.

Mr YOUNGHUSBAND trusted a united effort for the clearance of the river would be made by the three Governments under one executive head, so that they might not be frittering away their money or their work.

The motion was carried unanimously.

DUTIES PAID AT PORTLAND BAY.

Mr BAKER moved, that there be laid on the table

the nearest approximate return in the power of the Government to obtain, of the duty-paying goods consumed within the limits of this province during the last three years, upon which duty has been paid at Portland Bay, in the colony of Victoria." He believed that a large amount had been received by the Victorian Government for tobacco and spirits used in the Mount Gambier district within this colony, and while we were making arrangements for the collection and payment to that Government of all duties received here for goods sent up the Murray for consumption in Victoria, it was only fair that the Victorian Government should equally account to us for goods which paid duty to them and were consumed in this colony. Even supposing that no absolutely correct returns could be obtained upon the subject, he had no doubt that some approximate returns could be made by the police stationed in the neighbourhood of the border, for the goods mostly came along our line. He was told also that a permit system obtained in the other colonies which would facilitate the enquiry. He did not wish to refer to the past, but he was convinced there was a spirit of fairness actuating the Government of Victoria which would at once lead it to fall into some equitable arrangement with regard to future duties paid at Portland Bay:

Mr AYERS seconded the motion.

Captain BAGOT thought they should ascertain whether any drawback had been allowed at Portland upon goods sent over our border. Perhaps this might be added to the motion.

Mr BAKER thought that could hardly have been done. Drawback was an allowance to a shipper upon duty-paid goods re-shipped.

The COMMISSIONER of PUBLIC WORKS said the Government would be happy to supply such information as could be obtained. He might mention that the Mount Gambier settlers were quite aware that they would not much longer be able to draw their supplies from Portland, as the means would shortly be secured to them of reaching Guichen Bay.

The motion was carried.

THE SUPERANNUATION FUND.

Mr BAKER, pursuant to notice, asked the Commissioner of Public Works to explain the policy of the present Government on the subject of pensions, and to inform the House if the working of the Civil Service Retirement Act was satisfactory, if the amount named in that Act was sufficient for the purpose contemplated; if not, how soon the amount would be expended, and what steps, if any, the Government intended taking in the matter. He need only call attention to the fact, that in the late Legislature he had sought to repeal the Act in consequence of the admission of the Government that the fund was in an unsatisfactory state. The Government had introduced a Bill upon the subject, which was rejected by the late Council, and he thought it desirable now that the state of the fund should be known. That it was unsatisfactory there could be no doubt. It was said that persons becoming nearly entitled to its benefits were discharged from the public service, and thus deprived of their claims, and it was certain that it was very unpopular among the juniors. In his opinion, the best way would be to repeal the Act, keeping faith with those who had claims, and returning to all others the full amount they had paid with interest thereon.

The COMMISSIONER of PUBLIC WORKS said it was the intention of Government to bring in a Bill to repeal the present Act, the working of which was wholly

unsatisfactory. He could not as yet say what the details would be, as they had not been considered, but faith would of course be kept with the contributors. Perhaps the hon. member would himself bring in a Bill (A laugh) A return would shortly be laid on the table, showing the receipts and expenditure since its establishment in 1854. As regarded the appropriation of the sum of £10,000 secured by the Act, only £33 19s 6d. had been taken from it, leaving an unexpended balance of £9,916 0s. 6d.; but the present annual charge was £1,584 11s. 7d, while the contributions of 163 subscribers amounted only to £327 3s, leaving an annual amount of £757 8s. 7d to be provided for out of the grant of £10,000. That charge, and an increased one of £200 in each year, would in six years eat away the entire £10,000. During the next year, thirteen more persons would become entitled to retire upon the fund, and if the whole of them should do so, the charges would of course be greatly increased. The present intention of Government was to correct the imperfection of the present system, to keep good faith with the contributors, and to constitute an efficient superannuation fund, available for public officers.

Mr BAKER, with reference to the hon. member's remark, said he could bring in a Bill, which would be satisfactory to himself, and he had already stated the principle upon which it would be based.

Mr. FORSTER enquired whether the £10,000 had been invested so as to yield any interest.

The COMMISSIONER of PUBLIC WORKS replied in the negative.

Mr. BAKER believed it was not set aside at all.

The COMMISSIONER of PUBLIC WORKS said the Act did not authorize its being set aside (A laugh)

RAILWAY COMMITTEE.

Power was given to the above Committee to call for persons and papers

House adjourned to Tuesday next.

HOUSE OF ASSEMBLY.

THURSDAY, MAY 23.

The Speaker reported that he had presented to the Governor-in-Chief the addresses agreed to by the House the previous day.

THE NEW PARLIAMENT HOUSE.

Mr. Blyth enquired whether a section would be laid on the Library table, showing the height of the rooms in the proposed Parliament House, and also an estimate of the cost.—The Chief Secretary said he would apply to the Commissioner of Public Works to have such a section laid on the table of the Library. An exact estimate could not be made out without the previous preparation of expensive specifications. The rough estimate was £50,000. In reply to a remark of Mr Bagot, he said the plans before the House were for a building to adjoin the present edifice, but the Government were not wedded to any site, and the subject of the site would shortly be brought before the House.

PENSION TO MRS. PETRIE.

Mr Hallett moved that the House do go into Committee on his motion for an address to be presented to his Excellency the Governor-in-Chief, requesting his Excellency to cause to be placed upon the Supplementary Estimates a sufficient sum of money, consistent with the means of the colony, to provide an annuity, not exceeding £100 per annum, to Mrs. Petrie (late

Miss Flinders), daughter of Captain Flinders, the early explorer of this and the adjoining colonies.—The Chief Secretary moved as an amendment that the House do go into Committee on the question. The mover should have informed the House whether there had been a petition from the lady in question, whether she would accept the pension if it were granted, and whether the other colonies were taking action on the matter, as it was clear that South Australia was not the only colony that had benefited by the labours of Captain Flinders.—Mr. Bagot, as seconder of the motion, suggested that the mover should be permitted to speak to the question.—That being assented to, Mr Hallett said he believed there was no petition, but he saw by private correspondence that such assistance would be very gratefully received. He believed, also, although he could not vouch for the fact, that Mrs. Petrie received £100 from one colony.—The question was then put and negatived.

LIBRARY COMMITTEE.

Mr. Blyth moved that a Standing Library Committee be appointed, to consist of three members. He suggested the Speaker, the Attorney-General, and the hon member for Light (Mr. Bagot)—Mr Duffield seconded, assuming that the Committee would act in unison with the Committee of the Legislative Council.—The Chief Secretary moved that the Committee should have a continual power of conference with the other Committee, and that the result of that vote be communicated by message to the Legislative Council. He begged to suggest that his first recommendation should be added to the original motion, and the second made a substantive motion.—That course was agreed to, and acted upon.

ECHUNGA QUARTZ REEF.

Mr HUGHES moved that the petition of Alfred France, presented to this House on the 28th May, be taken into consideration, with a view of complying with the prayer thereof.

The petition having been read by the Clerk—

Mr. HUGHES said he had no idea of interfering with the rights of the alluvial diggers, but acted in the hope of making productive the auriferous quartz reefs of the colony. He was prepared to deny that any other parties were entitled to the discovery of the reef in question. It was originally discovered by Mr James Giles and Mr. Smart, in January, 1854. They attempted to purchase the land, but being auriferous it was reserved. It was true indeed that parties claimed a reward in February, 1857, for the discovery of that reef as a gold-field, but those parties made no application for a lease. The original discoverers having ascertained the mode of extracting gold from quartz, applied, in conjunction with the petitioner, for a lease. They had gone to an expense of £700 in importing a crushing-machine.

The ATTORNEY-GENERAL suggested the propriety of referring the matter to a Select Committee, as the facts were in dispute.

Mr. HUGHES was quite content to do so.

Mr. NEALES said the fact was, Mr. Giles found gold there three years ago, but, instead of working the ground, he abandoned it, and so lost as a digger his claim. Other men had commenced working the ground, and continued to do so. It was only the petitioner, France, who objected to comply with the claims of the diggers, the other parties merely asked for ten acres of the land adjoining their claim. As to the machinery spoken of, it was condemned by the parties themselves as useless, for that morning a quantity of quartz of their raising had been sent to be crushed by the Government machine.

Captain HART explained that the quartz had been sent in to be crushed by the Government machine, because the parties were unwilling to go to the expense of employing steam power until they were assured of the lease.

The question to refer the motion to a Select Committee was then put and carried. The following members were selected by ballot as the Committee.—The Commissioner of Crown Lands, Mr. Neales, Mr. Krichauff, Mr. Waterhouse, and the mover. The Committee to report that day week.

IMMIGRATION FRAUDS.

Mr BLYTH moved that a return be laid on the table showing the names (as far as known), the age, and trade or calling of those immigrants who have left Government emigrant ships for the other colonies, without landing or staying any time in this colony. He understood such a record had been kept, and, as all information was cheerfully supplied, he trusted that what he asked for would not be refused.

IMMIGRATION RETURNS

The COMMISSIONER OF CROWN LANDS laid on the table a return of arrivals and departures of immigrants for the first quarter of 1857.

INCREASE OF PRINTING

The CHIEF SECRETARY warned hon members that the printing was now accumulating to such an extent as to employ all the available presses in the colony. He hoped hon members would not call for returns except when they intended to found motions on them (Hear, hear)

The motion was put and carried

CHART OF NEPEAN BAY.

Mr MILDRED moved, that there be laid on the table of this House a chart of that part of Nepean Bay, commencing at lat 35° 43' south, and 137° 58' 31" east long, extending by Eastern Cove to Prospect Hill, thence southward to Morgan's River, thence westward to Kingscote, and from Kingscote to the Bay entrance near Kangaroo Head, together with all obtainable information as to fresh water, sites for wharfs and jetties, and its general suitability as a rendezvous for ocean steamers. He regretted that the sketch before hon members did not contain the information they asked for. He hoped they would have a chart by which they could measure distances. They had a chart without degrees, parallels, or meridian lines.

Mr. WATERHOUSE seconded the motion, and expressed a wish that Government should make the colonists better acquainted with Kangaroo Island and its productions. They heard of its gold-fields and of its stringybark forests. Captain Cadell, now in Adelaide, one of the most energetic of Australian explorers, could, he was assured, be induced to perform that duty, if applied to by the Government (Hear, hear)

The motion was put and agreed to.

RAILWAY CONVEYANCE OF STONE.

Mr. NEALES moved, that there be laid upon the table of this House a return, showing—1 Rates charged for carrying stone from the Dry Creek quarries to Port Adelaide. How much of that rate is paid to the Northern Railway, and how much to the City and Port Railway—2. The number of miles the stone is carried over each line—3. Whether the amount charged includes loading and delivery, and, if so, the respective amounts.—4. What price is charged for carrying stone from the Adelaide Station to the Port, and

what number of miles it travels over the line—“5 Whether equal facilities are given, and at equal rates, for conveyance of stone from private quarries and from the Dry Creek quarries—Certain parties, he said, working stone quarries, were under the impression that they were not fairly treated, but that an undue preference was given to the great Dry Creek quarry, to the prejudice of private parties. To put all doubts at rest, that return was asked for

The CHIEF SECRETARY stated that instructions had been given to the Comptroller of Labour Prisons frequently, but especially lately, in consequence of complaints made by contractors to the Central Road Board, that he (the Comptroller) was to have nothing to do with contracts for the supplying of stone, but to simply have it broken, and sell it by auction. The Government now had nothing to do with contracts for the conveyance of stone.

The motion was negatived

THE MARRIAGE ACT.

Mr PEAKE asked the Honourable the Attorney-General if the Bill before the House, to legalize a marriage with a deceased wife's sister, would be affected by the Imperial Act of 1850, which circumscribed colonial legislation within that of the Imperial Parliament, or enjoined that colonial Acts should not contain anything repugnant to the laws of Great Britain. He thought the Act that had been read a second time was repugnant to the laws of England. He would also ask how parties would be affected who left England, and came here and contracted a marriage. Would it be considered legal on their return to England, would their children be legitimate, and would property descend to them as such?

The ATTORNEY-GENERAL was of opinion that the provisions of the Bill in question would be in no way affected by the Imperial Statute. He was of opinion that it was quite within the province of the South Australian Parliament to pass such a law. He would further state that he was of opinion that the measure was not repugnant to the law of England (Hear, hear) With regard to the other question he could not pretend to say what would be the decision of the English Courts on any question, but the rule was that a marriage was valid, however celebrated, if it had been celebrated according to the law of the country in which the parties were resident when it took place. If therefore the parties would be considered residents of this colony when the marriage was celebrated, it would be considered valid on their return to England.

THE SOUTHERN JETTIES

Mr DUNN moved, that returns be laid on the table of this House, showing the number of jetties that have been built, and are in the course of erection (if any), between Glenelg and Port Elliot, the aggregate cost in erection and repairs of each, up to the present time, also the amount of moneys laid out in tramways, tramway carriages, or other implements connected with the same, also the moneys expended on roads, ways, lands, bridges, and approaches to said jetties, including the estimated cost of one to be built at Myponga, also moorings for accommodation of vessels loading or discharging at said jetties.—The settlers in the south had many facilities for the disposal of their produce, while settlers in other parts of the colony had no similar advantages

Mr DAWES seconded the motion, as it would show how much greater were the advantages enjoyed by the south over the Mount Barker district

Mr BLYTH remarked that the information asked for would be found in the Blue books before the House

Mr NFALES concurred. He hoped hon members would have consideration, and cut down the expense of printing, which was becoming frightful.

Mr YOUNG said the real object was understood to be to get the southern representatives in a line to support the northern railway extension. It was true they had jetties in the south, but they must have roads to lead to them.

Motion withdrawn.

GAWLER TOWN RAILWAY TERMINUS.

Mr DUTTON moved, that the Assembly take the petition of the inhabitants of Gawler Town into consideration, with a view to granting the prayer thereof

Mr WATERHOUSE recommended the reference of the petition to a Select Committee. If the hon mover would not consent, he would move an amendment to that effect

Mr RYFOLDS, as one of the previous Select Committee on the Gawler line, joined in the recommendation.

The CHIEF SECRETARY said one of the results of complying with the petition would be, to divert the line on to land with which the Government had no power to deal. That would involve great delay, as a Bill would have to be passed, and notices given to the owners of the land. There would also be a loss of £2,000, which had been expended in constructing the line up to the terminus now authorized by law. There was a still more important question, namely, the mode in which the proposed resolution would affect the continuation of the line northward. A very sharp curve, or rather two curves, would be rendered necessary. There would be also, in the additional length of line, all the difference between the diameter and circumference of a circle. Then the line might be extended through Gowler Town ("Hear," from Mr Dutton, and, "Perhaps that was the object of the petition") Expense would be incurred by that, he was advised, of from £13,000 to £15,000 additional to the expense of taking it as the Government proposed. (Hear.) A future loss also would be involved, and they should not embarrass the railway system to such an extent for the benefit of merely local interests. The House should take care, when every pound was wanted for the extension of trunk lines of railway, not to fritter away £20,000 to meet the wishes of a locality. To comply with the prayer of the petition would, by delaying the work, injuriously affect the existing line, and the proposed extension.

Mr BABBAGE supported the prayer of the petition. He thought it strange, indeed, that the line through the town should cost £15,000 more than the line proposed by the Government. He knew something of the ground, as he had taken sections by direction of the Government some time ago, but he admitted that Government might have further information from later surveys. He was strongly inclined to think that a cheaper continuation of the line could be found through Gawler Town than that to which the estimate of the Chief Secretary referred.

The COMMISSIONER OF CROWN LANDS said the subject had been fully discussed by the Railway Commissioners when he was on the Board, and it was unanimously decided that the line could not be carried through Gawler Town, unless at a great and undeniable expense.

Mr LINDSAY supported the motion for referring the matter to a Committee.

Mr BURFORD would oppose the motion on the grounds set forth by the Chief Secretary.

Mr BAGOT had been on the former Committee, and his feeling then was to place the terminus in Gawler Town. However, as the Bill which the Government intended to bring in for an extension of the line to Kapunda must be referred to a Committee, he would recommend the withdrawal of the motion, and a contingent notice being given that the petition would be referred to the Committee on the Kapunda Extension Bill. (Hear, hear.)

The ATTORNEY GENERAL said the works of the station were of a temporary character, but the line approaching it was of a permanent character. Then it was not the removal only of the station, but the diversion of the line that was asked for. Whenever a Bill was introduced to carry the line to Kapunda, the motion must be referred to a Select Committee, and then the question could be considered, not only with reference to the interests of the people of Gawler Town, but with reference to the public interests. He protested against a consideration of that petition without a regard to the interests of the community. He trusted that his hon. colleague for the City (Mr Dutton) would adopt the advice of the hon. member for Light, and withdraw his motion.

Mr HAY believed the intention of the House was that the line should be continued. He thought that if the railway was continued north of Gawler Town it would be for the public interest to construct a branch line at least to the bridge. (Hear, hear.) Looking at the quantity of produce stored in Gawler Town, it was obvious that either a branch line or an expensive macadamized road to the station must be constructed. (Hear, hear.) He approved of the question being sent to a Select Committee, and it should be decided before the erection of a station was proceeded with.

Captain HART thought the whole question was whether the railway was to be extended to Kapunda or not. If so, the railway must run on the line laid down by the Government. No doubt Gawler Town would suffer as other towns had suffered by railways, and it might be found that those buildings at Kapunda were in the wrong place when the railway passed by that township. If, however, as he hoped, the continuation was to be a tramway, the terminus should be in Gawler Town. Therefore the great question of continuation must be decided before the question of site could be entertained. He thought the terminus should not be constructed until the Bill was brought in and the question settled. There was, in his opinion, no fair comparison between ships at the Port and farmers' crays in Gawler Town, which could be driven on wheels to the station, where the railway cart would take their loads.

Mr NFALES hoped the motion would be withdrawn. He did not, however, think the town would be extinguished by the terminus being placed at Barrett's section, but they should have a branch line to the station, and he would certainly support a proposition to that effect.

Mr MARKS said the name of the railway would be a misnomer if the line was taken any other way than by Gawler Town. He thought also that the people of that township had a right to the favour they applied for, as they had expended large sums in the township.

Dr WARK thought any approach of the railway to Gawler Town was a great boon to that township. He thought that petition should be taken into consideration with the question of extension.

The **TREASURER** believed the plan on the table of the House was sufficient to decide the question. They would have not only the expenses referred to by the Chief Secretary, but they would have the continued expense of running a train over an enhanced distance and inconvenient curves. He could see no objection to a horse tramway to connect Gawler Town with the railway. He joined in the recommendation to retire the motion, as the Government intended, by Tuesday or Wednesday next at the furthest, to introduce the Bill for the extension to Kapunda. (Hear, hear.)

Mr. DUFFIELD was peculiarly situated, by representing the district and by being the owner of considerable property in Gawler Town. He believed that as good gradients could be obtained for the extension northward by taking the railway through Gawler Town as by taking it on the proposed line. As a survey must be made from Gawler Town to the North Para River, he would support the reference of the petition to a Select Committee.

Mr. DUTTON had been deprived of an opportunity of dwelling on the subject he had introduced, and had not said as much as he intended in support of the petition, having reserved his remarks until the House was in Committee. He had, however, been long enough a member of the Legislature to know the uselessness of pressing any motion against the feeling of the House (Hear, hear.) He trusted however that when the motion for the extension to Kapunda came on for consideration, that the prayer of the petition would also be considered. There were 1,561 signatures to the petition, and a quarter of a million had been expended in Gawler Town. There was no proof before the House as to the superiority of the present terminus. An extension to the north would in all probability involve an extension to the north-east, and so Gawler Town would be the best site for a terminus. He thought the petitioners were very reasonable in their demand, and so he consented to support it. It was, however, useless to press the matter to a division, and he would, therefore, with leave, withdraw the motion.

Motion withdrawn.

IMMIGRATION RESOLUTIONS.

Mr. HUGHES, before the House went into Committee, moved the reference of the whole of the resolutions to a Select Committee. His object was to avert the injury which the resolutions would, he was convinced, inflict upon the colony. The effect of the resolutions would be to exclude the importation of agricultural labour (No, no.) The conditions required were such as that class could not comply with. The Government had not given a satisfactory explanation of the resolutions.

The **ATTORNEY-GENERAL** said the only matter before the House was whether the Speaker should leave the chair.

Mr. HUGHES went on to say, in support of his amendment, that the conditions required by the resolutions would effectually keep out agricultural labour, as that class had to be assisted even to leave home, and could not pay any part of their passage-money. They did not want to introduce shopkeepers and small capitalists to compete with the tradesmen of Adelaide, they wanted farm and other labourers. The subject was most important, and a Select Committee might gather materials for a sound decision before they ventured to decide a matter so important.

Mr. KRICHAUFF supported the motion for reference to a Select Committee. He agreed with the resolutions, but thought it desirable to have a unanimous decision on them. He did not apprehend any very great difficulty in arriving at that point. They should make the

colony attractive to labourers, and that might be done by keeping up a rate of wages that would encourage labourers from the other colonies, or it might be done by other advantages. The population had so grown that the inhabitants sending for relatives now kept up an important and constant addition to the population. He thought nominations, or partially assisted immigration, the best system, but would support the amendment.

The **COMMISSIONER OF CROWN LANDS** could not see how there could be any misinterpretation of the term "suitable classes," which must of course mean suitable to the requirements of the colony, and could be defined by regulation from time to time. He had no fear of agricultural labourers not being nominated, as by far the larger proportion of the persons now nominated belonged to that class. The present regulations fixed the rates to be paid, and it did not follow that those rates should be increased. If a low rate of £2 or £3 were fixed in the first instance, he believed that the nominations would considerably increase.

The **CHIEF SECRETARY** looked upon the debate as a mere waste of time. It should at least have been deferred till the report of the Committee of the whole House had been brought up. He hoped no objection would be made to going into Committee.

The **TREASURER** hoped the House would not appoint the Select Committee. The resolutions were but a declaration of the policy of the Government, who asked the benefit of the advice, not of a Select Committee, but of the whole House for their future guidance. He understood one object of the Select Committee was to embody the resolutions in a Bill. He thought the House should guard itself against Select Committees, which were not usual in England except in cases where information was required and witnesses would have to be examined. He could not think the House in need of information, for he could hardly suppose any witnesses could be summoned who would know more on the subject than the members themselves.

Mr. YOUNG said the class of men they wanted were sturdy agricultural labourers and miners. They could not expect such men would be able to pay their own passages, nor was it likely we should retain them here if they were burdened with the condition of paying their passage-money. He trusted that hon. members would see the necessity of delaying the decision of the question until the subject had been fully enquired into.

Mr. REYNOLDS said if they went on with the question at the present rate, the business of the country would never be transacted, for with each new resolution the whole of the old ground was gone over again. He thought if they did not know enough on the subject of emigration now, they would not learn it by means of a Select Committee. He should, therefore, oppose the amendment.

Mr. PEARE thought the means of obtaining a sturdy class of labourers was sufficiently set forth in the resolutions.

Mr. BLYTH thought it possible the reasons for the hon. Treasurer's fear of a Select Committee might be known to some members of the former Legislature, but he (Mr. Blyth) considered Select Committees had usually thrown light upon the matters referred to them. He would certainly vote for the utmost amount of enquiry in the present instance, the resolutions being so important in their character, that one member of the Government at least had intimated that if they were not carried out, he, at least, should resign.

The House divided, and the amendment was lost by a majority of thirteen, the division being as follows upon the question that the Speaker do now leave the chair —

AYES, 21
 The Chief Secretary
 The Attorney-General
 The Treasurer
 Mr Babbage
 Mr. Burford
 Mr Cole
 Mr Dawes
 Mr Dutton
 Mr Hallett
 Mr. Harvey
 Mr Hay
 Mr. Leake
 Mr. Lindsay
 Mr. Macdermott
 Mr Marks
 Mr Milne
 Mr. Peake
 Mr Reynolds
 Mr. Smedley
 Dr. Wark
 The Commissioner of
 Crown Lands (Teller).

NOES, 8.
 Mr Blyth
 Mr Duffield
 Mr Dunn
 Captain Hart
 Mr Krichauff
 Mr. Mildred
 Mr. Young
 Mr. Hughes (Teller).

IN COMMITTEE.

The COMMISSIONER OF CROWN LANDS again brought forward the third resolution, namely—"That it is expedient to afford immigrants of a suitable class partial assistance in procuring passages to this province, and that, for this purpose, embarkation orders should be issued to a limited extent, both here and in the United Kingdom, at a certain rate of payment, to be varied from time to time, according to circumstances."

Mr WATERHOUSE read some additional words which he proposed by way of amendment, namely—"And that, in granting free or assisted passages, no undue preference be given to emigrants of any one of the kingdoms of which the United Kingdom of Great Britain and Ireland is composed, or to those professing any particular creed, but that the number of English, Scotch, and Irish to be introduced, wholly or in part, at the public expense, be determined as nearly as possible upon the proportion that each people bears to the entire population of Great Britain and Ireland, and that the same rule be applied to the forwarding of emigrants of the Protestant and Catholic creeds."

Mr. BURFORD repeated his approval as seconder

The ATTORNEY-GENERAL must feel it his duty to oppose the amendment, and, singularly enough, because he entirely approved of its principle (A laugh) No man more than himself would condemn any preference to the natives of a particular country, or the professors of a particular faith; but they ought not to assume that a person entrusted with the important duties of emigration agent would be actuated by feelings so unworthy as would be evinced by such partiality in his selection of emigrants. He might also observe that it would be very difficult to carry out the provisions sought to be introduced into the resolution. Indeed he hardly saw how it could be done, or what was the intention of the mover. Did he mean that in each particular ship there should be the exact proportion of English, Irish, and Scotch, and that each nation should contribute its proper share of the creeds professed within its limits. (No) He knew the hon. member did not mean that, but he put it in that way to show the difficulty which would arise from the adoption of such a rule. It might happen that suitable immigrants would be kept back by its enforcement; and he must

say that he looked upon such restrictions as likely to occasion only inconvenience. And they would gain nothing by its adoption, for if the agent disobeyed its provisions, they could do no more than dismiss him, which they could do already, if they found he acted unfairly in his selection of emigrants. It was a provision implying distrust, and conferring no extra power upon the Government or upon the Legislature.

Captain HART considered the arguments of the hon. member were arguments against the resolution itself, as it was impossible for the agent to act upon the instructions contained in the amendment, and exercise any judgment as to the country or creed of the emigrant. He could not refuse an embarkation order because it was presented by an Irishman—

The COMMISSIONER OF CROWN LANDS remarked that the order was not transferable, without the agent's consent.

Captain HART did not think the agent could refuse permission to transfer an order to a suitable person simply because of his country or creed. That was his great objection to the system of embarkation orders, because the instant the money was taken for them all power of selection was gone. They could enforce no conditions except those which appeared upon the face of the order, having regard to age, trade, health, and general character.

Mr PEAKE opposed the amendment, which he considered highly objectionable, and more likely to call into existence than to suppress a feeling of national or religious animosity. The House would have a direct control over the conduct of the agent, and that was an additional reason why they need not introduce into the resolution that wedge of discord and sectarianism.

Mr REYNOLDS saw more sectarianism in the hon. member's remarks than in the amendment. They all recollected the introduction of a large and disproportionate number of Irish females. The amendment was directed against the recurrence of such events, and was in no way open to the censure of sectarianism. After the remarks, however, of the hon. Attorney-General he hoped the hon. mover would consent to its withdrawal, for there could be no doubt the present Government would be careful to prevent any improper preferences, and if, by any misfortune, the gentlemen now composing the Executive should resign their seats, it would be for the House to look sharply after their successors. (A laugh)

Mr BURFORD remarked that the object of the amendment was not, as had been alleged, to revive, but to keep down a spirit of sectarianism

Mr PEAKE had not said the intention of the amendment was sectarian, but that its effect would be so.

Mr REYNOLDS observed that the hon. member had termed the amendment a wedge of discord and sectarianism.

The COMMISSIONER OF CROWN LANDS said it would of course be difficult to prevent local or sectarian preferences with regard to nominations in the colony; but the new system would afford them no greater facility than that at present in operation. In England, however, it would be easy for the Agent to sell his embarkation orders in various districts. It was true a case had recently occurred here, in which 140 nominations had been sent in by a single Irishman; but the circumstance was really very much to his credit. His passage to the colony had been paid by means of a shilling subscription among his friends, and he had promised

them to do all he could to get them out also. He had exerted himself to obtain nominations, and had thus kept his word. All he (Mr Bonney) could say was, that he should like to see such an example followed, whether by an Irishman, an Englishman, a Scotchman, or a German. (Cheers)

Mr WATERHOUSE was willing, if the Government thought the amendment would tie up their hands inconveniently, to withdraw it at their request. He did not, however, himself see that it could have such an effect, as it would amount to nothing more than instructions to the Emigration Agent.

The CHIEF SECRETARY would ask the hon member to withdraw it. He assured the House that the Government would be careful to carry out its spirit.

Mr. WATERHOUSE then withdrew his amendment.

A few verbal alterations were then made, the House resumed, and the Committee obtained leave to sit again next day.

Adjourned to Friday, at 1 o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, MAY 29.

ELECTORAL ROLLS.

The Chief Secretary laid on the table a return showing the number of electors on the roll prior to, and number of voters at, the recent general election.

GOODS TRAFFIC BY RAILWAY.

The Chief Secretary said, in answer to Mr. Blyth, that Messrs. Fuller & Co's contract and tender for carrying goods by railway should be laid upon the table. He also said, in reply to Mr. Reynolds, that the tenders should accompany the contract.

MURRAY RIVER DUTIES BILL.

On the Order of the Day being called for the second reading of this Bill,

The TREASURER said the Bill was second in importance to no other which would occupy the attention of the House, and before entering upon it, it would be well for the Government to put the House in possession of the policy they meant to pursue in the conference about to be held between the delegates of the three colonies upon the subject of the Murray duties, and the more so as they had met with so much support and no factious opposition. (Hear, hear) When they were met in that spirit it would ill become them to withhold from the House the policy they meant to pursue, although, as the negotiations were not completed, it would not be desirable to show their cards too much, or the opposite parties, knowing what they were willing to concede, might take all and ask for more. There could be no objection, however, to stating what were the positive instructions which would be given to our delegate—the instructions beyond which he could not go. The Bill was brought in as a temporary measure, but was so worded that it might be made permanent. The New South Wales tariff was to be adopted for the present season, and attempts would be made to assimilate the tariffs. On that, however, as on every other subject, the delegates were to confer, but not to settle anything finally—(hear, hear)—that would be left to the Legislature, and on no other understanding would the Government enter upon the negotiation. Whatever result, therefore, was arrived at, that would be subject of future consideration by the Parliaments of the three colonies. The first instruction to the South Australian delegate would be, look-

ing at the letters of Mr Childers, and the policy of the Victorian Government, as shown by the minute of Mr. Dryburgh, that should any attempts be insisted on to impose tonnage duties, or otherwise to interfere with the free traffic of the river, he was to retire at once and come back. Another instruction would be, that the assimilation of the tariffs must be sought by mutual concession—that this colony, though not so large nor so wealthy as the others, was not to be dictated to. (Hear, hear) The Government did not go the entire length of desiring absolute uniformity in the tariffs of the three colonies, which their different positions would not justify. For similar tariffs to produce similar results, not only the circumstances, but the tastes of the people, ought to be the same, for instance, the consumption of spirits was proportionably greater in Victoria than in South Australia, so that the effect of raising or depressing the duties would be widely different in the two colonies. Their exportable commodities should also be the same to warrant an assimilated tariff, for instance, an export duty on gold was valuable in Victoria, but it would not be so here. But there were other grounds of objection to an entire assimilation of tariffs. The necessities of the colonies might be different, so that one might require to raise a greater revenue than the others. Again, the productions of the colonies must be taken into consideration, for instance, he could say from his own observation that in New South Wales tobacco might be produced nearly equal to the American, so that, if the manufacture were largely gone into there, the duty on imported tobacco would fall so low as to cause a deficiency in the revenue. He thought therefore that absolute uniformity would be a failure, but at the same time he would avoid such discrepancies as might encourage smuggling. The delegate would therefore submit the tariff he had laid before the House, leaving the other colonies to impose such other duties as they please. It would be a *sine qua non* to place the necessary articles of food, say potatoes, corn, meal, flour, vegetables, and green fruits upon the free list. Upon tobacco, tea, sugar, coffee, and such articles, South Australia would increase the duties so as to meet the tariff of the other colonies half way, and they would of course be requested to reduce their duties to a similar extent. Thus there would be a deficiency in their revenue, to make up which it would be suggested that they should impose moderate duties upon timber, iron, and some sorts of groceries, such as macaroni, figs, &c, which were at present left untaxed there, but paid ad valorem duty here. The object of the Government in putting forward a tariff was, not to insist upon it in its entirety, but merely to offer it as a basis, and to show how readily ad valorem duties might be converted into fixed duties. The other colonies objected to ad valorem duties, and it must be admitted, that they created some trouble and required some skill on the part of the officers. But though these objections operated so far as to induce him to recommend the imposition of such moderate duties as should not encourage fraud, they were not in his view so important as to justify leaving such articles as drapery wholly untaxed. He observed it stated in the public journals, that they should not lose by adopting the New South Wales tariff, and he had been asked why he had selected the year 1855 for his calculation seeing that its adoption would occasion a loss of 18 per cent. It was said that 1856 would have shown no loss. His object had been to arrive at a fair average result, and he took the year 1855 because there were not then the disturbing causes, that had existed in previous years, from the tariff being different, and in 1856 from the large clearances of goods to be re-exported up the River Murray. Perhaps the want of allowance for the goods sent up the Murray had led to the remarks to which he had referred. He found, on going through the matter for several years, that the effect of adopting the New South Wales tariff would have been in 1852 a loss of

14 per cent, in 1853 a loss of 11 per cent, in 1855 a loss of 13 per cent, and in 1856 a loss of 7 per cent, but the best way was to take an average which would be found to amount to very nearly the same percentage as he had arrived at from the returns of the year 1855. But the fact was that the year 1856 threw them out, because a large quantity of tobacco paid duty here for transmission to New South Wales, and was not sent up the river till the commencement of the present year. Therefore they had no clear data to go upon. But after deducting the tobacco so sent up, and arriving at as near a balance as he could, he found there had been cleared about 62,000 lbs of tobacco above the average, and for which he could in no way account, except by supposing that it had been held over for shipment. He could not certainly suppose that the people of South Australia had so suddenly increased their consumption as to have used it all at home. For these reasons it would be seen that, by taking the year 1856, they would only arrive at an erroneous conclusion.

Mr REYNOLDS asked if the hon. member could give the House an account of drawback.

The TREASURER said there was no drawback. The weight of duty-paid tobacco was taken, and the amount carried to the credit of the other Government. But in addition to any loss we might sustain by the adoption of the New South Wales tariff, he should object to it altogether, on account of the high duties it imposed on tea, tobacco, coffee, and other articles mainly consumed by the working man. He had arrived at the conclusion, after some careful calculation, that in South Australia the man of £800 a-year income, contributed to the revenue about three times as much as the labouring man, while in New South Wales there was little difference between the amounts at which they were taxed. He should object to it also on account of the duty on tobacco being so high that it would form a great inducement to smuggling along our coast-line, which would require a very large outlay for its prevention. The probable effect of the high duty would also be to materially reduce the consumption of the article. Again, in the New South Wales tariff there was a great difference in the duties levied upon different kinds of spirits—varying from 6s to 10s—without any apparent reason. It was not upon the *ad valorem* principle, because the lowest priced spirit was the most highly taxed, and he really saw no reason why the man who was fond of whiskey should pay more highly for his glass than he who preferred brandy. To come more immediately to the Bill, the House would remember that one in some respects similar to it was rejected by the late Legislature. It contained a clause authorizing the receipt here of the duties claimable by the other colonies. The late Council objected to our officers acting as agents for the other colonies, and that had been the occasion of all the difficulty which had arisen in carrying on the river traffic. He trusted the present Legislature would not take the same view of the question. The collection of duties for the other colonies was the main feature of the Bill, but there was another which provided for drawback upon other goods chargeable with duty here, but free in the other colonies. Our *ad valorem* duties formed some sort of approach to an income-tax, because the greater a man's means were, the more taxed articles he was likely to consume, and thus he had always considered a good principle on which to base taxation. Those duties, therefore, he would retain, but would as far as possible prevent their interfering with the traffic of the river by allowing drawback upon goods taken to the other colonies. In order to carry out the provisions of the Bill it would be necessary to establish Custom-houses at some points of the river higher up than the Goolwa. It had been found very onerous to persons hiring up the river to have to bring their vessels to the Goolwa to clear, as an instance, he might mention Mr.

Randall. This the Government sought to provide for before, but the Council differed from them. He calculated that two or three officers would be required for the new Custom house or houses, but as they would be for the use of the other colonies it would be proposed that they should be retained at their expense. He had no fear of their not being met in a friendly spirit by the New South Wales and Victorian Governments, and had no doubt of any but a satisfactory result.

The CHIEF SECRETARY seconded the motion.

Mr REYNOLDS had not expected that the hon gentleman was going so far into the various questions he had introduced into his speech. He (Mr Reynolds) was not prepared to discuss the question of appointing a delegate for the purpose of assimilating the tariff, that ought to be brought separately before the House, and so ought the question of assimilation of the tariffs. The hon gentleman had also introduced his own celebrated memorandum, which might therefore fairly be considered to be before the House. He (Mr Reynolds) could not see that the celebrated memorandum was such a statesmanlike document, but perhaps that might be on account of his having to do with tea occasionally, or grocery, or with pounds, shillings, and pence. He (Mr Reynolds) had made some calculations referring to the year 1856, and it appeared to him that the deficiency on the adoption of the New South Wales tariff would have been only 2 per cent, instead of 7 per cent. The New South Wales tariff was certainly more simple than ours, and his own calculations and reasoning led him to think it more favourable to the labouring man, except in the articles of tea and tobacco. But it seemed that the hon gentleman thought more of the prevention of smuggling than of the benefit of the labouring man. The *ad valorem* duty of 5 per cent upon almost everything the labouring man used was against our tariff, and he did not think the labouring man would suffer if the New South Wales tariff were adopted. The hon gentleman proposed to the other Governments an import duty of 20s. a ton upon flour—so much sympathy had he with the South Australian farmer. Then he proposed a duty upon wheat amounting to only 6s per ton, giving to the Victorian miller an advantage of 16s. over our own. He did not mean to oppose the Bill going into Committee, as it was a temporary measure, nor should he have said so much had not the hon. Treasurer gone so fully into other subjects.

Mr BURFORD said the longer they lived the more difficult would it be to settle the question of taxation, and now an attempt was being made to complicate the subject still further by compacts with the other colonies. Assimilation of tariffs had always been found impossible even in the old world, and it would be found so here, for the situations of the different places would always render it impracticable. They could only come at last to direct taxation, and even the hon. Treasurer appeared to acknowledge the value of that system when he endeavoured to show the House that his *ad valorem* duties approached in effect an income-tax. It showed a want of enlargement of mind to be unable to appreciate a system unless it could be mixed up with one more antiquated. If this was the proper time, he would move an amendment, confining any change of duties to the Murray traffic, and condemning any assimilation of tariffs.

The SPEAKER said the effect of the amendment, if carried, would be to throw out the Bill.

Mr BURFORD would not press it if it would have that effect.

Mr HUGHES would support the second reading of the Bill, which he thought a step in the right direction.

He did not think that an increase of our duty on tobacco would affect only the working man, for many who would object to being called working men, were nevertheless very fond of their duduens (A laugh) There was scarcely an article which offered the same facility for smuggling as tobacco, and he would therefore support an assimilation of duties on that article. The difference of duties on sugar, wine, or spirits, when taken in connection with their bulky character, was not sufficient to induce smuggling. He believed that if the duties on tobacco were assimilated, it would go a long way towards removing all difficulties, and, for the sake of the other articles, there would be no need of Custom House officers.

Mr NEALFS saw no provision for drawback upon goods in broken packages. For years to come, they would form the principal item of Murray traffic, and they must of necessity have paid the duty here. He begged to ask the Treasurer if he intended providing for such cases.

The TREASURER said the subject was a difficult one, and would require much consideration. The Government was disposed to return drawback, and would do so in all cases where the identity of the goods could be proved.

Mr NEALES could not see that genuine goods examined by a proper officer could lead to any difficulty. At present the mode of collecting the duty was most anomalous, goods being charged upon the invoice price instead of on the value, and this would want amendment. An hon. member had lauded direct taxation; but let him go home to England and try to impose an income-tax there upon persons with salaries of £25 or £50 per annum, and he would find that it would never be endured, nor could England enforce it with all her armies.

Mr BURFORD was not in favour of an income-tax on trifling salaries or very limited incomes, although he was certainly a firm advocate of the principle of direct taxation.

Mr NEALES would call it property-tax then. It was always the poorest, who were most against direct taxation, as witness the opposition to the Corn Law, which was the nearest possible approach to it, as the amount charged upon each loaf was so readily apparent from the publication of the corn averages.

Mr MACDERMOTT thought there should be a distinct clause to authorize the payment of drawbacks. In his opinion a uniform tariff might as readily be agreed to here as in the United States, where the circumstances were still more varied; but if such a tariff could be once arranged, it should not be altered at the caprice of any particular colony.

Mr WATERHOUSE had felt some surprise at the numerous irrelevant matters introduced into the subject by the hon. Treasurer, instructions to the delegate, and his own celebrated memorandum. He thought the instructions to the delegate should be brought separately before the House, and it would also be proper that the House should first be informed who the delegate was to be. He trusted it would be no one who had very distinctly pledged himself to any particular line of action. The throwing out of the Bill by the late Council had been spoken of as the cause of all the unpleasantness which had arisen, but if so he did not understand how it was that our Government had been inclined to throw the blame upon that of Melbourne. It seemed to him that much censure had been cast undeservedly upon the Victorian Government, and the matter ought to be set right. The hon. Treas-

urer's views upon some matters seemed to have undergone a change, but he still wished to increase the number of rated articles, which he (Mr Waterhouse) trusted the House would always oppose, as the system required frequent alterations as changes arose in the prices of the articles. He might refer to the tariff before the one they now had. It had been arranged with a view to a 5 per cent impost, and yet from the fall of price in glass the duty, after some time, became 115 per cent, thus a duty which was at first very reasonable became exceedingly unreasonable. Another objection he had to rated articles was that it was difficult to arrange them fairly, for instance, sixpence per cwt. was tolerably heavy on whiting, but upon vermilion it was scarcely anything, so the duty on paper would vary from 2 per cent to 14 or 15 per cent. He should not have referred to these subjects had they not been dragged in by the hon. Treasurer.

Mr PFAKE supported the second reading of the Bill, thinking it expedient to forward as much and as speedily as possible the important traffic of the Murray. He was glad to see from the tone the discussion was taking that opinion was tending more towards direct taxation. It had been said that an income-tax could not be collected upon small incomes, and therefore that it was a useless tax. So far as he (Mr. Peake) knew, no political economist would think of trenching upon an income which was only sufficient for the support of life, but would take his start from that point. The Corn Law had been spoken of as a direct tax, but it must be remembered it was condemned as being a direct tax upon the sustenance of the people. (Hear, hear) Therefore the point the hon. member took up was an incorrect one.

Mr BLYTH thought the Bill a step in the right direction, but when he was told that an assimilation of the tariffs could never be effected, he must express his dissent. He believed the time would come when we should, by means of a federal union, obtain not only that, but an Appeal Court also. He hoped the question of the tariff would before long be gone into, his own feeling being in favour of introducing that of New South Wales, and he believed that if they had a tariff for the Murray, it must, sooner or later, become the tariff of the whole. It had been said that the rejection of the Bill by the former Council had led to all the unpleasantness. He had concurred in the action of the House on that occasion, and he believed the course ultimately taken was in accordance with the wishes of the three colonies. It was not till the profit upon the shipment of tobacco was discovered that any unpleasantness arose; and it was well known that the tobacco transactions were those of a Melbourne house, not an Adelaide one. The Act would have his support, and one reason was that he saw in it no reference to the Custom-House officers; for he was convinced that to keep the Murray trade successful they must keep it free. He hoped the delegate would have other matters to discuss besides the tariff, for there were several, requiring settlement—the postal arrangements, the emigration question, the Chinese, and some others, none of which, he trusted, would be overlooked. With regard to the ad valorem duty, if we retained it, which he hoped we should not do for long, he trusted the drawback would be allowed on broken packages, so as to put the Adelaide trader in the same position as the Melbourne trader.

Mr SMOEDLEY had had some experience in Victoria, and was quite satisfied that it would greatly tend to the increase of our trade with the diggings, if the dealers there knew that they could have a drawback of five per cent upon all the goods they purchased here. They liked to see the goods, and, though they might

purchase largely, would not take them in original packages.

Mr. KRICHAUFF wished to know whether the proposed tariff, imposing a duty of 20s per ton upon flour had been submitted to the Victorian Government.

Dr. WARR could not find fault with the Bill after having merely glanced over it, but hoped that time would be allowed to hon members to examine the clauses with some degree of care.

Mr. HAY thought the suggestions made in reference to the question of broken invoices were worthy of consideration, but his impression was that duties should be collected on as small a number of articles as possible, as otherwise the necessary costs of allowance of drawback on small parcels of from £100 to £150 worth, would be found to absorb all the revenue derived from such articles. He also thought that it would be necessary to place a Custom-House officer somewhere high up the Murray, in order to save persons shipping goods above the Goolwa from the expense and loss of time attendant upon going down there to clear.

The TREASURER replied he hoped the House would pass the second reading, and allow the Bill to go into Committee. It was the intention of the Government to go into the clauses at once, but not to take the Bill out of Committee that day.

The motion was then carried without opposition, and the Bill read a second time.

IN COMMITTEE.

On the motion of the TREASURER the House then went into Committee to consider the clauses of the Bill.

Clause 1. Repeal of Act No. 6 of 1855-6. Passed.

Clause 2. Governor, with advice of Executive Council, may proclaim regulations. Passed.

Clause 3. Governor, with such advice, may alter duties in accordance with tariffs in said colonies.

Mr. HUGHES enquired whether the Bill made any provision in reference to drawbacks.

The TREASURER said that if the hon. gentleman would refer to the clause before him he would find the provision alluded to in the 22nd line.

Mr. MACDERMOTT would suggest to the hon. Treasurer that, as the question of drawback was one of great importance, it should be provided for in a separate clause.

The CHIEF SECRETARY said that the Customs Act defined and regulated that matter.

The clause was passed.

Clause 4. Government may authorize payment over of duties upon goods imported by way of the River Murray into the colonies of New South Wales and Victoria.

Mr. BLYTH thought it desirable to insert the words—"Subject, however, to such charge for collecting the same as may be agreed upon between the Government of this province and the Governments of New South Wales and Victoria."

Mr. HUGHES seconded the amendment.

The amendment was carried, and the clause, as amended, passed.

The preamble was read and passed, and the House

then resumed, and the Committee obtained leave to sit again on Tuesday next.

IMMIGRATION RESOLUTIONS.

Mr. Waterhouse suggested that it would not be desirable to proceed with the discussion of the resolutions on immigration at that late hour.—The Commissioner of Crown Lands acquiesced, and moved that the discussion of these resolutions should be made an Order of the Day for Tuesday.—Carried.

REGULATION OF WASTE LANDS BILL.

The House having gone into a Committee of the whole,

The COMMISSIONER OF CROWN LANDS said the consideration of the Bill had been reserved for the purpose of reprinting a clause which it was proposed to introduce after the 12th clause.

The clause as printed was read. Several amendments were made, and the clause was then passed in the following form—

Clause 13. Mineral leases.—"It shall be lawful for the Governor to demise, for the purpose of mining for any metal or mineral excepting gold to any person applying for the same, any portion of the waste and unsurveyed lands of the Crown, not exceeding eighty acres, for any period not exceeding fourteen years, at an annual rent of ten shillings per acre, with right of renewal for a further period of fourteen years by payment of a fine, the amount of which shall not be less than one pound per acre of the area so leased, subject to such regulations for the granting of such leases, and for the working and resumption of the same, as may from time to time be in that respect made by the Governor, with the advice and consent of the Executive Council, and published in the *South Australian Government Gazette*. Provided that nothing herein contained shall be construed to interfere with any promise heretofore made by or on behalf of Her Majesty, either absolutely or conditionally, relative to the granting of leases of auriferous land."

Clause 14. Governor may make regulations.

Mr. BLYTH wished to propose an additional proviso, requiring that all regulations should be laid before Parliament.

The ATTORNEY-GENERAL said such a provision should be introduced as a separate clause.

The clause then passed.

Mr. BLYTH thought new regulations should always be submitted for confirmation to the Legislature. He would move the insertion of a clause to that effect, as follows—

"A copy of all regulations made under the authority of this Act shall be laid before the Parliament if then sitting, and if the Parliament shall not be then sitting, then within fourteen days from its next meeting for the dispatch of business."

Mr. HAY moved the addition of words enabling the Government to raise the rent of pastoral runs after the expiration of the first seven years of the leases to a sum not exceeding £5 per square mile.

The COMMISSIONER OF CROWN LANDS opposed the addition, as likely to prejudice the letting of pastoral lands.

Mr. HUGHES also opposed the addition, on the ground that the lessor would be subject to a higher

rent on account of the improvements he himself had made.

Dr. WARK opposed the proposal, as one which could only have emanated from a citizen. None but a madman would invest capital 300 or 400 milrs from Adelaide under such a restriction as that proposed.

Mr. MARKS, as representing a large pastoral community, could not allow the opportunity to pass without recording his protest against the proposition of (Mr. Hay) the hon member for Gumeracha.

The CHIEF SECRETARY would also oppose the proposed addition. He did not think they were to legislate for the squatters as though they (the squatters) had any claim upon the country. They should legislate on broad general grounds, for the good of all, and so as to secure as large a revenue as possible.

The addition proposed rejected without a division

The clause proposed by Mr. Blyth was passed, and made Clause 15 of the Bill.

The preamble was then read and passed.

The House having resumed,

The COMMISSIONER of CROWN LANDS moved that the Committee have leave to sit again on that day week.

The motion was carried.

ELECTORAL LAW AMENDMENT BILL.

The second reading of this Bill was postponed until Tuesday.

CITY AND PORT RAILWAY.

The CHIEF SECRETARY laid on the table returns moved for by the hon member for Gumeracha, relating to the City and Port Railway.

The House adjourned till Tuesday next.

LEGISLATIVE COUNCIL,

TUESDAY, JUNE 2.

MESSAGE FROM THE HOUSE OF ASSEMBLY.

The Clerk of the House of Assembly appeared at the bar with a message from that House on the subject of the Library Committee.

RAILWAY BRIDGE.

Captain Scott asked the hon the Commissioner of Public Works whether the Government or the Railway Board had determined upon any steps for the protection of the railway bridge over the Torrens from the winter floods.—The Commissioner of Public Works said the Railway Commissioners were taking steps to avert the danger which the hon. member apprehended

THE CHINESE.

Mr Forster asked the hon the Commissioner of Public Works whether we were at war with China, and, if so, what course the Government intended to take with reference to the large numbers of Chinese who were landing in the colony. He was induced to put the question in consequence of a letter he had received that morning from Guichen Bay, and from which he read an extract.—The Commissioner of Public Works said the mention of the subject by the hon member was the first intimation he had had of any approximation to war with China. He would make enquiries on the subject, and answer the question at the next meeting of Council.

LIBRARY COMMITTEE.

Mr. Baker remarked that a greater number of members had been appointed to the Library Committee by

the House of Assembly than by that House. This would be inconvenient in the event of a conference, and he, therefore, intimated his intention to move for the appointment of another member

ABORIGINAL RESERVES.

Dr Everard, referring to Council Paper No. 27, complained that Section 2039, Hundred of Adelaide, had not been let, as it might have been done, had due diligence been used. It was stated that fresh tenders were about to be invited, the fact being, as he believed, that no tenders had as yet been called for, and now it was not likely to be let for another season.—The Commissioner of Public Works would make enquiry upon the subject.

BUSINESS OF THE HOUSE.

Mr Baker rose with much regret and unwillingness to put a question to the hon Commissioner of Public Works. It was a very general feeling that the Government did not give to that House the amount of consideration to which it was entitled. No Bill had been introduced by the Government into that branch of the Legislature, and the impression had gone abroad, not without apparent reason, that it was not the intention of the Executive to introduce any measures except in the House of Assembly. He was sure the country had sufficient confidence in the Legislative Council to wish to see it have its fair share of legislation. He would, therefore, ask the hon Commissioner of Public Works whether it was the intention of Government to bring forward any Bills in that House, or whether the course at present pursued would be persisted in.—The Commissioner of Public Works said that, out of the thirteen or fourteen Bills to be introduced by the Government, the whole, except three legal measures, had such relationship to money votes, that it was considered doubtful whether, in accordance with the Constitution Act, they could be introduced in the Legislative Council. He could say positively that there had been no intention on the part of the Government to throw a slight upon that House, but it would be seen that with only one, and that one the junior member of the Government, in the Legislative Council, and four senior members in the other House, it was natural for the greater part of the Bills to be brought forward in the latter. He should be most anxious to introduce some Bill into that House, but the difficulty of money questions had hitherto prevented his doing so.—Mr Baker was only anxious to prevent the time of the House being wasted. He was aware the House could create work for itself, but the course he had pointed out was in every way preferable, and would be the most courteous on the part of the Government.

POSTAL COMMUNICATION AND IMMIGRATION.

Mr. Baker, pursuant to notice, asked the Honourable Commissioner of Public Works if the Government had received any communication from the Chamber of Commerce upon the subject of direct steam postal communication with Great Britain, combined with a system of emigration, and what steps, if any, had been taken with reference thereto. He believed it was practicable, and that it would be advantageous to unite postal communication with emigration, and, if so, he saw no reason why some immediate steps should not be taken on the subject.—The Commissioner of Public Works replied that no communication had been received from the Chamber of Commerce, though there had been several detached letters from persons anxious for employment.—Mr Baker said the resolution of the Chamber of Commerce was embodied in a petition to the Legislature, and he should have thought that sufficient to have secured the attention of the Government.

TONNAGE DUTIES REPEAL BILL

IN COMMITTEE.

Clause 2. The Chairman, at the request of the Com-

mmissioner of Public Works, read the clause, with the proposed amendments.

The COMMISSIONER of PUBLIC WORKS said the last discussion had been adjourned in order that a plan should be produced showing the exact projection of the Prince's Wharf on the one hand and the Queen's Wharf on the other. The plan he begged to lay on the table would supply the desired information. From that it would be seen that the Queen's Wharf projected about 20 feet, and the Prince's Wharf somewhat more than 100 feet. It was evident therefore that the clause would give power to the Government to lease a line for wharfs extending to any distance within those limits. A certain discretion was thus given to the Executive, and the intention of the existing Government was to arrange in such a way as would grant the utmost possible facility to the shipping interest, and at the same time interfere as little as practicable with the stream.

Mr YOUNGHUSBAND understood the objection to be against the line extending as far as the extreme limit of the Prince's Wharf. This might be met by a verbal alteration, giving power to fix the line "at a uniform distance from the present frontage."

Captain HALL could better meet his own views upon the subject by moving an amendment. The present Government spoke very fairly, and, no doubt, would carry out all they said, but as it was impossible to foresee what changes might take place, the House was bound to protect the interest of the public. He therefore moved that the second clause, as amended, be struck out, and the following clause substituted.—

"It shall be lawful for the Governor, with the advice and consent of the Executive Council, to grant leases of the water frontage at Port Adelaide, known as the North-parade (excepting such portions as are now used as public landing-places and ferries), in such lots as may be deemed expedient, and for the best rent that can be obtained by public auction. The term of lease shall not exceed thirty years, and every such lease shall contain a covenant binding the lessee to face the present sheet-piling of the North-parade with a substantial platform-wharf extending outwards 20 feet into the river in a uniform line. The platform-wharf to be so constructed as to enable the harbour to be deepened in front thereof to the depth of 14 feet at low-water spring tides, and a further covenant that the lessee shall not erect any building or fencing on the land so demised."

Captain BAGOT seconded the amendment

The COMMISSIONER of PUBLIC WORKS observed that the amended clause differed very little from that which he had introduced, but its effect, if carried, might be to compel the Ministry to sacrifice a portion of the frontage, which would probably become very valuable. The steps were wanted now, but the construction of a bridge might render them unnecessary. It seemed to him useless to bind the Executive so closely down.

Mr MORPHETT supported the amendment, which was worded more clearly than the clause before the House, and expressed more properly the meaning it was intended to convey. The hon. Commissioner of Public Works said they ought not to bind down the Executive so closely. It seemed to him that the object of the Bill was to secure a public benefit, but in doing so, they ought not to take away from the residents of the North-parade the convenience they at present possessed in the means of communication with the stream.

Mr ANOAS also supported the amendment. He had been to look at the place, and was struck with the

great importance of retaining the flights of steps which formed the most convenient landing-places for passengers.

Dr DAVIES feared the amount required for deepening the stream in front of the wharfs would cripple the means of the Government for deepening the outer bar.

Mr YOUNGHUSBAND objected to the amended clause being hastily passed. It contained a proviso for facing the present wharf with a platform-wharf, which was certainly a singular expression.

Captain HALL considered the wording of the clause sufficiently clear to convey the intended meaning.

The amendment was carried.

Clause 3 was passed without remark.

Upon the preamble being read,

Mr. BAKER opposed the combining in one short Bill of two matters so entirely unconnected as the repeal of tonnage dues and the letting of wharfs. He would pass the Bill for the latter object, and leave the Government to bring in a second measure for the repeal of the tonnage duties. He thought it better to make a stand upon the first Bill that was sent up to them, for if they passed one in an objectionable form the subsequent difficulty would be increased. He moved the recommitment of the first clause.

The COMMISSIONER of PUBLIC WORKS thought it somewhat inconsistent for the hon. member who had complained of Bills not being initiated in that House to stop the course of legislation by objecting to a Bill sent up by the other House. The same objection might be urged against most of the Bills in progress through the other House. The course now proposed to be adopted would involve an absolute stoppage of legislation.

Mr. BAKER would oppose, on all occasions, the mixing up of different matters in one Bill, for it was absolutely against the Standing Order No. 76, which he read. It was the duty of the Council to make a stand against anything they thought wrong, without reference to the feelings of the other House, and it was also by far the most dignified course to make a stand at once than to pass the Bill with a view to raising the question upon some future occasion.

The Committee divided, and the amendment was carried by a majority of 4, namely—

AYES, 10.

Mr Baker
Mr Ayers
Captain Bagot
Major O'Halloran
Mr A. Scott
Mr. Stirling
Mr. Gwynne
Captain Hall
Dr Everard
Dr Davies

NOES, 6.

Commissioner of Public Works
Mr. Morphett
Mr. Younghusband
Mr Angas
Captain Scott
Mr. Forster

Mr BAKER moved that clause 1 be struck out.

Captain HALL seconded the motion, which was carried without a division.

Mr GWYNNE moved such verbal amendments in the preamble as were necessary to make it agree with the amended clause.

The preamble as amended was carried.

The House resumed, and the Chairman reported the Bill as amended.

The report was adopted, and the third reading of the Bill was made an Order of the Day for Tuesday next, to which day the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, JUNE 2.

PETITIONS.

Mr Hay presented a petition from a number of German colonists, praying for participation in the Immigration Fund.—Petition received and read.

Mr Reynolds presented a petition from residents at Glenelg, Brighton, and other places, praying that an address be presented to His Excellency the Governor-in-Chief, requesting that he would be pleased to place a sum on the Supplementary Estimates for the completion and erection of the jetty at Glenelg—Received and read.

Mr Mildred presented a petition from 121 residents in Noarlunga and Willunga, representing 21,000 acres of land, praying for the erection of a bridge at the Government Reserve near the mouth of the Onkaparinga—Received and read.

REAL PROPERTY BILL.

Mr Waterhouse said he saw that a member of the Government had given notice for introducing an important measure on Thursday next. He wished to know why the members of the Government did not confine themselves to the days set apart for their business.—The Chief Secretary said the Bill was not a Government Bill, but would be introduced on the same ground as a Bill by any other member on leave of the House.

IRREGULAR MARRIAGES.

Mr HUGHES said, as he saw the Attorney-General in his place, perhaps he would then answer a question of which notice had been given. He would ask the Honourable the Attorney-General what steps the Government had taken in accordance with the address presented by the late Legislative Council to His Excellency the Governor-in-Chief, on 11th December, 1856, requesting His Excellency to institute an official investigation into the circumstances of the marriage of Elijah Thomas and Mary Ann Maggs, and of John Finnis and Mary Ann Russell, both of which were solemnized by the Rev. James Pollit, with a view of ascertaining—1. Whether the laws of the colony had been violated, and, if so, that His Excellency would cause the necessary steps to be taken to bring the parties to justice. 2. If no laws were in force applying to marriages affecting public decency and morality—such as marriages incestuous and of prisoners of the Crown and lunatics, to request that His Excellency would cause a Bill for amending the Law of Marriage in these respects to be brought in.

The ATTORNEY-GENERAL replied that he was not aware of any means whereby an official investigation into the circumstances of the marriages referred to in the address could be conducted. Assuming that marriages had been celebrated between persons related to one another within the prohibited degrees of consanguinity or affinity, and between persons, one or both of whom were, at the time of such ceremony, lunatic, he was of opinion that the law now in force in this colony made such pretended marriages void. By clause 20 of the Local Ordinance No 3, of 1855-6, any person who has wilfully made, or caused to be made, for the purpose of being inserted in any register of marriage, any false statement touching any of the particu-

lars required by the provisions of the said Ordinance, to be known and registered, was liable to the same pains and penalties as though he or she were guilty of perjury. If the marriages in question were celebrated by licence, a declaration must have been made by one of the parties in each case alleging his or her belief that "no impediment of kindred or alliance or other lawful hindrance" existed to prevent such marriage, and it would seem that such declaration would bring the party making it within the penal clauses of the Act.

GLENELG JETTY.

IN COMMITTEE.

The Chief Secretary moved an address to His Excellency the Governor-in-Chief, requesting that he be pleased to place a sum of £7,000 on the Supplementary Estimates of 1857, for the purpose of completing the purchase of and erecting the jetty at Glenelg. In asking the Council to sanction the address, he did not think it necessary to go into an enquiry into the policy of the original vote, or the proceedings of other Legislatures, unless compelled to do so, as he considered it irrelevant to the present matter. He had to take the question up where he found it. A sum of £22,000 had been placed at the disposal of a former Executive, to construct a jetty at Glenelg. They sent to England for the necessary materials, and, as the then Colonial Architect was proceeding on leave of absence to England, he was directed to superintend the matter. The Colonial Agent was directed to apply for specifications and estimates to Mr W Bennet Hays. It was intended to introduce a new principle, called screw-piles, into the structure, and it was not known in the colony what the cost would be. It would be seen from the correspondence upon the table that difficulties had arisen out of the ignorance of the cost of the material, the place where it could be procured, and the proper mode of shipment. The Colonial Agent, also appointed by the Governor of the day, was not confirmed in his appointment by the Secretary of State for the Colonies. The Governor did not remit the matter to Mr Barnard, the Agent-General, because of complaints made of his mode of doing the business, and the expressed wish of the colony to have a special agent. Difficulties and delays arose out of this complication before the order was carried out by the Agent-General. The Colonial Architect also added to the difficulty, as would appear from the correspondence on the table. He (the Chief Secretary) had selected from the mass of correspondence, which together could only confuse hon. members, those letters which bore upon the subject under consideration. The result was, however, that the cost of the material was £22,832 16s. 7d. That included every charge incurred in placing the material on the beach. That, it would appear, exceeded by the three hundred pounds odd the sum voted, and it was necessary to come to the House for its sanction to that outlay. They were bound also to state that the material would be damaged by every day's delay in erecting it. The weighty pieces of iron-work would become buried in the sand, and the marks essential to guide the workmen in erecting the structure would become obliterated. He thought they were quite justified in applying to that House for means to complete the structure, so that the original outlay should not be lost. The estimate was, for that purpose, £7,000, and it was estimated that the whole structure, when completed, would cost £29,000.

Mr WATERHOUSE thought it was wise not to refer to the proceedings of former Councils, and had it been now proposed to appropriate £49,000 for that purpose, he should certainly have voted against it. The question, however, came now in a different form—it being to vote a sum to save a much larger amount from being thrown away, (Hear, hear) While it was prudent on the part

of the Chief Secretary not to refer to what had been done in the matter by former Councils, he should have explained their own proceedings as an Executive on the subject (Hear, hear.) They stated in last November that a sum of £2,000 then asked for would be sufficient for the purpose of completing the jetty, and now they asked for £7,000. He suggested a reference to a Select Committee.

Mr HUGHES supported the views of the last speaker. There was no use in their voting specific sums if the Executive could come time after time for supplementary votes. He quite concurred in the suggestion that evidence should be taken to ascertain whether the jetty could be made available on Mr. Hays's plan.

Mr NEALES said the opinion read from the report of the Harbour Commission applied, not to a jetty, but to a novel breakwater of Mr W B Hays's invention. He was assured that a person would undertake the erection of the work, apart from the breakwater, for £3,000. That left, he imagined, a sufficient margin for screwing up the large Venetian blind called a breakwater. (Hear, hear.) He thought that would never answer, but as they had it they might as well put it up, and give it a trial. The jetty, however, could be put up well that season, and the assistance it would give to the farmers of the South fully justified the Cabinet in asking means to erect it.

The CHIEF SECRETARY said the breakwater was a separate part of the work, intended to enable small boats to come alongside of the jetty in rough weather. The opinion read referred only to the breakwater, and not to the jetty (Hear, hear.) The explanation of the part the Ministry had taken in November last was easily explained by the fact that they were not then in possession of the accounts of the Agent-General. It was not, until after the dissolution of the late Legislature, that they ascertained the real cost of the undertaking. They now knew what the cost was out of the colony, and he believed it would not require the £7,000 asked for to complete the work, but it would not be prudent to ask less, as unforeseen expenses might arise. They would, in the first instance, erect the jetty, and then if it was felt that the breakwater would not answer its purpose, no money would be spent on it.

Mr. BLYTH agreed in the propriety of having that question settled definitively. He had voted for the £2,000 on the assurance that it would be sufficient to complete the work. He would support the present motion, but reserve to himself the right of opposing any further vote (Hear, hear.) One of the first things he did after he became a member of the Legislature was to call attention to the conduct of the Agent-General. He found that Mr. Ridgway was unanimously appointed Special Agent by the Executive Council, and his conduct certainly appeared to have been very extraordinary. He (Mr. Blyth) thought Council Paper 52 should be engrossed on vellum, and exhibited, framed and glazed, in that Assembly, as a perfect specimen of the Circumlocution Office mode of carrying out the principle of "Not to do it." He also thought Mr. Hays should be sued for the money he had so improperly obtained from the Agent-General. He could not indeed but express his surprise at the inaction of the Government under such extraordinary circumstances. He, (Mr. Blyth,) as a man of business, could understand why Mr. Ridgway for his own reasons should accept the highest tenders—why the Agent-General should take up an old vessel to carry the materials, at 10 per cent; but he could not so well understand why Mr. Hays should be permitted to pocket upwards of £500 for a pretended patent right. He would, simply to prevent the loss of the materials, support the motion.

Mr. REYNOLDS supported the motion, not merely because he was desired to do so by his constituents, but because he concurred in its propriety. Some hon gentlemen thought it would be better to erect the jetty at the Semaphore, and they forgot that it would not be long enough for that locality, and that a very considerable sum would have to be voted to carry it out. (Hear, hear.) Hon gentleman said "Hear, hear," and he had no doubt some hon gentlemen would not object to £100,000 outlay in certain directions. (Hear, and a laugh.) Hon gentlemen might consider they were, in opposing the motion, guarding the public purse, but he would ask them to consider whether they, in succeeding to shelve that motion, would not be throwing away £22,000 of the public money (Hear, hear.) He would ask them, could they by so doing be considered guardians of the public purse (Hear, hear.) The completion of the jetty would divert the traffic so as to save the main roads to a great extent, and postal facilities would be gained which would go far to reconcile the general public to the outlay of the sum asked for.

Mr BURFORD supported the Government on the ground of economy. He had nothing to do with what had gone before, it was certainly a terrible mess, and they were right into it (Laughter.) He thought a reference to a Select Committee would be a mere waste of time.

The TREASURER stated that he, in the former Legislature, positively refused to give any guarantee that the £2,000 would be sufficient, and that appeared in the report referred to. All he did, or proposed to do, was to give the information in his possession, and which then led him to believe that that sum would be sufficient. So far from his having given a pledge, he distinctly refused to do so. Hon. members should bear in mind that the Executive were not responsible for the acts of former Governments. The question of the Agent-General would be taken up by the Executive in time, but they could not do everything at once.

The CHIEF SECRETARY said, in reply to Mr. Dutton, that he was advised by the Commissioner of Public Works that they were in possession of every facility to erect the structure.

Mr. DUTTON was glad to hear that. As he understood, there was a difficulty in England to understand the plans of Mr. B. Hays. He thought the Government should come and ask for "a good round sum" at once in those matters, and not have the discussion of such frightful mismanagement every session (Hear, hear.) He admitted that a small jetty would have been useful at Glenelg, such as had been erected at far more important parts of the coast. His opinion remained, notwithstanding what had been said, that it would be better to have erected that great jetty at the Semaphore, opposite the shipping and landing place. He remained of opinion that the great object of the jetty at Glenelg would be for the preambulations of nursemaids. (Hear, hear.) Upon the ground that the money already expended should not be thrown away, he would vote for the £7,000, but hoped it would be the last vote required for the purpose. He could not sit down without declaring, that the whole affair exhibited disgraceful mismanagement, and an awful waste of public money.

Mr. BAGOT enquired whether the £7,000 would include the expense of constructing the approaches. He also wished to know whether the Government authorized the payment of £520 to Mr. B. Hays for his presumed patent right, or whether any steps were taken or intended to be taken to recover that amount.

The ATTORNEY-GENERAL rose, but the House called for a division.

The CHAIRMAN put the question, and declared it carried.

The House resumed, and the report was brought up.

Mr BAGOT opposed the adoption of the report on the ground that information had been demanded which the House should have heard before deciding an important financial vote.

The ATTORNEY-GENERAL complained that he had only one minute to give his explanation. He had risen to explain, but was prevented by the calls for a division. No payment had been authorized to Mr B Hays, and he would be prepared to advise proceedings to recover the amount paid to him did he see any chance of recovering it, but he was afraid it would only lead to a further waste of public money. (Hear, hear.)

The report was then adopted.

MURRAY RIVER DUTIES BILL

IN COMMITTEE.

The TREASURER said the Bill had been agreed to, but remained in Committee that hon. members should have an opportunity to consider it more maturely. He moved that the title be now read.

Mr MACDERMOTT enquired whether the delegate to proceed to Melbourne would be instructed to negotiate for the co-operation of Victoria and New South Wales in the work of clearing the River Murray.

The CHIEF SECRETARY said that was a very distinct subject from the collection of duties on the Murray, and could not be mixed up with it. He thought the matter might very properly be settled without any intercolonial interference.

Motion agreed to, and Bill ordered to stand as read.

House resumed, and the third reading made an Order of the Day for next day.

IMMIGRATION RESOLUTIONS.

IN COMMITTEE.

The COMMISSIONER of CROWN LANDS moved the following resolution.—That it is expedient to make provision whereby immigrants who arrive in this province at their own expense, may be repaid the cost so incurred, wholly or in part—either by a repayment of the amount, or by a remission certificate to be taken in payment for land—upon satisfactory proof being afforded that the immigrants so introduced are of a suitable class, and that they have remained at least twelve months in the province. The object of the resolution was to provide that where labourers were introduced without assistance in the first instance they, or the person introducing them, should have afterwards certain repayment.

The TREASURER, in seconding the resolution, said the time had arrived for the House to come to a decision whether assistance should be given to German and other alien immigration or not. He had presented a petition on the subject, but he informed the petitioners that he could not support its prayer, and that all he could do would be to support a remission or repayment after the parties introduced had become naturalized.

Mr. KRICHAUFF proposed as an amendment that after the word "immigrants" in the first line the following words be inserted:—"From the United Kingdom or Germany," and, after the word "immigrants" in the second line, the words "from the before-named localities" be inserted.

Mr DUTTON seconded the amendment. He had an intimate acquaintance with the German people, their habits and their institutions, and considered their accession to our population a great colonial acquisition.

Mr REYNOLDS objected to the unexpected manner in which the question was brought forward in that thin House (Hear, hear.) He also objected to the principle of the resolution, which was to repay persons, who had been able to pay their own passage out. He believed that would have the effect of introducing, not labourers, but small capitalists, as had been suggested by an hon. member.

The CHIEF SECRETARY said the resolutions were framed to apply to the introduction of British subjects. He could not consent to the advantage being applied to German immigrants without some limitation. He suggested a consideration of that resolution without reference to German immigration at all, and upon which a specific resolution should be prepared.

Mr SMEDLEY thought, as these resolutions were of a temporary character, that they would not be wrong in introducing, under them, in large numbers, men so valuable as the Germans had proved themselves.

Mr NEALES recommended the introduction of the question as a substantive motion. The feeling was so strong in favour of the Germans, that he thought there would be no objection to their introduction to the extent of one in eight, the present proportion, as recommended by the hon. member for Mount Barker.

Mr PEAKE concurred in all that had been said in favour of the German people as colonists, but argued in favour of preserving the Anglo-Saxon character of the colony, and the propriety of caution in introducing foreigners.

Mr. HUGHES opposed the motion, and hoped hon. members would vote against it.

Mr KRICHAUFF said he was not disposed to seek an advantage for parties while they were foreigners, but when they became South Australians. He begged, however, to withdraw the amendment.

The ATTORNEY GENERAL agreed in all that had been said of the German element in the population, and would be glad to see that element increased by the same means as heretofore. He would, however, hesitate before he made it a matter of right to expend the public funds on the introduction of any but British subjects. While he by no means denied what the Germans had done for the colony, he thought it would not be amiss to remember what they had done for the Germans. (Hear, hear.) They had welcomed their German friends to their shores, they extended to them every civil and religious privilege, which they themselves possessed, with one exception, no longer acted on, of making the laws. They had indeed purchased land, but then they got the same value for their money as British subjects, and if the British colonists had an opportunity of introducing their own countrymen it was only a part of their heritage. (Hear, hear.) As British subjects they were entitled to have something more out of the price of the land than persons who had not that original claim. He said that merely to explain why he could not vote for the amendment of the hon. member for Mount Barker. As to assisting foreigners, it was a new point, and it was for the House to say whether they would sanction it. Exceptions had been taken to the language of the resolution, but nothing was more easy than to move the insertion of

words that would make the meaning clear. The meaning, as he understood it, was that the person who placed—by introducing labourers—the colony in possession of benefits which it would have possessed had the Land Fund been appropriated to that purpose in the first instance, had a right to be paid the expense of introducing those labourers. No hon. member who could move an amendment should vote against the resolution, unless he was opposed to its principle. He believed that it would be necessary to introduce a Bill to carry out the object of the resolution. (Hear, hear.)

Mr MILDRED objected to the resolution, and moved as an amendment, to take out all the words after "whereby," in the first line, and insert—"Persons who introduce labouring immigrants, natives of Great Britain and Ireland, of a suitable class, at their own expense may be repaid the cost so incurred, wholly or in part, by a remission certificate, to be taken in payment of land, upon satisfactory proof that such immigrants have remained at least two years in the colony." He enquired whether there was any balance in the Treasury which had been obtained heretofore for the sale of land, and, if so, he maintained that a moiety of it should be appropriated to the introduction of labour.

The CHIEF SECRETARY said all money in the Treasury at the end of last year would be placed to the credit of the General Revenue, and would be at the disposal of the House.

The TREASURER stated that there was a balance of £110,000 of the Land Fund unappropriated.

Mr NPALPS was disposed to support resolutions on some subjects rather than Bills. They could rescind a resolution readily, but not a Bill, as it would look silly to be passing Acts one session and repealing them the next, whereas resolutions could be framed to meet all the fluctuations of circumstances.

Mr BABBAGE could not allow the extraordinary speech of the Attorney-General to pass without notice. It was in the recollection of the House how Ministers opposed the amendment, and how in fact it had been stated that two of them would resign if the House required them to bring in a Bill. (Hear, hear.) Now they had a climax of Ministerial management, a resolution had to be re-worded that it might be understood. (Hear, hear.) In defence of his own conduct he had a right to infer to those discrepancies. The resolutions, upon the integrity of which so much importance was placed, now turned out to be mere matters laid before the House to be licked into shape. He thought there was some scheme, some policy in the resolutions as they were brought before the House, but the admission of the Attorney-General quite justified the course he (Mr. Babbage) had taken. The Government at one time left them open to no other inference than that they were to have no more free immigration. (Hear, hear.) In common with other members he opposed the resolutions on that understanding. The resolutions were in fact, so badly worded that they were open to different interpretations. He was glad, however, to find that the Government were disposed to bend to the wish of the House and bring in a Bill, notwithstanding all that had been said to the contrary. (Hear, hear.)

The TREASURER said the hon. member (Mr Babbage) had made a strange jumble of the question. He had said, and so did one of his colleagues, that if the first resolution was not carried they would resign. ("No, no.") He said, Yes, and no hon. member could contradict him without being grossly in error. (Hear, hear.) Two of the resolutions had actually been included in the Waste Lands Act. The alterations, which

the hon. member referred to so exultingly, were merely the effect of his own imagination.

The COMMISSIONER OF CROWN LANDS said the alteration in the resolutions were merely verbal. He had stated that, in his opinion, there was no necessity for a Bill, but of course, he would not oppose his opinion in that matter to the opinion of the Attorney-General, the responsible law adviser of the Government.

The ATTORNEY-GENERAL could have no objection to the hon. member (Mr Babbage) setting himself right. He had no doubt either that the hon. gentleman always acted from the purest motives, although, unfortunately, he (the Attorney-General) could not always perceive the wisdom of his conduct. When the hon. gentleman spoke of the Government bending, he was scarcely correct, they introduced the resolutions, and they had exhibited no disposition to abandon them. (Hear, hear.) With regard to that particular resolution, it was his opinion, that it involved regulations which might be better provided for in a Bill. The object, however, would still be the same, and so far there was no change of opinion on the part of the Government, and the Commissioner of Crown Lands would not object if he (the Attorney-General), on whom the responsibility of putting those matters in shape devolved, considered it necessary to do so in the form of a Bill. He need hardly go into the objection that the resolutions should not be discussed, but brought in under the shape of a Bill. The Government held that the resolutions should be done irrespective of any Bill. That opinion they adhered to, and it was only that he thought it better to carry out in that form the details of the 4th resolution, that a Bill might possibly be necessary.

The COMMISSIONER OF CROWN LANDS opposed the amendment. It was known to all hon. members that a man soon ceased, if he was industrious and frugal, to be a labourer in this colony. Then with regard to the repayment, he would prefer the payment in money, but as some advantage might possibly result from the alternative he included it.

Mr. MILNE supported the amendment, as he could not see the advantage of introducing persons of the class referred to.

Mr BAGOT asked the hon. Chief Secretary how the House could reconcile the statement that two members of the Ministry would resign if the first resolution was not agreed to with that afterwards made by the Attorney-General. He understood that the Government had power to carry out the resolutions without any Bill. If so, why now speak of a Bill? Why not make the resolutions so specific that they could act on them? (Hear.) He was always sorry to hear of any difference of opinion between Ministers, and as the passing of a Bill would involve a reference to another House, he thought it a pity that the resolutions could not be carried out without a necessity for that reference.

The CHIEF SECRETARY was still of opinion that there would be power in the Government to carry out the resolutions without a Bill. Some of them could not be included in a Bill, but if a Bill was necessary, they would not hesitate to introduce it. (Hear, hear.)

Captain HART confessed that it was the understood dismission of the Government to bring in a Bill that made him oppose the resolutions. He considered it would be most unconstitutional to carry out the resolutions unless they had been sanctioned by the other House. (Hear, hear.) He considered also that it would be to the interest of the colony for the Ministry to modify their views to meet the sense of the Legisla-

ture, and not to stake their position on any particular policy.

Mr WATERHOUSE hoped the Ministry would never take the suggestions of the House unless they were prepared to take the responsibility of carrying them out (Hear, hear)

The CHAIRMAN put the question, and declared the amendment carried.

Mr WATERHOUSE thought the time might be made twelve months, as in the preceding resolutions.

The ATTORNEY-GENERAL argued that there was a great difference in the two cases, and that the two years should stand.

Mr WATERHOUSE thought it strange, in that case, that the difference did not strike the Government in framing the original resolutions, as then the time was twelve months in each case.

The COMMISSIONER OF CROWN LANDS moved that the duties connected with the selection of immigrants in the United Kingdom, and the dispatch of immigrant vessels, should be performed by an Agent appointed by this Government.

The ATTORNEY-GENERAL said, in reference to remarks made during the day, the Agent-General had promptly, efficiently, and economically executed the orders of the Gawler Town Railway Commissioners. He had also sent out the law library most promptly.

Mr BAGGAGE said his view of the matter was that immigration should be regulated by a Bill, and he would require some further explanation as to the duties of the Agent to be appointed before he voted for the resolution.

Mr BURFORD did not know which to admire most—the minute details which the hon member (Mr Babbage) wished to enter into, or his pertinacity in opposing the Ministry at every step. He thought the resolutions well framed, and that they might safely be left to a responsible Ministry to be carried out.

Mr BAGOT considered the question of payment a very important one, and suggested, until information on that point was given, the withdrawal of the resolutions.

The CHIEF SECRETARY said with regard to the remarks of the hon. member for Encounter Bay, that the Government would be careful not to give any Immigration Agent independent powers. (Hear, hear) They would hold him responsible, as they were responsible.

The CHAIRMAN put the motion which was carried.

House resumed, the report brought up, and leave given to sit again on Friday.

STANDING ORDERS.

The time for bringing up the report of the Select Committee was extended for a week.

RAILWAY EXTENSION.

The Chief Secretary laid on the table a Bill to authorize the extension of the Adelaide and Gawler Town Railway, and to provide for raising money to carry out that purpose.—The Bill was then read a first time.

House adjourned until next day.

HOUSE OF ASSEMBLY.

WEDNESDAY, JUNE 3.

BAROSSA ELECTION.

The Speaker informed the House that he had received

the return to the writ for Barossa, and that Horace Dean was declared to be duly elected.

ALFRED FRANCE'S PETITION

Mr Hughes, Chairman of the Select Committee on Alfred France's petition, laid the report on the table, together with the evidence taken.

BLANCHTOWN.

Mr. Duffield asked the Commissioner of Crown Lands whether it was the intention of the Government to offer the land at Blanchtown for sale at an early date.—The Commissioner of Crown Lands replied in the affirmative.

REPRESENTATION OF BAROSSA.

Mr. Reynolds asked the Chief Secretary whether any instructions had been issued to the Returning Officer of Barossa, relative to the votes polled for the person who had been declared ineligible, and, if so, what was their purport.—The Chief Secretary said, no instructions whatever had been issued, except for the return of the writ in the usual way.

POSTAL COMMUNICATION.

Mr Babbage asked whether any advices had arrived by the late mails relative to postal communication.—The Chief Secretary said no advices had been received since the correspondence was laid on the table.

THE CANDIDATE FOR YATALA.

Mr. Reynolds enquired whether the candidate for Yatala, recommended by the hon. Treasurer at a political dinner at Salisbury, was to be looked upon as the Government candidate, or only as the nominee of the Treasurer. He believed that gentleman did not sympathize with the hon. Treasurer's measures for law reform.—The Chief Secretary said the Ministry had taken no part in the Yatala election, but any individual member of the Ministry had the same right as any other hon member of that House to attend any political meeting he might think fit. (Hear, hear, from the Attorney-General)

ADELAIDE BUILDING BILL.

Mr. DUTTON moved for leave to bring in a Building Bill. The measure he introduced last session was of a very wide kind, and would have received considerable opposition. In the present Bill, many of the contested provisions were omitted, and those only retained which would tend to the preservation of the town from fire, especially with regard to wooden buildings. He believed it would meet the general concurrence of the House. Leave granted.

MONEY ORDERS

The House having gone into Committee, Mr PEAKE moved—That, in the opinion of this House, the introduction into the General Post Office of this province of a Money Order Office, for the transmission of small sums of money, not exceeding five pounds sterling in any one order, is urgently called for, and that it be an instruction of this House to the Executive to direct the Postmaster-General to establish such Money Order Office with the least possible delay, and this House undertakes to provide the funds necessary for the establishment of such Money Order Office. In introducing the motion he did so rather with a view to obtaining the sense of the House on the subject, and for the purpose of procuring the adoption of the system of money orders, than with any desire to dictate to the Government as to details. He felt sure that if his motion were carried the Executive and the Postmaster-General would see the importance of arranging them in such a manner as to carry its intention into effect. He need hardly point out the advantage and economy which would accrue to the public and to the mercantile

interest in general from the adoption of such a system, which had been found to work so well in England. The number of post-office money orders issued in England in 1840 was 188,931, representing sums amounting to £313,134. In 1854 the number of money orders had increased to 5,500,000, representing nearly £10,500,000 sterling. This great income produced a revenue to the Post Office in 1854 amounting to nearly £17,000. Of course they could not expect anything like equal results here, but there was no reason why the benefit should not be proportionate.

Mr. WATERHOUSE trusted the motion would not be adopted without discussion, as it seemed to him open to several objections. It would increase the responsibility of the Postmasters, whose salaries must be increased in proportion, making an annual sum beyond what some hon. member might suppose. He granted the benefit of the system in England, but it did not follow that it would be advantageous here, where we had bank notes of £1 and £2 instead of as in England none below £5. Even if the system of money orders were adopted there was no doubt the great bulk of remittance would still be made in the more convenient form of bank notes. The motion was also open to the objection, that this House had no power to give instructions to a responsible Ministry.

Mr. NEALF would recommend the withdrawal of the motion, which could not at present be practically carried out.

Mr. PEAKE could not withdraw the motion. The principle was acknowledged to be sound and good, therefore, he thought the best way was to introduce it as early as possible. As regarded the motion being out of order, on account of its containing instructions to the Ministry, he must say, that he could see no force in the objection.

Mr. MACDERMOTT would support the motion if it were put in a proper form. He begged to remind the hon. member for East Torrens, that the Banks did not issue bills on England for less than £5, and that bank notes of this colony were not available as remittances to England, being subject to a discount there proportionate to the consciences of the persons by whom they were negotiated. It was well known, that large sums were annually remitted from emigrants in America to their friends in the United Kingdom, and he should be glad to see equal facilities offered to the residents of this province for making similar remittances.

The CHIEF SECRETARY must oppose the motion if it were pressed to a division. He hoped, therefore, that it would be withdrawn. Government had several times made an attempt to introduce the system of money orders, but had always found that the expense would be greater than the business of the colony would meet.

Messrs. REYNOLDS, KRICHAUFF, and DUNN, trusted the motion would be withdrawn.

The COMMISSIONER of CROWN LANDS had had considerable experience, both in sending and receiving sums from 6d upwards, and had never even heard of any irregularity. He believed this was mainly due to the admirable way in which the Post-Office was managed. (Hear, hear.)

The TREASURER thought that, whatever was the fate of the motion, the thanks of the House were due to the hon. gentleman who had brought the question under consideration. He must, however, oppose the motion, both on account of the difficulty involved in the exchanges, and the expense necessarily attendant upon the adoption of the system.

Mr. PEAKE complained that the Ministry told the House, that the system would be very expensive, but did not give the figures. He would ask leave to amend his motion, and call for a return of the cost likely to attend the introduction of the system.

The ATTORNEY-GENERAL said it would be unnecessary to move for such a return. It should be supplied with the least possible delay.

The motion was then withdrawn and the House resumed.

EXTENSION OF THE GAWLER RAILWAY.

IN COMMITTEE.

Mr HAY moved, pursuant to notice, for an address to His Excellency the Governor-in-Chief, requesting that a survey be made for a line of railway of the country between Gawler Town to a junction at Onetree Hill Creek with route No 9, as shown in Council Paper No. 22, and on to the River Murray, as indicated by the said route No 9, also, that a survey of the country be made for a line of railway between the proposed terminus at the Old Shepherds' Inn, on the Dry Creek extension, to a point at or near the Thirty nine Sections, on the River Murray, and that a report of the length of each line, the levels, and the probable cost per mile for constructing a railway by either line, be laid before the House on as early a day as possible. So far as he knew the country those lines would be found as short as any which had been pointed out, and they were more free from obstruction. The Murray Scrub also was much narrower than on most of the other lines. He had no bias in favour of either line, but was anxious to have that adopted which might prove, upon a careful survey, the best.

Mr BAGOT thought that, before carrying the motion, they should have some idea of what the expense of the surveys would be. If every member should feel it his duty to ask for a survey of a line through the district represented by himself, they would soon have eighteen or twenty of them to undertake.

The COMMISSIONER of CROWN LANDS suggested that the motion be amended, by the substitution of the word "examination" for survey.

Mr WATERHOUSE approved of the suggestion, but expressed his surprise, that the Government should have assented so lately to an application for a survey under very similar circumstances.

Mr HAY amended his motion by inserting the words "an examination with a view to survey," and by striking out the word "levels" in the last line but three.

The motion was carried as amended.

Council resumed, and the report was brought up and adopted.

MOUTH OF THE ONKAPARINGA.

Mr MILDRED moved, that the petition of the settlers of the Noarlunga and Willunga Districts be printed. His object was to enable the members of the House to appreciate the importance of the petition, which came from a very large number of settlers holding a considerable quantity of land. The object sought by the petitioners was to make water carriage available to the public generally, instead of its advantages being, as they were at present, confined to one or two persons.

The ATTORNEY-GENERAL supported the motion. The only objection to printing petitions was, where it was not intended to found any motion upon them. Carried.

RIVER MURRAY DUTIES.

Captain HART said that since giving notice of his motion on the above subject, some explanations had been made by the members of the Government, and, therefore, as his motion might embarrass the Ministry in its negotiations with the Government of Victoria, he would, with the leave of the House, withdraw it. He should like, however, to see some other motion upon the paper, which would have the effect of instructing the Government as to the course likely to be supported by the House, and he should consider himself at liberty to move on some future day a resolution in favour of an assimilation with the tariff of New South Wales, as far as might be compatible with the collection of a sufficient revenue and suitable to the circumstances of the colony. He believed the assimilation of the tariff with that of New South Wales, under the conditions he had mentioned, the most satisfactory to all concerned, and would be by far the best way of getting out of the difficulty in which the subject had been involved. He hoped also that our Government would shortly be in a position to assure the Victorian Government of their desire to assist in protecting that province from the influx of the Chinese, who were now passing through South Australia into Victoria. Motion withdrawn.

AGENT GENERAL

Mr BLYTH, pursuant to notice, asked the Honourable the Chief-Secretary if any and what steps had been taken to give effect to the recommendations of a Select Committee of the previous Legislature, appointed 'To enquire into the mode in which the Agency of the colony is carried on and supplies obtained from England.' After the debate on the Glenelg Pier Jetty, and the statements of the Ministry relative to the Agent-General, he should be quite satisfied with an assurance that the Government would attend to the subject.

The CHIEF SECRETARY said the attention of the Government had been specially drawn to the question of appointing an agent in England, but they had been unable to take any action at present, as it would have been unwise to have appointed another agent, while there were still a number of orders unexecuted. The subject would now be taken up, and an appointment made shortly.

MURRAY RIVER DUTIES BILL

The Treasurer moved the third reading of the above Bill — Seconded by the Chief Secretary, and carried. The Bill was then read a third time, passed, and ordered to be transmitted to the Legislative Council for its concurrence.

MESSAGES FROM THE GOVERNOR.

In the course of the day the following messages were received from His Excellency the Governor-in-Chief —

No 1. His Excellency the Governor-in-Chief having had before him the address of the House of Assembly (No. 2), requesting him to place upon the Supplementary Estimates the sum of £2,000 for exploring purposes, has given directions that this expenditure shall form an item in the Supplementary Estimates of the current year.

No 2. The Governor-in-Chief informs the House of Assembly that, in conformance with the request contained in Address No 3, of the 27th ultimo, he will cause instructions to be issued to the Commissioner of Public Works to commence the necessary survey forthwith.

No 3. In reply to Address No 4, dated the 27th ult., the Governor-in-Chief informs the House of Assembly that the wish of the House shall in future arrangements for leave of absence on application by officers in the public service be had in view.

Adjourned to Thursday.

HOUSE OF ASSEMBLY.

THURSDAY, JUNE 4.

PETITION

Mr MILNE presented a petition from William Bakewell against the return of Horace Dean as member for Barossa, and praying that the election be declared null and void, and that he (William Bakewell) be declared elected to serve for Barossa, or that the petition be referred to the Court for the Trial of Disputed Returns. The petition was received and read — The Speaker said no notice was required for a question of privilege — The Attorney-General moved the reference of the petition to the Court for the Trial of Disputed Returns — Mr Reynolds referred to a letter which had been addressed to him by a person signing himself an elector of Sturt. That letter was evidently intended to influence his decision as a member of the Court for the Trial of Disputed Returns. He was, however, compelled in conscience to decide against Dr Dean, and he shortly after received the letter referred to, which he read to the House. He had no hesitation in saying, from enquiries he had made, that the writer of the letter was Dr Dean himself. He had given his decision most conscientiously, yet he hoped, if possible, some other member would be appointed to serve in his place. — Mr Hughes thought the shorter plan would be to refer the return to the Returning Officer for amendment. He imagined that votes given for a person pronounced by a competent Court incapable to sit in Parliament were null and void. — The Chief Secretary suggested that the decision of the Court should be before the House. The judgment given by the Court of Disputed Returns was read by the Clerk. The CHIEF SECRETARY remarked, as there really was no record of the disqualification before the House or the country, he thought the only course open was to send the petition to the Court, the decision of which should have been final. — The Attorney-General expressed a similar opinion — Mr Burford said there were other charges besides that of being an alien, and, if such were provided, the disqualification was permanent — Mr Hughes agreed, and moved the following amendment, that the writ for the election of a new member for the district of Barossa be returned to the Returning Officer of that district, and that the said Returning Officer be directed to amend the said writ by erasing the name of Horace Dean from the said return, and substituting in lieu thereof the name of such person as at the said election may have had, after the said Horace Dean, the greatest number of votes as a candidate to serve in this House as member for the said district — Mr Peake asked the Attorney-General whether the 48th clause of the Electoral Act made the decision of the Court of Disputed Returns final — The Attorney-General understood, in point of law, Horace Dean disqualified from sitting during the whole time between the judgment and the next general election. The petition, which was among the records of the House, had proceeded upon two grounds — in the one case that of being an alien, in the other that of being guilty of bribery. The judgment must have proceeded on both or one of those grounds. In the first case he would be disqualified until that disqualification had been removed, and in the other case he was disqualified until the election of the next Parliament. He could not imagine that the decision of the Court would be otherwise than that the election was void — The Speaker put the question, and declared the resolution lost. He was about to put the amendment as a motion, when, the Chief Secretary said they should consider whether it was wise to adopt that course. They had no proof of the allegations in the petition. It was not usual to take allegations as proof. He believed the result must be to confirm the candidate who stood next on the return, if there was such a candidate, but the regular course should be adopted — Mr. Hughes said his amend-

ment met that view fully. If there was no such second candidate, there would be no election at all—Capt. Hart considered that the House should act on the suggestion of the Chief Secretary, to prevent the possible commission of an injustice or an irregularity in acting without a reference to the proper Court. He hoped the amendment would be withdrawn, and that the Attorney-General would frame a resolution to meet the merits of the case, and the wish of the House. The Attorney-General would ask the House whether it would not be a dangerous precedent to act as proposed by the amendment. Would they not be doing something which might hereafter be turned into a great injustice? It was always the case that precedents were established in the first instance where no practical injustice could arise. He believed that there could be no doubt of the result in that case, and that the House would be doing what was just in affirming the amendment, but it was because they were not doing wrong in that case that they should look carefully into the principle they were about to establish, for a principle established in that case they could not refuse to act upon in other cases. He saw no reason for taking that matter out of the usual course, and the trifling delay or expense should not, he thought, weigh with the House to induce it to depart from the proper and constitutional course. He would ask the hon. mover to withdraw his amendment that the original motion might be carried, and the matter referred to the properly constituted authorities.—Mr. Buford hoped the hon. member (Mr. Hughes) would not withdraw his amendment, as he had no doubt of the facts, and saw no danger from the precedent.—The Treasurer hoped the amendment would be withdrawn, simply because he considered it would be better for the House to proceed with all its usual forms, and not give a hurried decision.—Mr. Peake objected to the withdrawal of the amendment. The individual in question had declared the judgment of the Court not worth the paper it was written on. He did not think it a dignified opinion to be placed in, to have the authority of the Court, and of that House, set at naught.—Mr. Babbage was disposed to support the amendment until he heard the opinions of the Attorney-General. The Court of Appeal had not stated which of the points in the petition the decision proceeded on. If on the question of naturalization, it was just possible—barely possible, he admitted—that the objection had been removed, and that, in fact, was a question for the Court.—Mr. Mildred moved, as an amendment on Mr. Hughes's motion, that the petition be referred to the Court of Disputed Returns.—The question was put, and the amendment carried.

MARRIAGE LAW AMENDMENT BILL.

Mr. Bagot moved a verbal alteration in the title of the Bill. It was carried.

The Bill was then read a third time and passed.

REAL PROPERTY BILL.

On rising to move for leave to bring in this Bill for amending the law relating to the Transfer of Real Property.

Mr. TORRENS said. Sir, it is an usage of the British Parliament that before leave to introduce a Bill be granted to any member, he is expected to show the existence of some evil which he would propose to remedy, or some want which he would supply, and to make out at least a *prima facie* case that the measure he proposes is feasible, and meets the requirements of the case. This is a wholesome precedent, and one which we should be careful to establish in this the opening Session under the liberal Constitution which Her Most Gracious Majesty has been pleased to bestow on this colony. More especially should it be insisted on when the measure proposed is of a nature so important as this which I have the honour to introduce, involving as it

does the most material interests of the country, disturbing the very foundations of the institutions under which dealings in real property have hitherto been regulated. Consistently with the principle which I have laid down, I will refer to the preamble of the Bill for an exposition of the evils which I seek to remedy. That preamble alleges in effect that the existing law relating to the transfer of real property is complex and cumbrous in its nature, ruinously expensive in its working, uncertain and perplexing in its issues, and specially unsuited to the requirements of this community. As this preamble has been the subject of adverse comment by members of the legal profession, I will now address myself to its justification. If any one denies that the existing law is cumbrous and complex, let him visit a tolerably supplied law library and cast his eye on the imposing array of volumes of statutes, precedents, commentaries so numerous and so involved that a tolerable acquaintance with their contents can scarcely be attained by the labours of a life time. If any one denies the greivous uncertainty and perplexities of the law, let him but attend our Courts for a single sitting and listen to the ingenious pleadings of opposing counsel, let him note the numerous rules obtained to show cause, the new trials granted, the judgments reversed, the appeals to another jurisdiction, and let him then count up the cost of all this, and he will indeed be astonished to find what a heavy per centage of the real estate in this colony is thus annually frittered away. But the pecuniary loss is not the worst feature. The harrassing, spirit-wearing perplexity in which the land-owner is too frequently involved is yet more distressing. How many titles, safe enough to hold for the party in possession, are yet subject to some purely technical defect which disables the proprietor from enforcing a contract for sale, or would render an action of ejectment against a tortuous holder extremely doubtful in its issue and costly in its prosecution. How many purchasers for *bona fide* consideration, having parted with their money, pass their days in anxiety and bitterness, dreadng lawsuits, eviction, and ruin. I could, if necessary, state numerous instances in proof of that which I have advanced, but in so doing I should unnecessarily take up the time of the House, for I am satisfied that there is not one honourable member present, who has not either in his own person or that of his friends, had abundant illustration that the existing law is complex, uncertain, and ruinously extravagant. None, indeed, deny the existence of these evils but those who live by their perpetuation. Let me not be misunderstood—I do not assert that the profession generally are actuated by sordid motives. There is another bias equally strong—mankind are always more or less prejudiced in favour of a system in which they have been educated. They cannot endure that the knowledge which they have acquired at the expenditure of so much time and labour should be proclaimed worthless. Their thoughts, so long accustomed to run in grooves, it requires a painful effort to draw out from the deep worn tracks. In the eloquent language of Lord Brougham—"They love the mysteries which they have spent so much time in learning, and they do not like the rude hand which would wipe away the cobwebs, in spinning which they have spent their zeal—their days for perhaps half a century." It remains to show how especially ill-adapted is our system of real property law to the requirements arising out of the peculiar economic status of this community. With perhaps the exception of France there is no country in which the number of landed proprietors bears so great a proportion to the entire population as in South Australia. Here, however, the yeoman proprietor cultivates not the miserable holdings of 2 to 5 acres of the French peasant, but moderate farms of 80 to 100 acres. The principle of encouraging a yeoman proprietary has been the distinguishing feature in our policy from the first foundation of the colony. To it we all acknowledge that we are indebted,

for our rapid advancement—for our stability, and for the vigorous elasticity with which the colony has again and again arisen after circumstances of depression such as few communities have in such brief space passed through. Yet what can be more unfavourable to this principle than the system which renders the transfer of property so costly, that the acquirement of land in small blocks is becoming a luxury to be indulged in only by the wealthy. A system under which the yeoman, seeking to become proprietor of his farm, is subjected to costs of £10 to £15 for his title—a system which, when he would raise a loan of £80 to £100 on the security of this land, subjects him to law charges amounting to from 10 to 20 per cent. on the amount borrowed. Blackstone says, "Experience shows that property best answers the purposes of civil life, when its transfer and circulation are free and unrestricted." I will conclude this branch of my subject by quoting in justification of my preamble the language of the eminent statesman and profound lawyer, to whose authority I have before referred. Lord Brougham thus speaks of the Law of Real Property—"It is attended with many evils, gives birth to great vexations, involves the affairs of the community in lamentable uncertainty, imposes on the citizens who lie under it a heavy penalty." It will now be well to enquire whether there are any peculiar characteristics in the nature of real property such as necessitate resort being had to these involved, costly, and uncertain methods of procedure—for in such case further to pursue the subject would be waste of time—or are these methods the creatures of antiquated and mistaken legislation? for if so, they may by enlightened legislation be swept away, and improved methods substituted. If in reality there be any qualities inherent in the nature of immoveable property necessitating the observance of these methods, then it follows of necessity that these methods must have been in use from the earliest dealings in immoveables, and universally acted on in all countries. But the history of our own country affords abundant and incontrovertible evidence that there was a time when these methods were not in use, and at the present day a very slight examination into the institutions of other countries will satisfy the enquirer in other countries in civilized Europe they have been abandoned as the institutions which gave rise to them disappeared. Nay, even in British colonies this system of law, far from being universal, is not general. Clearly then this system has not been forced upon us as of necessity, arising from conditions inherent in the nature of immoveable property. On the contrary, its origin and growth may be distinctly traced in our records to man's devices, seeking to evade the intolerable oppressions of feudalism, such as reliefs, aids, premier, seizen, wardships, and the statute of mortmain. Hence the statute of uses, the distinction between legal and equitable estate, and the ingenious fictions which obscure and complicate this branch of the law. In troublesome times, as during the wars of the Roses, when men's lives and lands were in constant jeopardy, such devices and evasions might be tolerated or even justified, as in the nature of "*pro fraudis*," but surely to perpetuate these indirect and involved methods after the conditions which drove men to them have passed away for ever is folly inexcusable. I will now proceed to give to the House an outline of the remedial measure which I ask leave to introduce. I do not attempt to remedy the evils complained of by amendment of the existing law—that I believe to be impossible; I propose to abolish a system irremediably wrong in principle, and to substitute a method which I believe will, when explained, commend itself to the House as consistent with common sense, perfectly feasible, and effectual for all the purposes required. The system of retrospective or derivative title is the grand source of complication, uncertainty, and expense, attending the existing practice. Whenever real estate is transferred,

the history of the property has to be traced back to the original grant from the Crown, through all the intermediate hands, every mortgage deed, release, conveyance, settlement, must be produced and carefully examined, to see that there are no outstanding equities affecting the title. This renders conveyancing a laborious and costly process; but if after the labour has been expended and the cost incurred, the fruits of it could be secured and held available for future occasions, we should not have so much to complain of. The grievance is, that this labour and outlay has to be repeated again and again each time the property is dealt with. The solicitor of an intending purchaser or mortgagee is not content to accept the opinion given after full enquiry by the solicitor of a recent purchaser, it may be, only ten days before. He too must be furnished with an abstract and examine all documents for himself, and this process must be gone over again and again every time the property is dealt with, each transaction adding to the labour and cost of the subsequent one and increasing the risk and uncertainty. The chain of evidence, however lengthened, is no stronger than its weakest link, and in proportion as documents of title are multiplied, so are the risks that in one of them, an important word may have been omitted or some formality in execution neglected. Heavy as are the certain costs of conveyancing, the contingent risks of expensive costs in law and equity inherent in the system of derivative titles is probably much more burdensome to the land owner. The first and leading principle of the measure which I introduce is therefore designed to cut off the very source of all costliness, insecurity, and litigation by abolishing altogether the system of retrospective titles, and ordaining that as often as the fee simple is transferred the existing title must be surrendered to the Crown, and a fresh grant from the Crown issued to the new proprietor. The principle next in importance prescribes that Registration *per se* and alone shall give validity to transactions affecting land. Deposit of duplicate of the instrument, together with record of the transaction by memorandum, entered in the book of registration and endorsed on the grant by the Registrar-General, to constitute registration. This method is designed to give confidence and security to purchasers and mortgagees through the certainty that nothing affecting the title can have existence beyond the transactions of which they have notice in the memoranda endorsed on the grant. My third principle aims at simplicity and economy by prescribing certain stereotyped forms of instruments available to each occasion, to be supplied at the Registry Office, so that any man of ordinary sense and education may transact his own business without the necessity of applying to a solicitor except in complicated cases of settlements or entails, which are unusual in this colony. The Bill prescribes the method to be followed when part only of the lands included under one grant are intended to be sold, provision is also made for the transfer and release of mortgages and encumbrances, and for the leasing of lands. For dealing with lands in the absence of the proprietor, or in places beyond the limits of the colony, a method safe to the parties and at the same time securing just consideration for the rights of resident colonists is recommended in substitution for the present system of powers of attorney. It will not, I imagine, be denied that the system of which I have given an outline would, if feasible, be effectual. No one will deny that when the vendor exhibits as his title the grant from the Crown, abstracts and the other expenses attendant on retrospective titles vanish, together with the risks of lawsuits incurred through the probability that some defective link may escape detection in examining a long chain of evidence. Neither will any one refuse to admit that opportunities for fraud and occasions for errors are reduced to the minimum, when the acts of leasing, mortgaging, and encumbering land are trans-

mitted solely through registration in a public office, and every transaction required to be notified by memorandum on the grant itself before it can affect the property. It is the feasibility of the project that I expect will be called in question, and to this point I will now address myself. In the Hanse Towns a system of transfer by registration has been in force for over 600 years. I have had communications from legal practitioners there, and I hold in my hand letter from a gentleman who for many years conducted an extensive agency business in Hamburg, and from these communications I am assured that the cost of transfer or mortgage in that city seldom exceeds 7s 6d, and that suits about titles to land are almost unknown. No one in this House will assert that this which is accomplished by Germans in Hamburg cannot be accomplished by German and English colonists in South Australia. But in our own institutions we are not without practical demonstration of the advantages of registration, as the means of transferring and encumbering property. It is only with regard to land, the most important possession of all, that its advantages are attempted to be denied. Transactions in funded property to the amount of millions annually are managed with entire satisfaction through a system of registration. The transfer and encumbrance of the vast property invested in shipping is managed with facility, economy, and security, by this same instrumentality. If it be argued that property in immovables differ in inherent essential qualities from personal property in the funds or in shipping, and that therefore principles of law and methods of dealing which answers so perfectly to personalty, cannot be applied to real property, I must deny absolutely the conclusion, while I admit the premises. I acknowledge essential distinctions between the two kinds of property. Funded property may be said to be infinitely divisible without reducing the intrinsic value of each fractional part. This cannot be said of land or house property. Again, there is, so to speak, an individuality in each parcel of land which practically does not attach to funded property. A man may purchase some indicated piece of land or house, and that identical block or house must be conveyed to him, whereas stock is transferred without any attempt to discriminate or to identify any particular parcel. A thousand pounds Consols is £1,000 Consols, whoever was the original creditor of the Crown for that amount. Again, occupancy and possession are circumstances important to be regarded in the purchase of land, for if possession be not in the vendor, the purchaser may unconsciously acquire a law-suit as portion of his bargain. This characteristic does not complicate transactions in the funds. Now, these are the essential differences referred to, and to what do they amount? They necessitate a careful and sometimes difficult description to identify the particular property intended to be dealt with, and a careful enquiry that the actual possession is the possession of the vendor, but they by no means operate to render a system of transfer by the act of registration inapplicable or inexpedient—quite the contrary. Nothing would be more conducive to accurate identification, and a knowledge of the true occupancy, than a well organized system of registration. These objections, founded on essential distinctions, disappear like *mirage* upon investigating closely the nature of property in shipping. If the comparative indivisibility in land is considered a difficulty, it exists in a still greater degree in a ship. Here, also, is the characteristic of individuality—we must identify the particular ship by a long description in the register—the contingency of adverse possession has also to be guarded against. The characteristics of real property, said to render a system of transfer by registration inapplicable, exist in a greater degree in shipping, aggravated by the circumstance that the vessel may be removed beyond the jurisdiction of the Registry Office. Yet the system of transfer and incumbrance of shipping property by registration gives

universal satisfaction, ensuring simplicity, certainty, and economy. Upon this point, at least, I can speak confidently, having had nearly fifteen years' experience in the working of that system, whilst serving in the Customs' Department in the City of London and in this colony. Many will admit that the system which I recommend might have been introduced at the first founding of the colony with facility and very great advantage, but doubt its practicability now that titles have become complicated. Admitting a difficulty, I deny that it is unsurmountable or such as should cause us to hesitate in securing the advantage of transfer by registration. I will briefly explain the method on which I propose to proceed. All lands yet in the hands of original grantees, and in respect to which no transactions by sale or encumbrance have taken place, should be admitted under its provisions upon application of the proprietors. Titles derived by inheritance, or through the operation of the laws relating to insolvency, or more or less complicated by transfers, mortgages, and encumbrances—I would allow to be brought under the Act, after notice calling upon all parties interested to interfere, if they so desire, by caveat, such notice to be published more or less extensively, or for a longer or shorter period, according to the nature of the case and extent of the complications, or, finally, by a legal process analogous to the Scotch declaratory action, or the German Edictorial Citation. A prejudice exists against registration, arising from the very defective system adopted in this colony. Registration amounting to a mere record, and not *per se* giving title indefeasible to the estate or interest registered, is not worth the cost it entails. Moreover, with retrospective titles extending over a long series of years, the system must break down of its own weight, through the cumbrous indexing required. Whereas my system of renewing the grant on each transfer renders search beyond the last transaction unnecessary, and each title deed by a system of endorsements is made the index to the records affecting the estate which it represents. I do not propose a scheme involving violent or arbitrary interference with existing titles, but would leave it optional with proprietors to avail themselves of it or not. It will thus be gradual in its operation, yet will put titles in such a train that the desired result will eventually be obtained. Mr Speaker, I cannot conclude without expressing my grateful sense of the compliment which the House has paid me in listening with such marked attention to an address extended to an unusual length upon a subject admitted to be dry and unexciting. I propose, it is true, a sweeping measure of reform, yet not more thorough than the nature of the case imperatively demands. In this view I am again borne out by the high authority of Lord Brougham, who, in a speech which I have before quoted, thus expresses himself—"The present system "has grown out of ingenious devices to evade the oppressions of feudal tyrants, but under it we are subject to the tyranny of the legal profession and burdens little less grievous." The reform to be effectual must be thorough. "*Delenda est Carthago*" must be our motto. He moved, in conclusion, for leave to bring in the Bill.

Captain HART had great pleasure in seconding the motion. There was a great deal due by the House and the country to the hon mover for his conduct on that question. It was considered by many gentlemen to whom the subject had been referred that the difficulties of the question rendered its reform impossible. He was, however, convinced that a measure like that, or some other, could be made to effect the desired purpose. Supposing they were then in the position when all property was vested by land grant, what difficulty would there be in the way of adopting that system? When it was known that the conveyance of land cost more than

the value of the land conveyed, in a country only twenty years old, it was sufficient to show the necessity for a reform of the existing system. A bill of exchange was binding, and a person producing his title should with equal facility transfer his right. He differed from the hon. mover on the ground that in future transactions it should be compulsory to proceed under the Bill. He was convinced that they should remove a burden from the lands that was eating up their value. He trusted hon. members would give attention to the measure, which was second to none in importance.

The COMMISSIONER OF CROWN LANDS supported the motion, as it was carrying out a system which he had with great advantage introduced in pastoral leases. He differed, however, from the last speaker as to making it compulsory. There need not, he thought, be any hesitation in dealing with the law of real property, for it was impossible to have a worse system than the present.

Dr WARK supported the motion.

Mr NEALFS felt that although the profession had neglected their duty in regard to that matter, it was scarcely safe to take it out of their hands. If a large conveyancing-shop were opened by the Government, people would go there in preference to going to a respectable solicitor. There the ignorant or malicious scratch of a pen by a clerk might beggar a family. He thought there should be a national guarantee to warrant the adoption of the conveyances made under the Bill.

Mr BURFORD thought it was too soon to anticipate objections, and that they ought to give leave to introduce the Bill, and thank the hon. mover for his public spirit in undertaking such a duty.

Mr WATERHOUSE said the country hoped the hon. member would go on with the measure. The country expected it, and his reputation required it. Some supposed that it was a piece of electioneering claptrap, which on serving its purpose would be thrown aside. That suspicion in which he confessed he did not share, was countenanced by the fact that the Bill was not brought in as a Government measure. A further countenance was given to the suspicion by the opinion that had gone abroad that the Chief Secretary and the Attorney-General were opposed to the measure. He hoped, however, the hon. Treasurer would prove that he was sincere in his desire to effect important improvement in the law, and earnest in his desire to carry it out without any unnecessary delay. The hon. gentleman had likened himself to Hercules, and it was to be hoped he would exert his strength, and that he would, with the lion's skin, ward off the darts aimed with legal subtlety at him by the Attorney-General, and with his club demolish the Chief Secretary. (Hear, hear, and laughter.) He (Mr Waterhouse) confessed that he had some hesitation as to how he should act in the matter. He was disposed to support the Bill, but he was afraid the result would be to upset the Ministry. (A laugh.) He was afraid the effect of carrying that measure would be to carry the Treasurer on to the place of the Chief Secretary, and that estimable officer and the amiable Attorney-General to the Opposition side of the House. (Continued laughter.) That was not altogether a thing beyond the bounds of contemplation, for the hon. Treasurer had said that a seat on the Ministerial bench was an object of laudable ambition to any man, and of course it must be still more laudable to aspire to the chief place on the Ministerial bench. (Laughter.) Hon. members had no doubt often reflected on an interesting peculiarity of the bird called the cuckoo—(hear, hear)—how it dropped its egg in the nest of birds of quite a different feather, and suffered it to be hatched in strange

society—how the interloper fraternized with the unconscious nestlings until it attained sufficient strength to overpower and eject them, and then, true to its nature, it tumbled them out and left them to perish neglected and forgotten. He did not, of course, hold with the companion, but there were some who maintained that the hon. Treasurer was a political cuckoo—(a laugh)—that he was at present in strange association, and only wanted to gather strength to bundle his colleagues out of the Ministerial nest. (Continued laughter.) For himself, he must declare that he would regret such a catastrophe. He would grieve to see the occupants of the comfortable seats ousted, and "lodging upon the cold ground." He would be sorry to find the harmony, however strange and unaccountable, of "the happy family" on the Treasury bench broken up. (Laughter.) As, however, they had been assured that Ministers would carry out the measure if the House agreed to it, he would give his support to the Bill.

The ATTORNEY-GENERAL said the hon. member who had just sat down had been exceedingly happy in his remarks. While the hon. member was speaking he (the Attorney-General) was forcibly reminded of a female character named Mrs Candour, who never raised a report herself but was indefatigable in bringing reports forward for the purpose of contradicting them. Of course if people would rather believe the scandal than Mrs Candour's affected disbelief she was not to blame for that. The hon. member (Mr Waterhouse) had earned for himself the title of Mrs Candour. Having said that—(Hear, hear)—he would support the proposition that leave be given to introduce the Bill. Whatever might be said of the objection of lawyers to measures of law reform, he had no fear of any loss to his income from that measure. (Hear, hear.) Even if he had he hoped he had sufficient public spirit not to shrink from a measure which however it might affect the reward of his own exertions, was believed to be advantageous to the community. He would for himself, and in the name of his profession, repel the calumnious insinuation that they were actuated by other motives—let the insinuation come from whatever quarter, or however candid it might appear. He thanked the hon. Treasurer for introducing the measure, and hoped it would be productive of all the expected advantages. If the Bill was one which he had seen before, he admitted that it contained many very valuable suggestions, which might with advantage be adopted by the Legislature. He would notwithstanding, whatever might be said of his desire to avoid a measure which might affect his pocket, say that it had not met all the difficulties of the subject. He was, however, disposed to support the motion, that the Bill might receive such improvement and correction as would justify the Legislature in adopting it. It was true that the transfer of shipping property, as well as funded property and property in shares, was safely effected by registration, and if the system of registration only proposed to deal with what lawyers called legal estate, he thought it could be easily adopted. But he apprehended that it would not apply to trusts. A person might wish to settle property for the benefit of his children. He might wish the estate to go to one for the purpose of raising money for the benefit of the others—a mode of disposition which, if not restrained by law, might become common in this country. He had thus called attention to one of the difficulties of the matter, but would give every assistance in his power to make the measure as complete as possible.

The CHIEF SECRETARY would cordially support the Bill, without any apprehension of the catastrophe, referred to by the hon. member (Mr Waterhouse). If the result was to show that the hon. Treasurer could not command the club of Hercules but the wisdom of

Ulysses, he would be quite willing to yield to him the palm, and surrender the place which he was more competent to fill. He would support the Bill so long as he could see his way through it, and hoped his hon. friend would succeed and cleanse the Augean stable of the law. He felt convinced that there was no necessity for him to dwell on the cost of conveyancing, or to explain that the cost resulted from the examination of titles. That was the great evil introduced into the transfer of real property in this colony. He would not stop to enquire whether that was inherent in the nature of the property or of the law. They were all aware of the cost and inconvenience of the present system. It was clear also in time that the accumulation of deeds must be so great that no number of lawyers could examine them, and this would compel an alteration of the system. He thought the project of the hon. Treasurer went to the bottom of the evil, but whether or not it would be sufficient in its details he could not say. There was no doubt of the evil, and there was as little doubt that delay would only increase the evil. He believed the best way to deal with the measure would be for hon. members to point out the difficulties and suggest means to remove them. With regard to assimilating real property to shipping property, that might be a great improvement, but there was a difference which might involve a difficulty. On acquiring a piece of land a man had a definite property, but a share in a ship gave no right to any distinct part of the vessel, although it entitled the holder to a part of the value. He differed from the hon. member with regard to making the measure compulsory. The Statute-book was full of measures that were mere dead letters, because the older system they were intended to improve had not been swept away.

Mr. DUTTON referred to the many months' labour and study bestowed upon the measure by the hon. Treasurer, to whom the country owed a debt of gratitude. He was pleased to hear that the Attorney-General would give his aid in perfecting the Bill. His promise to do so gave a gratifying contradiction to the rumour that he was opposed to the Bill.

Mr. BLYTH thought the House was more unanimous in support of the principle of the Bill than any other which had been introduced that session. It was, however, strange that it was not introduced as a Government measure. Reports and after-dinner speeches had been in circulation that the Treasurer felt he would stand alone in the House. The manner in which the measure had been received must have satisfied the hon. Treasurer that he was not without support in the House. He confessed that he did not like the measure the less from the supposed difficulties as to uses, but he hoped the hon. Treasurer would give sufficient time for members to consider a measure of such importance.

Mr. BAGOT supported the motion, and declared that he never met with a measure of real law reform that did not put money into the pockets of the legal profession. He referred to the alteration in this colony of the law as to powers of attorney and to the Encumbered Estates Court in Ireland as fruitful sources of income to the legal profession by the increase of healthy business in the community which those measures caused. With regard to the stated cost of conveyances, he had effected thousands within the last few years, and the average cost did not exceed £5. He was convinced that the talent and energy necessary to gain competence as a lawyer would be better rewarded in any other profession, and regretted to think that the Commissioner of Crown Lands should have spoken of extortion by the profession. He thought that extortion should be pointed out, and he would, if the Bill met such extortion, warmly support it. He would be glad to see the promised Government measure of law reform intro-

duced also, that the House might be able to consider both measures together.

The TREASURER, in his reply, said the question was one of law reform and not the motives of its introducer. He would answer remarks of this kind, whether in the House or out of the House, by actions not by words. It was not an untried measure, for although he was not at first aware of it, it had been in operation for 600 years in the Hanse Towns. A reference had been made to the difference between ships and land, but the difference being that of divisibility made the transfer of land all the easier. He had said that he was under the impression that the average cost of conveyances was £5. He was of the same opinion still, for he had paid that amount himself to very respectable solicitors, and he had taken the whole cost paid by both parties, buyer and seller into account. He admitted that large properties could be laid out into townships, involving many conveyances, at small cost in each case. The same might be said of business transacted for building societies. He would be happy to have all advice from hon. members as to the details of the Bill.

The SPEAKER put the question, which was carried.

The SPEAKER, in reply to Mr. Reynolds, said a member having obtained leave to introduce a public Bill could have it printed at the Government Printing-office.

Mr. REYNOLDS—After leave given by the House.

The ATTORNEY-GENERAL said the Government would willingly, in any case where satisfied of the public importance of a measure, extend the same advantage to the introducer of it that had been enjoyed by the hon. Treasurer in getting his Bill printed at the Government Printing-office.

The Bill was laid on the table, read a first time, and ordered to be printed.

IMPOUNDING ACT.

Mr. DUNN asked the Honourable the Chief Secretary if it was the intention of the Government, during the present session, to introduce a Bill to amend the present existing Impounding Act.—The Attorney-General said the Government would consider any defects of the existing law which the Legislature could remedy when such were pointed out.

POLICE AND PUBLICANS.

Mr. DUNN moved that returns be laid on the table of this House, showing the total number of fines that have been inflicted on innkeepers for the violation of the Victuallers' Licence Act, during the year 1856, and how or in what way such fines have been disposed of. He was desirous of having the returns, as they would be likely to throw light upon the conduct of the police who were generally at enmity with the publicans. Motion carried.

THE MARRIAGE LAW.

Mr. MILNE did not present his motion for the printing of the petition of the Free Church Presbytery.

AURIFEROUS QUARTZ REEFS.

Mr. KRICHAUFF moved—That, as it seems to be the way of affording sufficient inducement, and the wish of many parties now engaged in the search for gold at the Echunga quartz reefs, to grant leases for small portions of such or any hereafter-discovered quartz reefs containing gold, this House resolves, that it is expedient to grant leases of only twenty lineal feet along the course of but one (and no more than one) of such reefs to each individual applying for it, sufficient time being given, by notice in the *South Australian Government Gazette*, to determine whether other parties have a prior

claim to the granting of such a lease. He was desirous of giving facilities for the working of auriferous quartz reefs, and he thought the extent allowed in Victoria should be the limit allowed in this colony.—The Commissioner of Crown Lands thought the motion unnecessary, for they had as yet no auriferous quartz reef, although gold was traced by a reef. The latter part of the motion would also tie up, unwisely in his opinion, the hands of the Executive.—Mr. Krichauff withdrew the motion

ELECTRIC TELEGRAPH.

Mr Peake moved, that there be laid on the table of this House all the information at present in the hands of the Government as to the state of forwardness of the line of electric telegraph between this colony and the frontier of Victoria, and as well the cost of constructing such telegraph, and the amounts for which contracts have been entered into, with any information the Executive may consider useful to this House, or of public interest

Mr. Babbage seconded. Motion agreed to.

COAST TRADE.

Mr Peake obtained leave to amend verbally the following motion.—That returns be laid on the table showing the amount of wool, mineral, and agricultural produce exported, either to England direct or coastwise to Port Adelaide, from Port Wakefield, Port Elliot, Wilingunga, Yankalilla, Guichen Bay, Port Augusta, Port Robe, and Port Lincoln, within the year 1854, 1855, 1856, and up to the 1st May, 1857, and also showing the amount expended in each year for the improvements of each port respectively, or voted on the Estimates and remaining in hand to be so expended—Motion agreed to

CHINESE IMMIGRANTS.

Mr. Hughes moved that the motion standing in his name be postponed until Thursday.—The Attorney-General said it was likely the Government would bring in a Bill substantially the same as that intended by the hon. member.

LAND SALES.

Mr. Reynolds obtained leave to amend the motion in his name. He then moved the amended resolution.—That a return be laid on the table of the House, showing the number of 80-acre sections of land, and blocks of land exceeding 160 acres, which have been surveyed and sold, in each year, from the 1st January, 1850, to the 1st June, 1857, as well as the average price per acre which the land so sold realized during each year.—Motion as amended agreed to.

PETITION OF BORROW AND GOODIAR'S CREDITORS.

Mr Reynolds moved that the petition be printed, and the postponement of its consideration deferred until Wednesday next.—Motion agreed.

PRIVATE PURCHASES OF LAND.

Mr. Krichauff moved that it is the wish of this House that the names of the purchasers of land purchased by private contract should be published. He said the sale by auction was a public proceeding, and he thought publicity should be given to the private sales of land.—Lost on division by eight.

DESCRIPTION OF LAND FOR SALE.

Mr. Krichauff asked the Honourable the Commissioner of Crown Lands the reason why no description of the quality of the land was given when gazetted for sale, as was the case some time ago.—The Commissioner of Crown Lands said parties had frequently alleged that they were misled by the published description.

SURVEY FOR TRAMWAY.

In Committee

Dr. Wark referred to the notice, that an address be presented to His Excellency the Governor-in-Chief, requesting him to cause the engineer officers of the Government to make a preliminary survey of a line of tramway along the River Torrens, to the table land toward its sources—there to divide into two branches, one running northward and the other southward, along the fertile settled country. He said, he would, with permission, make a slight amendment. The Chief Secretary said the surveys already asked for could not be carried out without such an examination of the gorge of the Torrens as was contemplated by the motion.—Motion withdrawn.

COURT-HOUSE AT WOODSIDE.

Mr Malne asked the honourable the Chief Secretary whether it was the intention of Government to place on the Supplementary Estimates for the present year a sum for the erection of a Court-House at Woodside. The Chief Secretary replied in the affirmative

PITCHIRICHI PASS.

Mr Macdermott asked the honourable the Chief Secretary whether the cutting at the Pitchirichi Pass, Mount Remarkable Range, for which a vote was passed in the late Council, was likely to be carried out.—The Chief Secretary said parties were on the way to carry out the work.

House adjourned until next day.

HOUSE OF ASSEMBLY.

FRIDAY, JUNE 5.

PETITION.

Mr Neales presented a petition from Messrs Taylor and Franklin, engineers, accompanied by plans and specifications, with reference to the erection of the City Bridge over the Torrens, and praying for compensation for the loss of time occasioned to them by the invitations for the plans, and the partial adoption of their plans in the structure erected.

NAVIGATION OF THE MURRAY.

The Chief Secretary, in reply to Mr. Babbage, said the Government had not made up their minds as to what course the Government would pursue until they had the report of Captain Douglas on Victor Harbour, and other information in course of collection.

MONEY ORDERS.

Mr. Macdermott begged to correct a mistake which had fallen into in his remarks on the motion relating to money orders. He had been informed by one of the Bank Managers that they issue money orders on England for sums as low as £2.

THE RECESS.

Mr. Waterhouse said he understood that it was the intention of Ministers to move an adjournment of the House for two months. If so, he hoped that copies of all Bills intended to be introduced that session would be placed in the hands of hon. members that they might be duly considered during the recess.—The Chief Secretary said it was intended to propose a long adjournment, for six weeks or two months, when they hoped to meet the House with all measures, especially the Estimates, ready for consideration. They could not comply with the request of the hon. member, as the object of asking for the adjournment was for the purpose of preparing those measures. They would, however, lay on the table the Bills for the consolidation of Beards, the Main Roads Act, and the amend-

ment of the Insolvent Law.—Mr. Neales hoped the Ministry would at least give hon. members a list of the subjects upon which they proposed to legislate.—The Chief Secretary would, before moving the adjournment, state what measures they would be prepared to place on the table.—Mr. Waterhouse hoped the Government would give directions to the Clerk of the House to forward to hon. members copies of Bills from time to time as they were prepared.—The Chief Secretary would take that suggestion into consideration, but did not at the moment think it prudent to say that he would comply with it.

THE LAND SALPS QUESTION

The Commissioner of Crown Lands wished to give the House some information additional to what he had given in reply to the hon. member (Mr. Krichauff) for Mount Barker. He had ascertained that the practice had been to publish monthly a list of lands selected by private purchasers. That had only very recently been discontinued, and he had given directions for its resumption (Hear, hear.) He had also been assured that the Surveyor's reports, as to the land for sale, was open, at the Survey Office to intending purchasers. (Hear, hear.)

REGULATION OF WASTE LANDS BILL.

IN COMMITTEE.

The Commissioner of Crown Lands moved the recommitment of the 9th clause, which was verbally amended and passed.

The 13th clause was recommitted, and verbally amended by striking out the words "and unsurveyed."

The Attorney-General said, in reply to Mr. Babbage, that the Government would have power to grant leases of mineral land on native reserves, but not under the provisions of that Act.

The 13th clause was then passed.

Mr. LINDSAY referred to his contingent notice, and moved the recommitment of the 4th, 5th, 6th, and 19th clauses. The alteration, he said, in the 4th clause would go to the reform of the plans in the Land Office.

Mr. REYNOLDS suggested the propriety of restricting attention to one clause, as the contingent notice given by the hon. member was not retained on the notice paper.

The Commissioner of Crown Lands considered the proposal of the hon. member would unsettle every title to land in the colony. The details required could not be written on any skin of parchment that ever grew on the back of a sheep. (A laugh.)

The motion for recommitment was negatived, and the Bill passed through the usual stages in Committee. The House resumed and the third reading was made an Order of the Day for Thursday next.

IMMIGRATION RESOLUTIONS.

IN COMMITTEE

The Commissioner of Crown Lands said the postponement of the question was intended to enable the consideration of the question of German Immigration. He was strongly in favour of it, as expressed in the notice by the hon. member for Mount Barker (Mr. Krichauff), although he would suggest a verbal amendment of this motion. It was as follows—That the immigrants introduced under these resolutions should be drawn from England, Ireland, and Scotland, as near as may be in proportion to the population of those divisions of the United Kingdom, and from Germany in

the proportion of not more than one to ten of the immigrants of the United Kingdom. Provided that the immigrants from Germany shall only be introduced under the 4th clause of these resolutions, and that no remission certificates shall be granted in respect of any such immigrants from Germany unless such immigrants shall have previously taken the oath of allegiance to Her Majesty. As to their connection with the mother-country, insisted on by some hon. members, he was of opinion that they should do what was best for themselves. (Hear, hear.)

Mr. HUGHES thought that matter was to be brought forward as a distinct motion, of which the House was to have notice.

Dr. WARE opposed the consideration of the question without full notice. He would, he thought, have to oppose after due notice.

The Attorney-General referred to the notice by Mr. Krichauff, which had been on the paper so long, that these was no surprise in the matter.

Mr. HALLETT would oppose the motion, on the ground that this was a British colony. He thought it would be against the feeling of the colony to introduce persons directly from a foreign country, although the objection might not be so strong against persons naturalized in Great Britain.

Mr. REYNOLDS did not see the same objection to discuss the subject now that he did before notice had been given, and would support the motion.

Mr. MACDERMOTT opposed the motion, on the ground that they would have no control over the selection of those immigrants, and declared that he would rather support a specific vote for the purpose, than recognise their claims on the Land Fund, which was a trust held by the colony for the benefit of the parent State.

Mr. YOUNG was opposed to the resolution, while he would not oppose a less objectionable mode of assisting immigration.

Mr. BURFORD would not open a door to facilitate the introduction of discontented politicians from the continent of Europe. The Germans should, in common decency, be thankful for the advantages given to them on arrival. The only reservation of advantage made by the natural subjects of the Crown, was that of the Land Fund for the benefit of their own countrymen.

Dr. WARE would not, after they had established the colony, give away the birthright of the colonists to the alien and the stranger. He would welcome them on their arrival, and was happy to see a naturalized German sitting in that Chamber. Heretofore men of enterprise found their own way from Germany to the colony, but what warranty would they have that an inferior class would not come out by means of the assistance asked for? (Hear, hear.)

Mr. KRICHAUFF considered that the resolution did not so much contemplate an exclusive benefit to German immigrants, as to give South Australian colonists a means to introduce labour of the most productive and suitable character. (Hear, hear.) The notice proposed, not to benefit German aliens, but to serve the interests of South Australians. (Hear, hear.) When a man became naturalized, he ceased to be a foreigner, for he became a South Australian.

Mr. PEAKE opposed the motion. The resolutions were the first principles of action, and while the re-

marks of the hon member for Mount Barker were very specious, he could not agree with them, because this was especially a British colony. If they once departed from the principle embodied in that idea it was impossible to say how far they would go. He trusted that he would not be misunderstood as opposed to German immigration apart from the employment of the Land Fund for that purpose, or that he was indisposed to admit their value as colonists.

Mr NEALES remarked that one member opposed the motion on the ground that Germans left their country for political reasons, and that others were compelled to leave by persecution. Another opposed the motion because every advantage was given to them on their arrival in the colony (Hear, hear). But if they were willing to give every advantage, why refuse the one advantage asked for? (Hear, hear). If they were to have every advantage upon naturalization, why make any except on? Why be always professing a desire to serve the Germans, and the moment a mode of serving them was pointed out by themselves refuse to entertain it? It reminded him of the old song—

“It is all very well to dissemble your love,
But why do you keep me down stairs?”

(A laugh.) He thought it was possible that they might in the course of time, and through the attractions of their liberal institutions, have persons among them from many countries. He saw many advantages and no evil in the introduction of Germans as proposed by the motion, and would cordially support it.

Mr MILNE supported the motion. He thought it desirable to foster the wine-growing interest, now in its infancy, and it would be good policy to introduce persons capable of developing that branch of industry.

Mr DAWES would not go for the introduction of foreigners, but he would stand up for the right of South Australians to send for labour to wherever they could best be supplied.

Mr BABBAGE thought they should act with regard to the welfare of the colony, and with justice to the colonists. He thought that was the time to say whether they would admit the principle or not. Had a body of colonists come from any other country such as had come from Germany, he would be prepared to support a similar motion in reference to immigration from that country. As to the argument that this was a British colony, it should be remembered that England opened her arms to the refugees of all countries—(Hear, hear, from Mr Hughes)—but as the hon member (Mr Hughes) was uneasy to speak, he would not longer detain the House. (Hear, and a laugh.)

The TREASURER said they should ask themselves two questions, first, would they assist German immigration, and, secondly, how far they would restrict the Immigration Agent. Originally the proceeds of the Land Fund was set apart for the introduction of British-born subjects. That principle remained in force up to the day when the new Constitution was established. The whole of the Land Fund was now at the disposal of the colony, and they might, if they pleased, now introduce Hindoos or Malays. (Hear, hear.) They had now no principle on which to introduce immigrants, but they had to lay down principles for present and future guidance. He was for such a principle as would secure the certain and permanent preponderance of British blood (Hear, hear). He could not, however, ignore the claim of their German fellow-colonists. He had no fear of their being introduced in excessive numbers. The motion included restrictions sufficient to set at rest all apprehension on that head. The resolution he would propose would be—That immigrants from Germany be admitted under the 4th resolution,

provided that no remission certificate be granted unless notice of intention to claim such certificate be given at the time of landing of such immigrants, and the proper authorities be then satisfied that they are of a suitable class under their existing regulations: Provided, also, that no such certificate shall be granted unless after such immigrant shall have been naturalized.

Mr BURFORD said there were two questions before the House—were they to have German immigrants, and were they to tie up the hands of the Emigration Agent? With regard to the first point, the question with him was, what foreign country was worthy of their preference? They commenced with the Germans, and perhaps they might finish with the Chinese (No, no.) They must not look at the question as one of principle at one time, and throw it over at another. The Germans were welcome here—always had been, and always would be, but it was another question whether we should bring them out with our Land Fund. It had been said that in the early days of the colony German immigration was encouraged, so it was, no doubt, but how? by individuals paying their passages, and giving them credit. There could be no objection now to winegrowers or others who might require their services doing the same, and probably they would find it answer their purpose. A special vote had been spoken for the Germans, but he thought that equally objectionable. Under no circumstances would he spend our public money to introduce foreigners, who, though naturalized, preserved their home affections, as we did, and would not hesitate, when they had amassed property, to go home if they felt so inclined, and throw off their allegiance. Under one condition only could he consent to introducing foreigners at the public expense, and that would be if we were unable to get labourers from the United Kingdom.

Mr BAGOT seconded the Treasurer's amendment, for he thought it the best way of meeting the question. No doubt the Germans made very good colonists, but he much doubted if they would have been so good if they had been brought out through the Emigration Fund. The mode suggested in the amendment would be in every way preferable. That we were bound to afford them that assistance could hardly be denied, for in the early days of the colony Germans were encouraged to come out with the promise of receiving all the rights of British subjects. They had proved themselves good citizens, and had remained here when the majority of Englishmen went away to the diggings, and he thought they had a fair right to the means of bringing out their friends. He could not go along with the arguments of the hon member for Encounter Bay (Mr Babbage), who said that England opened her arms to all foreigners. It was true she did so, but she did not pay for bringing them there. (Hear, hear.) But he would make an exception in favour of Germans, who were good colonists, who had assisted in the progress of the colony, and who had staved here when others went away. As one member of the Government had proposed a resolution and another had moved an amendment upon it, he must say he should like to hear the opinion of the hon Chief Secretary, for to him he presumed they must look as the exponent of the views of the Ministry, in order that the House might know what the fixed policy of the Government was, provided they had any fixed policy on the subject. He could not go with the hon member for the Port (Captain Hart), who thought the Ministry should watch the opinion of the House and act upon it. He considered that a responsible Ministry should well discuss their policy, then come down to the House prepared to support it with all their force, and take the consequence if it did not meet the views of the majority.

The CHIEF SECRETARY would at once relieve the hon

member's mind, by saying that he should oppose both the resolution and the amendment, for it went against his reason, in some way, to admit that they should spend their money in introducing aliens into the colony. He should take his stand upon that point. The Government had brought these resolutions into the House as declaring their policy, but it did not follow that individual members of the Government might not take their own course with respect to any amendments which might be introduced. Notice of an amendment had been given by the hon. member for Mount Barker, and the hon. Commissioner of Crown Lands had taken it up and put it in the least objectionable form. He should dissent from that amendment, for he could not see why the lands of the colony, which were the heritage of British subjects, should be held at the disposal of aliens. He said aliens, because all foreigners were aliens until their naturalization had received the confirmation of Her Majesty, and he could not consent to aliens having the control of any portion of our Land Fund. We held out the hand of fellowship to all foreigners against whom there was no social objection, and gave them facilities which many of them did not possess in their native countries, but beyond that he could not go.

Mr WATERHOUSE remarked that the hon. Commissioner of Crown Lands having adopted the amendment of the hon. member for Mount Barker, he could not but suppose he did so with the concurrence of the Government. If not, he could not see how the Government could act together. Such a system struck at the very root of responsible government.

Mr LINDSAY said he could understand the Land Fund being called ours, but he could not understand its being called an English Fund. If the fund were ours, we must include our German fellow-colonists as its just owners, and he did not see how they could fairly be excluded from the same right which the English colonists possessed of bringing out such labour as they pleased, and of assisting such of their friends as they might consider likely to make good colonists. The colony had been called essentially British. He did not see how it could be so when it was peopled by different races, nor did he see how we could perceive its essentially British character unless we enacted strong laws to exclude foreigners. To exclude Germans seemed particularly inconsistent, if we termed this a British colony, when in England they had for two centuries been importing Germans to reign over them. (Hear, hear, and a laugh.)

Mr SMEDLEY said the Germans had proved themselves the most useful class of colonists we had known. (No, no.) They were at least as useful, perhaps more so, than any from England, Scotland, or Ireland. He would say with regard to emigration generally that some understanding should be entered into with the Agent that he should select the emigrants of a suitable class, and, as far as possible, in proportion to the population of the three kingdoms. (Hear, hear.) Going from the United Kingdom, he should most strenuously support the introduction of Germans in proportion to the number of their countrymen residing in the colony.

Mr HAY would vote the money annually, and have it expended under the 3rd and 4th resolutions. He could not agree with the hon. member for Victoria that the Land Fund was handed over to the House only for the benefit of Britain. It was for the purpose of introducing labour into the colony. He would recommend the hon. Commissioner of Crown Lands to withdraw the latter portion of the resolution, and leave the House to vote money for German emigration from time to time, as might be thought desirable. He

could not agree that they should only bring out British emigrants, and he believed that a small sum voted annually to encourage German emigration would attract attention in Germany, and increase the number of persons coming hither from that country at their own expense.

The ATTORNEY-GENERAL must vote against the amendment, indeed, if he were inclined to propose one himself, it would be exactly the opposite of that introduced by his hon. friend the Treasurer. (Hear, hear.) If he were to agree to the assisting of German emigration at all, he should be inclined to do it in the manner suggested by the last speaker—by an annual vote; but he could not consent to any part of our Land Fund being expended in the introduction of foreigners. He was not, however, opposed to the Germans, nor was it fair to say that those who thought with him objected to their having a German element in the colony. So far from that, they had always encouraged the Germans—had welcomed them here, and given them as great, perhaps greater facilities than they possessed even in the United States. They had always received a welcome here, for whatever cause they had left their native land—whether from religious persecution, political oppression, or the force of poverty; but South Australia was the heritage of the British nation. It was true they could do as they chose with the fund; they might lay it out if they pleased in importing Chinese or Hottentots, but receiving it as they did as a gift from the people of England, he considered they should hold it for their benefit. It was not true that the German purchaser of land was under any restrictions which did not extend to British subjects. Neither the one nor the other could introduce foreigners, and if it were said they could not introduce their relatives, they were in no other position than those who had no relations, or who, like himself, had no relations who wished to avail themselves of the fund. (A laugh.) It was said that England opened her hands to all. That was true, but she did it in a very different way to South Australia, for a foreigner in England was restricted by the alien laws from holding land, or from participating in the making of the laws. The hon. member for Light complained that he did not know what the policy of the Government was. Now, if the hon. member would agree to support the Government policy when he knew it—

Mr BAGOT would if he approved of it. (A laugh.)

The ATTORNEY-GENERAL expected that answer, and no doubt the Government gave the hon. member all the thanks which such a measure of support deserved. (Continued laughter.) It could not, however, matter much to the hon. gentleman what the Government policy was, as it did not appear that it would affect his vote. He had the question before him, and that should be sufficient without any knowledge of the course the Government intended taking. With regard to the hon. member for East Torrens's remarks, he only hoped that when that hon. gentleman was at the head of an Administration—he said when that hon. gentleman was at the head of an Administration—(a laugh)—he would be able to induce every member of his Ministry to sink his own opinions, and influence the whole of them to act together in every detail. If he did so, he could only say he would have done the utmost that was possible to emaculate his Government. (A laugh.) According to his (Mr Hanson's) view, it was sufficient if the Ministry agreed upon great principles—absolute unanimity in detail was by no means necessary.

Mr HUGHES was glad to find his prediction verified, and that he had the hon. Chief Secretary at last on his side. He could not agree, however, with the position laid down that Ministers must be allowed to differ on

details, and to express their conflicting opinions in that House. He agreed that they should not be emasculated—(a laugh)—but the question was, whether the present was a matter of detail. They had first the hon. Commissioner of Crown Lands, speaking in favour of the introduction of aliens, and then they had the Treasurer, moving an amendment upon the Government resolution. He had always endeavoured to support the Government, and had generally pursued that course, but he could not do so when he saw them playing fast and loose and trifling with that House. He agreed with the hon. the Attorney General, and had even prepared an amendment in accordance with the same views as those the hon. gentleman had expressed. He trusted the proportion of emigrants from the three kingdoms would be insisted on, but he hoped the hon. the Treasurer would withdraw his amendment with reference to German emigration. He had compared himself lately to Hercules, but he was now letting his club fall upon his colleagues. He thought the best thing they could do was to recommend him to wrap himself up in his skin, and say good night to him for the present. With regard to the question of German emigration generally, he could sincerely say that he held out the right hand of fellowship to the Germans; but he could not agree with the proposal to introduce them to the extent of one-tenth of the entire number of immigrants brought into the colony. Where were we to draw the line? It was said the Germans were good colonists—so were the Chinese. (No, no.) He said Yea, yes. He had had Chinese for years in his employ who had behaved as well as any Englishman or German in the colony. He could not sympathize in the feeling of the hon. Mr. Lindsay, who seemed to forget that we were a part of the British empire. The hon. member appeared so completely to agree in the cosmopolitan views of the hon. the Commissioner of Crown Lands that if the latter gentleman should absquatulate he might, perhaps, very worthily fill his place. (Much laughter.)

The TREASURER must confess that all which had been said only served to confirm him the more strongly in his opinion. The hon. Attorney-General had said that the Germans were in the same position as he was in not being able to bring out their friends, but that was a false argument, as his hon. and learned friend had no relations who would desire to avail themselves of the fund, and the same was not the case with the majority of German residents, who occupied a very different position in life. It had been said that the fund was the heritage of the British nation. It was for that very reason that he had proposed the amendment, which would authorize the bringing out of foreigners, but would increase the number of British subjects by holding out an advantage to Germans who had resided here for two years, and become British subjects by naturalization. The course taken by the hon. member for Gumeracha (Mr. Hay) was in effect opposing the German claims under the cover of support, for it would be only amusing them with delusive hopes to promise them an annual vote for emigration. The hon. member for the Port had mistaken the reference he had made to Hercules. He had not compared himself to that hero, but the citizens of Adelaide, who, like Hercules, had turned the River Torrens through the Augean Stable. Had he likened himself to Hercules he might perhaps have shared the ridicule of a certain animal who assumed the lion's skin. (A laugh.) With regard to the hon. member for East Torrens's remarks, he might say that he did not apprehend the danger that hon. gentleman appeared to anticipate. The Ministry were agreed upon all matters of principle, and he should be ready and willing to serve under his hon. friend the Chief Secretary as long as he allowed him reasonable liberty of action with regard to details. The hon. member had amused them the day before

with some exercises in natural history, and told them a very pretty tale about a cuckoo. He might be allowed perhaps to narrate in return a fable of a —

Mr. WATERHOUSE rose to order. It was not the practice of that House to refer to what had taken place in a former debate.

The SPEAKER ruled to that effect.

The TREASURER would not refer then to anything which had gone before, although he did not think the House could complain if he followed the practice of the House of Commons, where remarks made by an hon. member were referred to for a quarter of a century afterwards. He would say, then, that he had read somewhere of a little sly fox, who saw a leg of mutton in the mouth of a bloodhound, and was anxious to secure it for himself. He dared not attack the great dog, but, seeing a splendid mastiff, had pointed out the prize to him, and while the two were fighting the fox stepped in and ran off with the bone. The hon. member for East Torrens had attempted the part of the fox. (Much laughter.) He was sorry he could not withdraw his amendment. He might remark with regard to the apprehended difficulty of selection in Germany that no such objection could arise, for the emigrants must have been here two years, and been naturalized, before the regulation he proposed would come into effect.

Mr. REYNOLDS had felt some difficulty in making up his mind, for he understood the hon. Chief Secretary to have said that if the resolution were passed it did not follow that the Government would carry it out. That would leave the Cabinet at variance. The hon. Treasurer would hardly let his resolution lie dormant, and if he pressed it there would be a danger of the Cabinet breaking up. He (Mr. Reynolds) had said before that there were opposing principles in the Cabinet, and he was laughed at for saying so. But were the Ministers not at issue now, and that upon a principle which affected the British character of the colony? It was not a question upon which the Ministry could be allowed to differ. Then came the question, could he support a measure which would endanger the existence of the Cabinet? He would like to ask, for the sake of that House and of the country, whether the passing of the resolution would have the effect of breaking up the Ministry. One hon. gentleman, who had just declared himself strongly in favour of nationality, had spoken in a very contrary manner a few days ago. 'He at least had "jumped Jim Crow." He (Mr. Reynolds) should certainly like to know, in the event of the resolution being carried, whether the Treasurer and the Commissioner of Crown Lands would yield to the Chief Secretary and the Attorney-General, or whether the Chief Secretary and the Attorney-General would yield to the Commissioner of Crown Lands and the Treasurer.

Mr. PEAKE said, in explanation, that he deprecated the introduction of the spirit of nationality or religious differences in the selection of emigrants, but he reserved to himself the right of preserving the British character of the colony. The hon. member for Encounter Bay (Mr. Lindsay) asked what right he had to call it a British colony. He did so because the land belonged formerly to England, and was handed over by England to us. That was why he called it a British colony, and why he would preserve it as one. (Cheers.) The hon. member asked how we were to preserve it as a British colony. He would answer by preserving our own customs and privileges, and not assisting in the introduction of heterogeneous races which would gain for our population the name of Yankee. The hon. Treasurer spoke of naturalization and two years' residence, but they must remember that naturalization was one thing

and Anglicization another (Hear, hear.) Perhaps it might be said, with reference to the remarks of the hon. member for East Torrens, that coming events cast their shadows before them, but for himself he had no fear of the Ministry breaking up, and should vote against both motions.

Captain HART had no doubt that whatever were conceded the Germans would receive as a favour and not as a right. But he agreed with the hon. Attorney-General, for the Land Fund was an Imperial Fund, it belonged to the British people. At the same time he would not object, when there was any difficulty in obtaining immigrants from the United Kingdom, to vote a fixed sum for the bringing out of Germans. He did not see, however, what was to be the result of the present discussion. The hon. Treasurer's amendment, even if adopted by the House, could be of little effect, for he could not carry it out of himself—it must be referred to the Ministry. It reminded him of a Bill presented for discount at the Bank. The Manager might look at it and turn it over, and then say, "Very well, I will lay it before the Directors." They might pretty nearly judge in such a case that the bill would not be done, and so he fancied it would be with the hon. Treasurer's amendment. For this reason he would not hold out to the Germans a prospect so unlikely to be realized, and should therefore oppose the amendment (Hear, hear.) He should, however, support the proposition, that emigrants should be selected from the three kingdoms in numbers proportionate to the population of each. That was a necessary regulation, for it could not be denied that the colony had suffered from the sending out of persons from Ireland who were utterly useless here. That regulation was the most useful part of the resolutions.

Mr WATERHOUSE denied that he had attempted to sow dissension among the Ministry. The seeds of dissension were sown when first they were gazetted as a responsible Government, and now they saw its crop. He had never said anything so unkind towards the Ministry as the hon. Treasurer, who had just represented them as two dogs quarrelling over a leg of mutton. (A laugh.) He was represented as an aspirant for office, and he was glad of the opportunity of saying in the House what he had often said privately, that he had no desire for office, and that for twelve months at least he would not take office if it were offered to him. So far as he knew there was no aspirant for office among the hon. gentlemen on the opposition or the cross benches—he considered himself upon the cross benches, in fact, there was not to his knowledge any organized opposition. They had no head and no tail.

Mr. MILDRED said that the resolution as proposed by the hon. Commissioner of Crown Lands was a re-embodiment of the original resolution, which had been amended by the House. Remarks had been made about England extending its hand to all. It was true that England received all who were in distress from political or other causes, but it sent no money to fetch them, and they were subject when they came to the strict provisions of the Alien Act. We gave them a warmer welcome in South Australia, and accorded them greater privileges, but we must still hold the Land Fund for the benefit of those to whom it naturally belonged. The colony was established upon the great principle that the Land Fund should be devoted to the bringing out of the poor of the United Kingdom in equal proportions of both sexes. As regarding the early German colonists, it was well known that they had suffered from religious persecution in their own country, and were anxious to remove from it. They were not invited here by the Government, nor brought out by our funds. One wealthy individual held out

the hand of friendship to them, and this led to the introduction of thousands of German colonists. Whether he had since had ample returns for all he had expended was not a question for their consideration.

The COMMISSIONER OF CROWN LANDS said it was not originally his idea to restrict the proportion of emigrants from the three divisions of the United Kingdom, but he had introduced that provision in deference to the evident opinion of the House. Then as to the second part of the resolution, he had included the Germans not as a member of the Government, but from a strong feeling of his own. He thought the references which had been made to the Land Fund were based upon an incorrect notion, for the whole amount had now been taken into the general revenue, therefore they were not in any way bound to confine its benefits to British subjects. He confessed he had no great regard to British interests, and he did not think England had very carefully regarded ours when she sent us the sweepings of her gaols and workhouses. We must look to South Australian interests. He differed from several hon. members who had spoken of the duties of responsible Ministers. If all the members of the Government must agree upon every detail, it followed, either that the Ministry could not hang together, or that some of its members must speak what they did not think. Thus he was happy to say he had never yet done, and assuredly he had no intention of doing so now. He should give his vote uninfluenced by any such consideration.

The Committee divided upon the question, "That the words proposed to be struck out stand part of the question."

AYES, 25

NOES, 3.

The Chief Secretary
The Attorney-General
Mr Babbage
Mr. Blyth
Mr Burford
Mr Cole
Mr. Dawes
Mr Dunn
Mr. Hallett
Captain Hart
Mr. Hay
Mr Hughes
Mr Krichauff
Mr Leake
Mr Lindsay
Mr Macdermott
Mr Mildred
Mr. Milne
Mr. Neales
Mr. Peake
Mr Reynolds
Mr Scammell
Dr. Wark
Mr Waterhouse
The Commissioner of
Crown Lands (Teller)

Mr. Bagot
Mr. Smedley
The Treasurer (Teller.)

The Treasurer's amendment was consequently lost by a majority of 22.

Mr. HUGHES moved as an amendment, that all the words in the resolution after the words "United Kingdom" be struck out.

The TREASURER explained that he had cordially concurred in the resolution originally brought forward by the Government, but that upon which he had moved an amendment was not a Ministerial proposition. He proceeded, amidst loud and frequent cries of "Order" and "Divide," to urge his objections to the adoption of the restrictive proviso as to the proportionate number

of emigrants from the different divisions of the United Kingdom, arguing that it would interfere with the sale of embarkation orders, which the purchasers would expect to be able to use at their own discretion.

The Committee divided upon the question, "That the words proposed to be left out stand part of the question"

<p>AYES, 13. Mr. Babbage Mr. Bagot Mr. Blyth Mr. Dawes Mr. Krichauff Mr. Lindsay Mr. Milne Mr. Neales Mr. Reynolds Mr. Scammell Mr. Smedley Mr. Waterhouse Commissioner of Crown Lands (Teller).</p>	<p>NOES, 16. The Chief Secretary The Attorney-General The Treasurer Mr. Babbage Mr. Burford Mr. Cole Mr. Dunn Mr. Hullett Captain Hart Mr. Hay Mr. Leake Mr. Macdormott M. Mildred Mr. Peake Dr. Wark Mr. Hughes (Teller)</p>
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Mr. Hughes's amendment was accordingly carried by a majority of 3. It will be seen that Mr. Babbage's name appears on both sides.

The CHAIRMAN then put the question, "That the resolution stand as amended," upon which the Committee again divided

<p>AYES, 24. The Chief Secretary The Attorney-General Commissioner of Crown Lands Mr. Babbage Mr. Bagot Mr. Blyth Mr. Burford Mr. Cole Mr. Dunn Mr. Hallett Captain. Hart Mr. Hay Mr. Leake Mr. Lindsay Mr. Mildred Mr. Milne Mr. Neales Mr. Peake Mr. Reynolds Mr. Scammell Mr. Smedley Dr. Wark Mr. Waterhouse Mr. Hughes (Teller)</p>	<p>NOES, 4. Mr. Dawes Mr. Krichauff Mr. Macdormott The Treasurer (Teller).</p>
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The resolution was accordingly carried, by a majority of 17, in the following form:—"That the immigrants introduced under these resolutions should be drawn from England, Ireland, and Scotland, as near as may be in proportion to the population of those divisions of the United Kingdom."

The House resumed, and the Chairman reported progress.

ELECTORAL LAW AMENDMENT BILL.

The second reading of this Bill was made an Order of the Day for Tuesday next, and to that day the House adjourned.

LEGISLATIVE COUNCIL.

TUESDAY; JUNE 9.

THE CONSULTING ENGINEER OF THE CENTRAL ROAD BOARD

Dr. Everard asked the Commissioner of Public Works whether, when the Inspector-in-Chief gave up his duties at the Road Board, he had been appointed Consulting Engineer, with a salary, whether such salary had been paid, and whether the arrangement had been recognised by the Governor.—The Commissioner of Public Works said that an arrangement had been made by the Road Board to retain the services of Mr. Hamilton, as Consulting Engineer, for £100, to the end of the present year. He was not sure whether the Governor had confirmed the appointment or whether such confirmation were necessary.

MARRIAGE LAW AMENDMENT BILL.

The new Bill on the above subject was sent up from the House of Assembly, and read a first time.—The Commissioner of Public Works moved the second reading for Thursday.—Carried

MURRAY DUTIES BILL.

This Bill was also sent up from the House of Assembly, and read a first time. The second reading was fixed for Thursday.

THE CHINESE.

Mr. Angas asked the Commissioner of Public Works what was the intention of Government with regard to the immigration of the Chinese into the colony. He saw that soldiers were being sent to Guichen Bay; and he believed that the Chinese carried weapons with them.—The Commissioner of Public Works said the Government meant to take immediate action on the subject. They had already sent a body of soldiers, twenty-five in number (Hear, hear, and a laugh). They had also written to the Government of Victoria to ascertain its feelings on the subject. There were no reports from the police or otherwise of a disposition on the part of the Chinese to act aggressively, therefore it had not appeared that legislation on the subject was urgent.—Captain Bagot asked whether it was not intended to introduce a Bill upon the subject.—The Commissioner of Public Works said the Government had the question under consideration, but no measure had at present been matured.

INTERCOLONIAL CONFERENCE UPON THE MURRAY DUTIES

Mr. Forster asked if a delegate had yet been appointed to confer with the delegates of New South Wales and Victoria upon the subject of the Murray duties.—The Commissioner of Public Works answered that no appointment had yet been made.

ABORIGINAL RESERVES.

The Commissioner of Public Works said, in answer to a question put last week by Dr. Everard, that the aboriginal section to which the hon gentleman then referred had been tendered for, but the party failed to complete the conditions of the tender by not handing in the money he agreed to pay. It was intended for the future to offer all those sections for renting by auction.—Dr. Everard believed the person referred to paid £40, and was willing to pay a second £40, but some other person, as he had understood, stepped in with a higher offer.

RAILWAY AND TRAMWAY COMMITTEE.

Mr. Baker moved for the granting of an extension of time to the Committee on Railways and Tramways to bring up its report.—Granted till the 9th of next month.

GAWLER RAILWAY

Mr YOUNGHUSBAND moved, pursuant to notice, that the petition, signed by 1,500 inhabitants of the province, praying "the Council to take such steps as may be necessary, so that the Gawler Town Railway be extended to the South Para," be referred to the Select Committee on Railways and Tramways to report upon. The terminus, as at present fixed, was a mile and a half away from Gawler Town. That would be very injurious to the tradesmen there. They did not wish to interfere with the position of the terminus if it were considered the best for any future extension northward, but they desired the means of conveying goods direct into the town. The subject was important, as involving the right of the Commissioners to act in a matter of such public interest without reference to the Legislature.

Mr MORPHELT, as one of the Committee on Railways and Tramways, had not the slightest objection to the petition being referred to them, but the wording of the motion seemed to anticipate their decision by stating that they were so to act as to alter the position of the terminus according to the views of the petitioners. (No, no)

Mr. BAKER differed from the last speaker, as he thought the duties of the Committee were quite apart from the consideration of an engineering question. The question now was whether the line to the North should be diverted for the convenience of Gawler Town, and of that, engineers were better able to judge than that House. They had to consider whether the people of Gawler Town could be accommodated without injury to the general public. It did not come within the scope of the Committee's operations.

The COMMISSIONER of PUBLIC WORKS considered that the situation proposed for the terminus was better suited to the convenience of Gawler Town than any other could be. Rails could be laid down from the station to the town, and the carriages drawn in by horses.

Mr FORSTER had no doubt the hon Commissioner of Public Works was convinced of the correctness of his own views, but 1,500 persons, deeply interested on the subject, had come to a different conclusion, and it was their petition which were sought to be considered. He believed they would be satisfied if the traffic of the railway were brought into the town by any means. On the question of referring the petition to the existing Committee on Railways and Tramways, or the forming of a fresh Committee, it was true, the subject was an engineering one, but it would be best considered by the Committee in an economical point of view. He did not see the force of the Hon Mr Morphett's objection to the wording of the motion, as it simply required the Committee to report upon the memorial, otherwise the Committee would be quite free in its action.

Mr ANGAS supported the motion, considering the subject one of great importance. He believed the terminus was fixed in its present place as a mere temporary arrangement, and the ultimate settlement of the question was to be left to the engineers, some of whom approved of the railway going through the town, and this was proposed to the inhabitants. They, being spoken to, declined parting with their land at any moderate price, and so the intended arrangement fell to the ground. The last proposition was to carry a tramway into Gawler Town, and that seemed to meet general approval.

Mr YOUNGHUSBAND remarked that the hon Mr Morphett had misunderstood the motion, which gave

no particular instruction to the Committee. The question, he might observe, was one of very great importance; for Gawler Town was becoming a town of high standing. He believed he was correct in saying that the property in Gawler Town was not valued at less than a quarter of a million sterling.

Mr BAKER would ask, before the question was put, if the proposed deviations were within the power of the Commissioners, or whether it would require the passing of a fresh Act.

The COMMISSIONER of PUBLIC WORKS replied that it would require a fresh Act.

The motion was then put and carried.

LIBRARY COMMITTEE

Mr BAKER moved, in accordance with the notice standing in his name, that another member be added to the Library Committee, and that such Committee be instructed to communicate with the members appointed by the House of Assembly, as requested in the message received from the House of Assembly, on 2nd June, 1857. In appointing joint Committees, it was desirable that the numbers should be equal, which they were not at present.

The motion was carried unanimously, and resulted in the appointment of Mr Morphett.

SWAN RIVER CONVICTS

Dr DAVIES moved that there be laid on the table a report, stating whether a certain number, and how many, of adult passengers were actually landed at Rosetta Head, about the 23rd of May last, by the captain of the brigantine Swallow, from Swan River, and, if so, did they ship at Swan River for Encounter Bay or for Port Adelaide? If for Port Adelaide, why were they landed at Rosetta Head? Also, if the published list of passengers includes the whole of the persons who embarked at Swan River, or only those who landed at Port Adelaide? Were the goods and effects of the persons who may have disembarked at Rosetta Head landed with him? He wished to know under what circumstances emigration took place from a penal colony. He was satisfied that it would be most injurious to South Australia to allow bands of ruffians to be landed upon any solitary parts of our coast. If Western Australia wished to keep its convicts within its own limits it would adopt a system of passports. That would prevent improper persons coming here, and would at the same time protect good men from unfounded suspicion.

Dr EVERARD seconded, and Mr ANGAS briefly supported the motion.

The COMMISSIONER of PUBLIC WORKS would be happy to provide the report called for.

The motion was carried.

TONNAGE DUTIES REPEAL BILL.

The COMMISSIONER of PUBLIC WORKS moved the recommitment of the Bill. It was a money Bill, and had been sent up from the House of Assembly. The constitution of the Legislative Council placed it in the position of the House of Lords. ("No, no," and ironical cheers.) The first clause of the Constitution Act provided that all money Bills should originate in the House of Assembly. It might be said that this particular Bill did not originate in the Legislative Council, but the conditions of it were so altered as to make it in effect a new Bill. The House of Assembly repealed existing duties as a condition of raising revenue from a new source, but the Legislative Council retained the impost without sanctioning the re-

mission. Such sweeping alterations had made it nothing less than a new Bill—("No, no")—a money Bill initiated, in fact, in the Legislative Council. It was contrary to the Standing Orders. It would appear to be the opinion of some hon. members that the Constitution Act did not intend to grant to the House of Assembly the exclusive privileges with regard to money Bills that the House of Commons possessed at home (Hear, hear). But they must remember that one of the most popular cries at the time of the general election was, "No taxation without representation" (Hear, hear, and much laughter). It might be said that the Legislative Council was elective also—(hear, hear, and "Yes")—but the intention of the people was to give all power of taxing to the House of Assembly (Cheers again, and laughter). Hon. gentlemen seemed to think there was not any analogy to be drawn between the two Houses here and those in England. If they thought so he need trouble them no more, but it was his own opinion that the analogy existed. And it had been admitted lately, in the Legislative Council, when the question was asked by the hon. Mr. Baker why no Bills had been introduced there, and he (Mr. Davenport) had replied that the Government measures were mostly money Bills, which could only be initiated in the House of Assembly. This Bill was to all intents and purposes a money Bill initiated in the Legislative Council, for it retained neither the shape nor the principle it had when it was sent up to them by the House of Assembly. He therefore moved the following amendment upon the motion for the passing of the Bill—That the Bill, being a money Bill, be recommitted, with a view of restoring it to that state in which its passing will not involve the breach of a constitutional principle and of the privileges of Parliament.

Mr. MORPHETT rose to a point of order. The Standing Orders Nos. 83, 84, and 85 prohibited any discussion on the third reading of a Bill. The amendment could not be put unless the Standing Orders were set aside.

The COMMISSIONER of PUBLIC WORKS only desired to recommit the Bill.

Mr. MORPHETT said that could not be done according to the Standing Orders, unless a printed clause were read for insertion.

The COMMISSIONER of PUBLIC WORKS thought himself in order.

The PRESIDENT ruled that the Bill might be recommitted.

Mr. MORPHETT wished the President to point out the Order upon which he gave his ruling.

The PRESIDENT mentioned the 82nd clause.

The motion of the Commissioner of Public Works was not seconded.

As the Bill was then about to be read a third time,

Mr. BAKER moved an amendment to its title, striking out the reference to the repeal of tonnage dues. Carried.

The COMMISSIONER of PUBLIC WORKS moved that the Bill do pass, and be carried to the House of Assembly, with a message stating the amendments which had been made by the Legislative Council.

Mr. BAKER seconded the motion. He had heard the remarks of the hon. Commissioner of Public Works with much regret, and he must say they were exceedingly ill judged. They could only tend to bring about,

as he really fancied the Government seemed to desire, a collision between the two Houses. Therefore he thought a message should be sent, to the effect that the Legislative Council expressed no opinion unfavourable to the repeal of the tonnage dues, but simply desired to avoid legislation upon two subjects in one Bill. He trusted, as he had precluded himself by seconding the motion from moving an amendment, that some other hon. member would move the insertion of words to that effect. It was very desirable to keep up the good understanding that at present happily existed between the two Houses. The Legislative Council might, had it thought fit, have divided the Bill into two parts, as was often done in the House of Lords, and he should have suggested that course but that he wished to avoid any encroachment upon the powers of the other House, and feared that it might be construed into the initiation of a money Bill. As to the powers of the Legislative Council, they were limited, and did not extend to the appropriation of money or the altering of taxes, but he did not understand that they might not amend a money Bill. The Upper Houses in the other colonies had altered and amended many such Bills, and what they had done had been acceded to by the Lower Houses. The motion of the hon. Commissioner of Public Works was only throwing down the bone of contention, and it seemed to him that he was carrying out, in so doing, what seemed the policy of the Government. It would not help them either with the Parliament or the people, and he hoped he should see the system abandoned. (Hear, hear.)

The COMMISSIONER of PUBLIC WORKS had only taken his position as a member of the House, and he must relieve the hon. member's mind from any impression that it was on the part of the Government he was acting. He had always held the same opinion as to the powers of the two Houses. It was important that they should be careful not to allow the introduction of erroneous precedents affecting the constitution of the country.

Mr. ANGAS moved, as an amendment, the addition to the motion of the following words—"That in altering the Bill the Council has not desired to express any opinion adverse to the repeal of the tonnage dues, but to uphold a principle in legislation in accordance with the Standing Orders, not to embody two subjects foreign to each other in the same Bill." He concurred entirely in the views which had been expressed by the hon. member (Mr. Baker). He had entertained a strong desire to pass the Bill with as little amendment as possible, but he felt bound to support the principle of introducing only one subject into one Bill. He did not admit that the Bill, as adopted by the Legislative Council, involved any infraction of the powers of the other House. He should be glad for the two Houses to come to some agreement as to their separate powers, and thus to avoid collisions upon trifles.

Mr. MORPHETT seconded Mr. Angas's motion. He took exception entirely to the doctrine of the hon. Commissioner of Public Works, who considered they had trespassed on the powers of the other House. He could not understand that. The Bill was initiated in the other House, and when it came into the Legislative Council it must of course be dealt with as the members thought fit. They had thought fit to strike out one clause, and he considered the hon. Commissioner of Public Works quite in error in saying they had no power to do so. It would be well perhaps for the hon. Commissioner of Public Works to say what the powers of the Legislative Council were, for it seemed to him a farce to restrict them as the hon. gentleman sought to do. The 35th clause of the Constitution Act referred rather to the House of Commons than the House of Lords, and upon that he thought

they might rest. The hon. Commissioner of Public Works seemed to slur over or ignore the fact that the members of the Legislative Council were as much the representatives of the people of the colony as those of the House of Assembly. They were all, as he believed, very proud of being the elected representatives of the colony, and he could not but think that they had, and ought to have, every right to deal with money Bills, except the power of initiating them, or of altering taxes.

Captain Bagot could not allow it to go forth to the world that the principles of the Commissioner of Public Works were heard by that House in silence. He must express his dissent from every word that hon. gentleman had said. He would narrow the functions of that House to a mere nothing. If they were not to do the best in their power for their constituents who had sent them there, of what use were they? There could be no doubt their duty was to watch the proceedings of the other House, and to impose such check upon them as they might think necessary. The addition suggested by the hon. Mr. Baker, and moved by the hon. Mr. Angas, might be very conciliating, but he could not assent to it as giving his reason for striking out the clause repealing the tonnage dues, to which he had objected because he did not think those charges ought to be abandoned till an equivalent were proposed to be substituted.

Mr. BAKER only meant the message to express that the House offered at present no opinion on the subject of the tonnage dues.

The COMMISSIONER OF PUBLIC WORKS had no idea of underrating the position of the House, but he could not agree with the opinions expressed by some hon. members with regard to its power of amending money Bills. The hon. Captain Bagot had charged him with endeavouring to narrow the duties of that House, but this charge could hardly be sustained if he allowed the House all the powers which were claimed by the House of Lords, and which were distinctly understood and laid down by Dodd and May in the same manner as stated by himself. It was certainly a question upon which no doubt could exist, and the sooner it was settled the better.

The original motion was carried, and the Bill was sent down to the House of Assembly.

ADJOURNMENT.

The Commissioner of Public Works moved an adjournment to Thursday.—The motion was withdrawn, and the House adjourned to Wednesday.

HOUSE OF ASSEMBLY.

TUESDAY, JUNE 9

YATALA ELECTION.

The Speaker had received a return to the writ for the election of a member for Yatala, and Mr. R. B. Andrews had been declared duly elected.

STANDING ORDERS.

The Chief Secretary moved that the report of the Select Committee be printed.—Carried.

THE RECESS.

The Chief Secretary gave notice that he would on Friday next move that the House do adjourn till Tuesday, the 11th August.—Mr. Blyth gave a contingent notice that the adjournment be until the 19th of June.

MINIE RIFLES.

The Chief Secretary said, in reply to Mr. Reynolds,

that during the recess the Government would consider some plan by means of which clubs of volunteers could be allowed the use of the Minie rifles now in the possession of the Government.

IMMIGRATION RESOLUTIONS.

Mr. Babbage, with reference to a mistake which occurred in the division lists recently, by which his name appeared on both sides, said that he on that occasion voted with the noes.

MYPONGA JETTY.

The Chief Secretary stated, in reply to Mr. Babbage, that he was unable to give information, without notice, as to this work.

FCHUNGA QUARTZ REEF.

Mr. Waterhouse moved that the report and evidence in reference to the petition of Mr. Alfred France be printed.—Carried.

GAWLER RAILWAY EXTENSION.

The CHIEF SECRETARY moved the appointment of a Select Committee of five members, to take evidence and report upon the plans, estimates, and probable traffic of the Gawler Extension Railway line. He had taken that course before the second reading of the Bill for the Extension of the Railway to Kapunda, as he thought that course would be most acceptable to the House. In the case of a private application for power to construct a railway it would be necessary to refer the matter to a Select Committee to consider the plans, estimates, and traffic returns, and, although not strictly necessary in that case, he thought it better to follow the same course. It was, perhaps, expected that he should say something on the general question (Hear, hear) It was a leading feature in the Government policy to extend the means of communication throughout the colony. (Hear, hear) They considered the best mode of doing so was when the country was favourable, and the public finances permitted, by railway. They had decided upon adopting that course with reference to the extension to Kapunda. They had in the north the great Burra mine, as well as other mines, and a beautiful agricultural country would be opened up to the market by the proposed extension. Plans were before the House of extensions to the Burra and Blanchetown, but it was not intended at present to ask for power to extend the existing line further than Kapunda. That work could be done in a short time, and with an amount of borrowed funds which they could see their way to repay. The traffic was greatly increased, and when the line arrived at Gawler Town they were assured by the Manager of the Copper Company that 25,000 tons of traffic that now went by the way of Port Wakefield would be diverted to the railway (Hear, hear) Such a traffic would wear out in a short time a main line of common road, and the cost of making a common road over the Bay of Biscay land would be greatly enhanced above the cost of that most expensive and unsatisfactory system. There was also a great scarcity of the proper material for road-making on that line, and its supply would injure to a great extent other roads. It was, therefore, proposed to make an iron road—an extension, in fact, of the Gawler line to Kapunda, to be worked by locomotive power. Detailed reports were before the House in which calculations were made of the respective merits of the three—railway, tramway, and macadamized road—in use in the colony. He would at once refer to an objection often made, that speed was not an essential element in the transit of goods. He said it was true was money in that case as in others. It was important to the farmer to be able to send his produce to market at the best moment, and that could only be secured by having speedy transit at all seasons of the year. The same advantage would accrue to all other producers,

while it averted the great fluctuations in the price of produce at the home market or at the port of shipment, to the great benefit of resident consumers. Another benefit of railways was, that they were available in winter when the common roads were impassable. In all business transactions, he maintained speed was important. A merchant wishing to traverse a certain distance avails himself of the most speedy mode of transit. Railways also enable the laboring man to transport his capital—labour—to the best market. If he walked to Gawler Town and was unsuccessful, he would by the time he returned to Adelaide, have lost four days. By the railway he would go, and, if necessary, return so rapidly as to save his time and labour. He maintained that speed was important, and to say otherwise would amount to the absurdity that time was of no value. (Hear, hear.) Then, with regard to the cost of maintenance, he would give some data with reference to the City and Port Railway. The cost for the year was £22,500. He divided that into three heads—locomotive cost, or, as some called it, haulage, £7,800, maintenance of way and repair of road, £4,350, and cost of management, £10,350. He put that, a sum something in excess of the actual expenditure, for the last twelve months. Strange to say, those proportions were nearly the same as obtained in England, as could be seen by reference to a report on the table of the House. It was fortunate that, in those essentials of expenditure, there was the same relation between the colonial and English railways, as that enabled them to apply English data to a consideration of the subject. Then, strange as it might appear, the cost of working was the same in England as in the colony, notwithstanding all that had been said by gentlemen opposite as to the greater cost of fuel in this colony. (Hear.) He did not, of course, mean to deny that there was that difference, but the result proved that other advantages compensated for that disturbing cause. The Port train runs 90 miles a day for the working days, and 40 miles on Sundays, making a total of 30,502 miles in the year. The cost of that traffic was 14s 9d per mile, including haulage, maintenance, and management. That would be equal to about 1d per ton for haulage if the trains had been loaded to their capacity, and the whole cost about 3d per ton, supposing the trains loaded. The actual work done by the Port line, including goods and passengers, was 262 tons per day, and the locomotive cost was £18 per day. The distance was eight miles, but he allowed one mile for short distances by passengers. The cost of goods was 16d per ton per mile, and included the whole expense of receipt and delivery. Now, if they had a line from the Port to the Burra—say 105 miles—conveying goods at 14s 9d per mile, a train running each way would give them 210 miles at the daily cost of £154 17s 6d. The traffic of the Copper Company alone, estimated at 25,000 tons at 40s per ton, would pay the cost, and give a profit of £5 2s 6d, a day, leaving all the remainder of the traffic to be profit on the working of the line. They could thus have a railway to carry goods from the Burra cheaper than by any existing way, and much quicker, while one source of traffic would more than pay the expenses, and all the rest would be profit. He wished to point out another advantage, and that was, that railways reduced the cost of transit generally. The goods carried last year by the railway for £27,060 would, if carried by the common carriers at the old prices, have cost £55,000, thus effecting a saving, and consequent profit to the public, of more than the sum required to be set apart as the interest on, and sinking fund for, the repayment of the capital borrowed for the construction of the railway. Then would they have had such convenient intercourse by means of omnibuses, driven off the Port line, but for the railway? They were not injured, but removed, and still live on other lines, while the public convenience is generally increased by their dispersion. The

same would be the effect when the proposed extensions are carried out, as the animal power liberated will be employed in other directions to the great advantage of the public, by facilitating the transit of goods and reducing the cost of carriage. He would next remark upon the mistaken opinion that railways can be superseded by tramways. He said that was impossible without having double lines. (No, no.) Then they must have sidings within the distance of a mile. (No, no.) How, then, could carriages pass each other? They must, he repeated, have a single line with curved sidings so frequent as to equal in cost a double line. That was a reason why the tramway would not work, and a single line for a locomotive could be worked as cheaply as a double line of trams. (Hear, hear.) The Goolwa Tramway cost £4,000 per mile. (No, no.) Well, then, £3,800 per mile. (No, no.) The rails were purchased cheaply at a favourable time—just before the war broke out, and that counterbalanced the high price of labour. The timber was found on the spot, and the soil was not difficult to work. He was certain that a similar line could not be made now at less than £4,000 per mile. Some hon. member spoke of taking up the tramrails when a locomotive line was rendered necessary by increased traffic. That was what they would have to do with them at once, if they were unwise enough to lay them down. England, with all her mechanical skill and extensive traffic, never made them pay. (Hear, hear.) Then the remove was complete from the common road to the locomotive line. Ireland was a poor country, in parts very thinly populated, and if cheaply-constructed tram lines could have been made anywhere, it was there. Enquiries were made on the subject, and the Commissioners reported that tramways were not available, and railways were adopted. The result was that the country was now covered with railways, and was rapidly increasing in wealth and in consequence. Then, he would ask, was the tramway ever tried on the continent? He would say, not. The common road system, as carried out by the Central Board, was, he considered, the best and cheapest means of internal transit after the locomotive line, and it would cost more to make tramways than a metalled road. In the colony of New South Wales the tramways were being taken up and locomotive lines laid down for conveying coals from the colliery to the places of shipment. (Hear, hear.) He hoped the Committee would go rigidly into the enquiry as to the direction of the line, the cost of construction, the cost of maintenance, and the probable traffic. He trusted that their report would remove all doubt from the minds of hon. members as to which was the superior system, and the best adapted to the extension in question. He begged to move the resolution.

The TREASURER seconded.

Mr WATERHOUSE would not oppose the motion, on the contrary, he would support it for the sake of gaining information, as none appeared to want that information more than the Government. (Hear, hear.) The hon. Chief Secretary had said the expense of running the goods and passengers upon the Port line was 16d per mile. The distance he made seven miles, by deducting one mile for short passages.

The CHIEF SECRETARY begged to correct himself. He should have said the cost was 16d. per ton for the whole distance of seven miles.

Mr WATERHOUSE—The argument remained the same as to the length of the line. According to Council Paper No. 1, the length of the line was only $7\frac{1}{4}$ miles, so that, by reckoning it one mile for short passages, they would reduce it to six miles—

Mr PEARCE asked whether the hon. gentleman was including the distance to the wharves,

Mr. WATERHOUSE was proceeding on the data given in a Parliamentary paper. Then the hon. Chief Secretary went on to take the traffic from the Copper Company at 25,000 tons. He (Mr. Waterhouse) was surprised to hear such a statement made in that House, when, by the evidence before it, in Council Paper 22, the Manager of that Company states the traffic at 17,065 tons, and which he thought might, with the other goods conveyed, amount to 20,000 per annum. Now, if they threw off this additional 5,000 tons, the line, instead of being worked at a profit of £5 per day, would have to be worked at an actual loss of £25 per day. (Hear, hear.) He maintained that the deliberate statements of the Manager of the Copper Company were more to be relied on than the confessedly loose statements of the hon. the Chief Secretary. He was induced to make these remarks to show how much the Government themselves required to be informed upon very essential points. He would not, upon that occasion, enter into the comparative merits of railways and tramways. The enquiry had nothing to do with the question before the House, and he was surprised that it should have been introduced so irregularly by the Chief Secretary (Hear, hear.) Upon another and a more fitting occasion, however, he would be by no means unwilling to go into that subject. He would then perhaps show that even the Railway Commissioners were not altogether opposed to tramways. He might perhaps take occasion to state that tramways were in use, and in increasing use, upon the continent of Europe, and that even in Paris passengers were conveyed in omnibuses drawn by horse power on iron rails (Hear, hear.) He felt, however, that such remarks were out of place in that motion, and he would not pursue them. He would, however, have no hesitation in saying that whatever may be the comparative merits of railways or tramways, the result of the Committee must be to recommend the adoption of the Government scheme. He was not generally in favour of their adopting railways, as seeing the great extent of road communication they required, he saw no chance of obtaining it by railways. He could not, however, overlook the fact that by an extension of the Gawler line to Kapunda, the traffic would be doubled, while the working expenses would not be increased fifty per cent. (Hear, hear.) On that ground he thought it would be wise policy of the House to give their sanction to the proposed work. A small line always was worked to disadvantage, and upon that ground he would not support or recommend the proposed extension to Teatree Gully. Additional locomotive power would be required for that line which would not be required for the extension to Kapunda. The Adelaide and Port line had given them some experience of the disadvantages in working a short line. He thought the Committee should not only enquire into the cost of construction and working expenses, but also whether the direction of the line was the best and most desirable. It was just now the custom to scout the idea of carrying railways into the hills, and it probably would not be done for a year or two, but as long as they had railways on the level now—

The SPEAKER called the attention of the hon. member to the fact that he was addressing himself to a subject not embraced in the motion.

Mr. WATERHOUSE submitted that the motion referred to a Bill before the House, and part of the very title of that Bill was to extend a branch railway to Teatree Gully—(hear, hear)—so that he was strictly and undoubtedly in order. It would be then, he repeated, for the Committee to consider whether the proposed branch was the proper line for continuing the railway into the hills, that the money to be expended in its construction might not be thrown away. He thought also that it would be desirable to increase the number of persons on the Committee from five to seven. (Hear, hear.)

When they had many Select Committees sitting it was not perhaps desirable to have many members on each, but as it was now proposed to adjourn for two months he thought there could be no objection, and there certainly would be great advantage in increasing the number of the Committee. It was important to have as many persons as possible in full possession of all the information that could be gained by sitting on the Committee. It would, he thought, be desirable for the Government to extend the duties of the Committee, not only to take evidence and report, but that the Bill itself should be referred to them—(hear, hear)—with instructions to report generally on the Bill. They were, he understood, shortly to have a Bill laid on the table to do away with the Railway Commissioners, and the present enquiries would furnish an opportunity to consider that question. The subject of tolls also should be remitted to the Select Committee. (Hear, hear.) It appeared to him that many of the present tolls were exceedingly objectionable, and might be modified with great advantage to the public. On the continent it was usual to charge smaller tolls on goods leaving large cities than on goods brought to those cities, and it was found desirable to permit the removal of manure and other matters rather injurious than serviceable to a city on advantageous terms. He trusted the suggestions he had thrown out would meet consideration, but he would not oppose the motion.

Mr. REYNOLDS asked the Chief Secretary to admit of an addition to his motion as follows. If he consented it would avert the necessity of moving it as an amendment—Also to enquire and report upon the contemplated cost of constructing this line—firstly, if adapted, for being worked solely by animal power, and, secondly, if adapted for being worked by either locomotives or animal power.

The CHIEF SECRETARY could not consent.

Mr. REYNOLDS must then, as he wanted information, and did not want to shut out the light, press his amendment. There could be no doubt there was more information to be obtained now than when the Committee sat upon the Gawler Town Railway. He was, he confessed, startled at the cost of the proposed extension. If £250,000 was required to make twenty-five miles, he was afraid they would never get to the Burra (Hear, hear.) He believed speed was not such an object as the Chief Secretary thought it was, and that persons in the far north would not care whether their goods came in twelve hours or forty-eight hours, so long as they got them safely and certainly in a specified time (Hear, hear.) He confessed that he was unwilling to consent to burdening the colony with an annual payment of £90,000 (Hear, hear.) It was not, he contended, so much a question of what was best, as it was what they could best afford. (Hear, hear.) They wanted a line to the Burra, but could they afford half a million for that purpose? He trusted that the Committee would not be men of one opinion only, but men from each side of the House. (Hear, hear.)

Mr. HUGHES seconded the amendment on the ground that it was desirable to have information. It was a feeling very prevalent that animal-power railways would best meet the means of the colony. If the Committee were of opinion that it should be animal power on the line to Kapunda, he thought it must follow that animal power should be used on the Port line (No, no.) He thought that must follow from the admitted axiom that short lines of locomotives were the most costly to work. If, on the other hand, it could be shown that a locomotive could start from the Port to Kapunda, and return with a train the same day at the same or nearly the same cost as going to

Gawler Town, he thought that the locomotive must be considered the best power. However, the object of the amendment was to get full information, and he cordially supported it.

Mr MACDERMOTT saw no advantage from agreeing to the amendment, and would oppose it.

Mr. BABBAGE supported the amendment. Inasmuch as the question involved a large outlay of money, they should seek for information from all persons who could give it. He was pleased to hear the remarks of the Chief Secretary as to the Port Railway, but the question there was, not a penny more or less for carriage, but the means they had to construct lines for the carriage of goods (Hear, hear). All other things being equal, no one would prefer a tramway to a railway, but the great mistake was to overlook, in considering that subject, their thin population. Why, many of the towns passed by an European or American railway, contained a greater population than they had altogether (Hear, hear). In looking at the expense of the Port line, it should be remembered the Adelaide Station was not for that line alone, and if they threw the cost into mileage, it would only mislead them. They should look at the actual cost of the railroad, as shown in the Council Paper recently supplied. The total cost was £94,000 for a line of seven miles and two furlongs long. Then there were sidings and wharf lines, which, added to the construction, made 11 miles of railway, and the cost £8,460 per mile. If they examined the estimates laid before the House, it would be seen that the Government engineers estimated the cost of the Goolwa and Strathalbyn line at from £8,600 to £8,100 and the Kapunda Extension at £7,600 per mile, exclusive of rolling stock, and the line from Kapunda to the Murray at £6,200 per mile. The estimate of the line they had to consider was £7,600 per mile, and as that was a very large outlay, they had a right to the fullest information before they were asked to sanction it. He could not agree with the hon. member (Mr Hughes) that if animal power was found the best for the extension to Kapunda, that they should adopt animal power for the Port line. He had no doubt that the amount of traffic on the Port line justified the use of locomotives, although they were not worked to the best advantage on such a short line. He was glad to think that the length of line from the Port to Gawler Town would give fair scope to the locomotives without sacrificing economy. He could not say that he was prepared to expend the large sum asked for in the proposed locality until he had the evidence before him. He would rather wait until he had the report of the Select Committee before he decided. His present impression, however, was, that they should have an animal-power tramway upon that line. (Hear, hear). His view was formed, however, more in reference to the cost of construction than to the working expenses. He believed that the working of such a line through a remote tract of country, where the traffic was small, could be cheapest effected by animal power, but still he maintained that the great question was the cost of construction. He was of opinion that tramways for animal power could be very efficiently and usefully made at from £1,500 to £2,000 per mile. As an engineer, he could see no difficulty in this, but he could see a difficulty in constructing a locomotive line at anything like the expense. There were three points of difference between tramways and railways, and in the circumstances of the colony those were advantages on the part of the tramway. Cheapness of construction, steeper practical gradients, and curves of greatly diminished radius. He saw that there was to be on the proposed line a gradient of 1 in 67, that was a very steep gradient for a railway, and would require a very heavy engine, as well as to have the fore-wheels coupled to gain adhesion sufficient to drag a load up

that incline. With the wheels coupled there would be great difficulty in turning a curve of 800 feet radius. They had found that to be the case on the Port line, and he referred to that experience in illustration of his position. On the animal-power railway no such difficulty as to curves existed, as ninety feet radius was sufficient. Where two roads of the ordinary width of one chain met at right angles, they could be joined by a curve of ninety feet radius, and that brought out his argument in favour of tramways, that they could use steeper gradients and smaller curves. He never intended to say that they could use all these common roads as tramways—(Hear, from the Chief Secretary)—but he did mean to say that they could adapt the greater part of them to tramways (Hear, hear, hear). Then, again, as to gradients, it was obvious that they would have to weight their engine to get up an incline, but in the use of animal power they did not require that, and that gave it a great advantage in a hilly country, for they could at necessary points keep a reserve of additional power, while on the locomotive system that would be effected by an expensive fixed engine. They would, in fact, have to incur all the expense of keeping locomotives on each side of the hills, as it would never do to send them up and down by means of a fixed engine. That would entail great cost in an establishment for storage, repairs, and superintendence. In the tramway system, on the other hand, they would have merely the additional expense of the relays of horses. (Hear, hear). He would not detain the House long upon the subject of the third point—the permanent way. He would take the Kapunda line, where the gradients of 1 in 67 would compel the use of powerful engines to take a train up such an incline. To sustain that they must have powerful rails, as the engine invariably governs the weight of the rails, the amount of ballasting, and the frequency of cross sleepers. With regard to the tramway, the House could take the report of one of the Government engineers upon the Strathalbyn railway. Mr. Hamilton in that report says.—“To substitute a ruling gradient of 1 in 80 would increase the nominal cost about £19,000, or £835 per mile. For horse traction we could not have less than a 40 lb rail, if cross sleepers are used instead of longitudinal bearers, but if locomotive power is to be adopted, the heavy engines, which will be necessary for working the severe inclines, will require very much stronger rails. Here again is another permanent drawback on low-class gradients.” He might paraphrase the words and say, it was a permanent drawback on locomotives, and a permanent advantage for tramways. He had gone longer perhaps into the subject than comported with the occasion, but he thought it best to point out the three advantages which, the circumstances of the colony considered, tramways for animal power had over locomotive lines. The great point was expense. It was proposed to burden the country with a heavy expense to secure twenty miles of railway in one district of the country, when, according to his view of the matter, they could make four tramways of the same extent at the same cost in different parts of the country. (Hear, hear.)

Mr. BURFORD could not understand how the argument of the last speaker applied to the Kapunda line, as it was not a hilly country and had not such sharp curves as he spoke of. He had no fear to meet, in 1860, £90,000 per annum, in fact, he should hope to see, when that question was settled, a similar line proposed to Willunga.

Mr. MILBURN supported the amendment, and remarked on the impolicy of a former Government in refusing to accept the offer of English capitalists to construct a railway for them. He much approved of an idea in a clause of the Act empowering the Government to work the leasing of the line.

Mr. BLITH hoped that the idea of increasing the number of the Committee would be adopted. He was, like the hon member for the Sturt, one who had read a great deal on the subject, but felt that he still wanted information ("Hear," from the Chief Secretary.) The hon member for the city (Mr Burford) could not have considered the Council Papers on the table, or he would have perceived that there were several miles of steep gradient on the proposed line to Kapunda. The question was put very properly—should they have an expensive line of railway to Kapunda or a cheap tramway to the Burra? He could not agree in the remarks of the hon member (Mr Waterhouse) as to the extension to Teatree Gully, as he was convinced that it would open to market the produce of a great extent of valuable country (Hear, hear.) He trusted that men of each view would be put on the Committee, so that the whole question might be fairly examined.

Mr BAGOT opposed the amendment as an attempt to shelve the Bill. He did not object to a general Committee upon the subject of tramways, but he objected to any covert attempt to shelve the Bill.

Mr REYNOLDS disclaimed any such intention.

Mr BAGOT would not impute motives, he never did. But he maintained that the effect of the amendment would be as he had said. He objected to the cry of burdening the country with debt. They must have public works, and could not have them without expenditure. There had been shown by returns that he had moved for that £700,000 had been paid into the Treasury for land, and that there had not been £10,000 laid out to the north of Gawler Town. He greatly regretted that the hon member (Mr Babbage) had not submitted his economic scheme for animal-power railways, while the public had the benefit of his great engineering knowledge, and when he was expending enormous sums upon the Port line (Hear, hear.) That it was the part of prudence for hon members to consider what was doing elsewhere. It was well known that a Committee of the Legislative Council was sitting on the subject, the members of which Committee were well known to be pledged in favour of tramways, and they would certainly extract, if possible, from the witnesses anything and everything in favour of tramways. South Australia must extend to the north, as the Murray traffic must come that way, and when it was known that valuable mines had recently been discovered, and the present enormous traffic on the line was considered, he hoped the Bill, unclogged with the general question, would be referred to a Select Committee.

Mr MARKS supported the motion on the ground that he was satisfied that nothing less than a complete system of railways would meet the traffic of the north.

Mr NEALFS must state his conviction that as the Port line was admitted to be a losing concern, the Gawler Town Railway would be a still more losing concern (No, no.) The hon member for Light had complained of the amendment as a covert attack upon the Bill, but he would ask who made and led the attack in that debate upon tramways? Was it not the Chief Secretary? (Hear, hear.) The hon member referred most wisely to the fact that a Committee of the Legislative Council was sitting taking evidence upon the subject of railways and tramways, and it would be well to have the information they were collecting. He believed firmly that the Chief Secretary was convinced that his statements were correct, but he was misled by the parties who got them up, and who were in the employment of the Government. He believed those statements to be most fallacious, and that they would be swept away by the investigations of the Committee. He believed that the country would have to pay 40s for every £1 borrowed to make railways (Hear, hear.) It was said that he was

opposed to railways that was not the fact, he was in favour of them, and would urge their introduction when the circumstances of the colony resembled those of America, England, or Belgium, as to population. Why, the whole present population of the colony was not equal to that of a second rate town in the west or north of England. Until that was altered nothing could induce him to think that it would be wise to make roads of any kind at an expense of £12,000 per mile. (Hear, hear.) Did the hon the Chief Secretary believe for a moment that the line between Port Elliot and the Goolwa would have shown a balance had it been worked by locomotive power? He felt that it was because a cheap power had been employed that a profit was shown on its working. What fear could be entertained from the extended enquiries of the Committee. He was like the hon member for the Sturt, in want of more light. He wished for information to correct, if they would, his prejudice in favour of tramways. He wanted information, and he was not prepared to go on without it. The quoted traffic returns were very fine things, but it was well known that a good case could be made out on paper in favour of any project. As to the question of employment, the working men were now well enough aware of how much of their money would be returned to them in the shape of wages, and how much would be sent out of the colony to import materials.

Mr LINDSAY was in favour of railways as opposed to tramways, but he thought the question would be settled by complying with the amendment.

Captain HART would, after the promise held out by the last speaker of the construction of railways at such a cheap rate, become a locomotive man at once. (A laugh.) He was, however, under the impression that the cost of railway construction was greater here than in any other country in the world, and he saw no chance of the proposed line being made any cheaper than the others. The very fact of the Government asking for such a large sum for that short line was a proof that they did not expect it would be made for less. He thought the Chief Secretary, in referring to the cost of the Goolwa animal-power railway as £4,000, was in error, and that he could show that the total cost was £17,803, or £2,500 per mile. The hon Secretary had included in his calculations the expense of the Harbour-Master's house at Port Elliot, and various other matters apart from the tramway. The real question for that House, and for the country, was, after all, in a very small compass. There was expected 20,000 tons of traffic from the Burra, and 10,000 tons of wheat from Kapunda and the Gilbert, and the question was, would it pay the country to have that brought at railway speed for the difference between the cost of railways and tramways, say six times the amount? The Chief Secretary simply wanted a Select Committee on the Bill to take evidence and report the preamble proved, and forthwith the Bill would be proceeded with. That was all the Committee would have to do. Then the Committee, it was said, were to be all railway men, and not tramway men. In that case there could be no doubt that everything that could be dragged out of witnesses in favour of railways would appear in the evidence. That might be the case with the Committee to be appointed in that House, but the hon member for Light labelled the Committee of the other House when he said they were pledged to any particular course.

Mr. BAGOT did not say that as a Committee they were pledged to any course, but he said that they were shown, as individuals, to have declared in favour of tramways.

Captain HART the question after all was, were they to have information upon the question of tramways or

not? Were they to send men upon the Committee who were pledged to railways, and who would have no difficulty in finding the preamble proved? It was not likely, in such a Committee, that they would have anything favourable to report of tramways, and, by the motion, they would have to go out of their way, as the Chief Secretary did, to refer to them at all. He maintained that the question of tramways must be settled before they entertained any such scheme as that before the House. That quest on must be first decided, and therefore he would support the amendment. He had referred to the cost of the Goolwa Tramway, and would add that it was constructed at the worst possible time, and it had no fostering care from the Railway Commissioners, and yet it had paid its expenses, and showed what the railways did not—a profit. Then again, all the arguments as to the increase of traffic by railways was shown by the experience of the Port line to be fallacious. The traffic for that week, and for several weeks, both of goods and passengers, was considerably under that of the corresponding weeks in 1856, notwithstanding the boasted increase of traffic from the Northern line. The plain fact was that they had not the people to travel on the line. At first, numbers who had never been on a railway indulged in it as a novelty, but now they had only one set of passengers travelling on it for business purposes day after day. The Government had placed before hon. members a prize essay (“No, no,” from the Chief Secretary). Well, some spirited advocate for railways had done so, but what did it show? Why, that the essayist calculated on connecting by railway a population in the interior of 155,000 with a population of 100,000 in Melbourne (Hear, hear). He maintained that there was no comparison between that and the state of things in South Australia. Then, as regarded the statements of Mr Hamilton, of the Copper Company, that gentleman—he (Captain Hart) quoted from memory—put down the traffic at 17,500 tons, but his view of the case was afterwards biased by the consideration of the importance of having the works under his direction connected by a railway with the Port (Hear, hear). Was it likely, he would ask, that 15,000 tons of coal would be taken to the Burra to smelt 1,200 tons of copper? That showed, he thought, that people could be brought to make statements on which very little reliance could be placed. According to the statement of the Surveyor-General the cost of conveying a ton of goods from the Burra by tramway would be a penny a mile, by the Chief Secretary’s plan it would be ninepence per ton per mile (“No, no,” from the Chief Secretary). He believed that such would be found to be the case if hon. members looked to the figures, and unless the hon. Chief Secretary denied it from actual knowledge, he would be prepared to assert it.

The CHIEF SECRETARY explained Ninepence per mile would include all the charges, but the penny per mile only referred to the haulage.

Captain HART: that does not alter the fact that the cost will be ninepence per ton per mile. The cost of the proposed system must be extraordinary when it absorbs eightpence, leaving only a penny per mile for haulage. Nothing but the experience of what a tramway would do could satisfy the country. When the cost per mile need not be more than a penny, why should the Government ask for ninepence? Supposing a tramway cost one-half the amount of the permanent way of a railway, then the interest of the money saved would do the whole haulage. It was to prove whether or not those were facts that he would support the amendment. He was for having before the House not only all that could be said for railways, but also all that could be said for tramways, and the applicability of each to the peculiar circumstances of the colony (Hear, hear). It had been said that a Committee of

Enquiry had declared that railways were the best mode of intercommunication in Ireland, and that the railways were carried through uninhabited districts, but could it be forgotten that there was in an area of less than one tenth of South Australia a population of 8,000,000—(hear, hear)—and that, if not on the line, the people were probably congregated in large numbers at each end? He maintained that a high rate of speed was not required except for passenger traffic, and at that moment they had a greater extent of railway, as compared to population, than Great Britain (Hear, hear). He would earnestly hope that the whole question would be taken—that the enquiry would not be confined to one side or one set of witnesses. He saw that an engineer in the service of the Government had stated, in reply to questions, that at a high rate of speed locomotive power was the cheapest—(hear, hear)—but that at a reduced rate of speed animal power was the cheapest (Counter cheers). Before sitting down he would call attention to the fact that by passing a Bill for the extension of the Gawler Town line to Kapunda, or any of necessity prevent any other extension or anything of the kind, for a long time (Hear, hear). Then the money expended in surveys in the Mount Barker district and elsewhere was money lost, and as to the talk about a steam trunk line, it was pure nonsense (A laugh). Every line would be called a trunk line, the Gawler Town, the Kapunda, and the Burra—all would be called trunk lines (Hear, hear). There were, however, roads branching in all directions upon which he thought it would be advisable to have trams, but to supersede opinion by certainty, he would vote for the amendment.

The TREASURER went over the argument as to the saving of time, and asked would any hon. member deny the advantage of speed to the farmer when the intelligence was received of the recent rise in the price of wheat? That he considered conclusive (No, no). He also took exception as to the argument based on the charge of 1d a mile, inasmuch as the 9d per mile referred to the whole cost, while the smaller sum represented haulage alone. The cost per ton per mile would be 7½d, on the railway, while the cost on the Goolwa Tramway was 1s 3d. Then there was a misapprehension as to the amount required for the extension to Kapunda. Of the money asked for £180,000 would be the cost of the extension, £36,000 was required for the completion of the Gawler Town line, and the remainder for the Teatree Gully line. He had no particular bias to one power or the other, but he thought the amount of traffic must determine which was best in each case. The hon. gentleman went over the ground of the public liabilities as set forth in Council Paper 52, and stated that in the year when the heavy charge of 10 per cent. would be payable on the amount to be borrowed, the Port Railway debt would be extinguished. The heaviest charge in any year would be £73,000, and from thence the charge would be diminished annually. With reference to what had been said as to the refusal to accept the offer of a private Company, he would say that Company never intended to carry a railway from Adelaide to the Port. It was a mere Stock Exchange Company, and that was proved from the fact that they never published their accounts, or told what had become of our money. The sole object of that Company was to get scrip upon which, like many other Companies, they could operate at the Stock Exchange. He would support the motion.

Mr PEAK supported the motion, and in the course of his remarks stated that many towns and villages in the interior of America were founded in the first instance by the navigators employed to penetrate the wilderness with a railway. The population of a city having a railway at ten miles per hour, would have a power of diffusion equal to the square of the speed at

which such railway is worked. Thus the speed of a stage-coach in France was five miles per hour, in England, eight miles per hour. Hence the same intercourse could be kept up in England for sixty-four square miles, as in France could be maintained within twenty-five square miles. By railway construction this area of practical communication or of the diffusion of population had been augmented in the ratio of the square of 5 to the square of 16; or in the proportion of 25 to that of 225, or by railways at 15 miles per hour the same intercourse could be maintained within an area of 225 square miles, as by coaches could be maintained in France in 25 square miles, or in England in 64 square miles. In England the speed of our railways is about 25 miles per hour—rather more than less. In England we obtained by increased speed of 25 miles per hour, as much accommodation over an area of 25 square miles, as was given by a continental railway in 9 square miles, by augmenting speed from 15 to 25 miles per hour we obtained increased results in the proportion of 3 to 1, or of 625 to 225, or as 25 is to 9. By the census of 1840 the population of Florida was 50,000 souls; half of these were slaves, not great travellers therefore. There were in this State 54 miles of railway completed in 1844, since which period they have been greatly extended. In Michigan, in 1836, there were 90,000 inhabitants, and of railways projected, one of 110 miles, and one of 70 or 80 miles, since completed and greatly increased. He was a supporter of the Government, and would even assume the position assigned to him by an hon. member, that of the tail of the Government—(hear, and a laugh)—so long as he thought they were acting for the benefit of the public. It would, however, require some greater exhibition of talent as a statesman and politician before he could consent to become a joint in that hon. member's tail. He liked the hon. policy, and would rather be a joint in a hon. tail than the jaw of something which he would not name. (Hear, and a laugh.)

Dr. WALKER referred to the cry of reproductive works so rife before the last election, and the total silence on that subject now. Should the present project not be reproductive, the colonists not benefited by it would have to pay to maintain a road which only served the persons who competed with them.

Mr SCAMMELL moved an adjournment of the debate, and that it be the first Order of the Day for Wednesday.

The House divided on the question. It was carried by a majority of 2.

IMMIGRATION

The Chief Secretary laid on the table a Bill with reference to immigration from China.—The Bill was read a first time.

BUILDING BILL.

Mr DUTTON laid on the table a Bill to regulate buildings and party walls.—Read a first time, and ordered to be printed.

REGULATION OF WASTE LANDS BILL.

The Commissioner of Crown Lands moved the third reading of this Bill.—The Bill was read a third time and passed.

COURT FOR TRIAL OF DISPUTED RETURNS.

The Attorney-General moved that the Court do meet on Saturday next, for the purpose of deciding the matter of the petition of Mr W Bakewell respecting the Barossa election.—The motion was carried.

House adjourned until next day.

LEGISLATIVE COUNCIL.

WEDNESDAY, JUNE 10

REGULATION OF WASTE LANDS BILL.

A message was received from the House of Assembly, transmitting the Waste Lands Bill, and requesting the concurrence of the Legislative Council.—Read a first time, and the second reading made an Order of the Day for Wednesday next.

PRIVILEGE.

Mr YOUNGROSE rose on a question of privilege, and moved, that in the opinion of this Council, the policy pursued by the Ministry in attempting to legislate by resolution only in one branch of the Legislature, is detrimental to the interests of the colony, subversive of the Constitution, and calculated to bring about a collision between the two Houses of Parliament. That the Ministry were attempting to carry on the legislation of the colony by means of resolutions passed in the House of Assembly only was abundantly evidenced by the fact that resolutions regulating the principles on which emigration was for the future to be conducted—a subject of the most vital importance to the welfare of the colony—had been passed, and were about to be carried into effect by the Executive without their having been submitted to the consideration and approval of the Legislative Council; whilst an address to the Governor-in-Chief, praying him to initiate a large vote of public money on the Estimates for a particular object, had been forwarded without any intimation having been made to the Legislative Council of such intended appropriation of revenue derived from the people, and to prove that such a course of proceeding was an infringement of the Constitution, and consequently of the privileges of that House, it was only necessary to draw the attention of hon. members to the 1st clause of Act No 2 of 1856, commonly called the Constitution Act, which enacted as follows:—“There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a House of Assembly, which shall be called “The Parliament of South Australia,” and shall be severally constituted in the manner hereinafter prescribed, and such Legislative Council and House of Assembly shall have and exercise all the powers and functions of the existing Legislative Council. Provided that all Bills for appropriating any part of the revenue of the said province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly. Therefore, any attempt on the part of one branch of the Legislature, whether it were the House of Assembly or the Legislative Council, to usurp to itself and separately to perform and realize the functions that belonged to the old Legislative Council, was an infringement of that Act, of the privileges of the Legislative Council, and subversive of the Constitution by which the colony was governed. And as it was not at all probable that the members of the Legislative Council, elected by the people to operate as a check and safeguard upon the proceedings of the House of Assembly, would tamely allow the powers with which they had been invested in full confidence by the community to be ignored and rendered nugatory, the natural consequence of the proceedings adopted by the Ministers of the Crown would be to induce a collision between the two Houses of Parliament most detrimental to the public welfare. He had no hesitation in stating his personal conviction that it was the intention of the Ministry to provoke and bring about such a collision. The management of the legislative business of the colony, with two Houses of Parliament, seemed to be beyond the grasp of their narrow capacity. Wedded as they were by long practice and association to the old routine, they had taken no pains to ascertain the views of that Council on the great questions of State policy; they had never sub-

mitted their own views to the consideration of any parties in that House, and, if they found their crude and ill-digested measures, when brought to the test of discussion there, obstructed and thrown out, as unsuited or injurious to the public interests, they would raise the factious and hollow cry that the "Constitution was unworkable," instead of looking upon such result as the natural consequence of their own inaptitude to carry it into operation. Assertions had been made that the governmental factions of that House were synonymous with those of the House of Peers in England, but a moment's consideration would altogether dispel such an idea. The House of Lords was hereditary—the remnant of the feudal system of bygone ages, and, representing only its own order, whose interests were always regarded as antagonistic to the mass of the people, never successfully resisted the determined efforts of the Commons House of Parliament, with whom the power of the purse was a constitutional right, as representing the tax-paying community. But it was very different with the Legislative Council of this colony, who, elected by the bulk of the people as one constituency, held their position on the broad basis of public opinion and public confidence, and he had no doubt but that, in the execution of the duty which it owed to the public as a return for that confidence, it would exercise its functions, and fearlessly carry out the trust it had undertaken to the best of its ability, in altering, revising, or rejecting any Acts, Ordinances, or Bills, whether affecting the revenue or otherwise, which from time to time might be constitutionally brought before it.

Mr. FORSTER seconded the motion *pro forma*.

The COMMISSIONER of PUBLIC WORKS thought the hon. member (Mr Younghusband) had failed to show that the course of legislation by resolution in one House had been pursued by the Government.

Mr YOUNGHUSBAND asked whether the hon. Commissioner of Public Works could deny that such had been the course pursued.

The COMMISSIONER of PUBLIC WORKS said that, so far as he knew, the only resolutions brought forward in the other House were on the subject of immigration. It was thought desirable by the Government to place before the Parliament and the country the principles upon which they intended to carry on the system of immigration, and for that reason the resolutions had been introduced. But he must remind hon. members that those resolutions were still under discussion in the other House. They were not at present adopted, and therefore the Ministry had not yet had an opportunity of bringing them before the Legislative Council. He denied any desire on the part of the Ministry to bring about a collision between the two Houses, and he challenged the hon. member for proof of his assertion. The hon. member charged the Ministry with not attempting to ascertain the opinion of that House. But he must know, honestly, that there were reasons why Bills could not as yet have been introduced there. All but two or three, as he had already explained, were money Bills, and those two or three being legal Bills were naturally introduced by the only legal member of the Government, whose seat, as they were aware, was in the other House. As regarded ascertaining the opinion of that House, he had himself explained the Government policy on the subject of the resolutions, and there was an opportunity then for a discussion had it been desired. There had been no expression on the part of the Ministry relative to the House being similar in its functions to the House of Lords, though such an idea was current out of doors. He had personally expressed his opinion upon the power of the House to interfere with money Bills, and that he was bound to do; for it

would have been shirking his position to have been silent upon a question so important. He would say also that though the House of Lords might be a remnant of the feudal days, many good things came out of the old feudal system, and the House of Lords had not prescribed its own duties—the limit was drawn by the people, whose voice had confined it within such well-marked boundaries that there was no possibility of mistaking them. This arose out of nothing connected with the feudal system, but out of the growth of liberty and popular representation. He did not mean to assert that we should follow closely in the wake of England. He might have his own private opinion on the subject, and he might be wrong, but it could not be denied that a subject considered so important in England was worth some passing consideration here. When a charge was brought against the Ministry upon such grounds, he would reiterate what he had said before, and would add that the Ministry might indeed be charged with neglect of their duty if points of such vital importance were suffered to pass without notice.

The SURVEYOR-GENERAL remarked that the Ministry had never stated that the resolutions now under discussion in the House of Assembly were not to be brought forward also in that House, and afterwards submitted to her Majesty's representative for confirmation. They would, after such assent and confirmation, have the force of law, and he could not imagine any body of men contemplating legislation without the concurrence of the three branches of the Legislature. He trusted the hon. Commissioner of Public Works would move an amendment to the resolution, and he should be happy to second it.

Mr MORPHETT did not think the hon. Mr Younghusband had made out any case in support of his motion. The House of Assembly had a perfect right to pass resolutions upon any subject they thought fit; and to petition the Governor also. Neither the resolutions nor the petition would be law. For that it would be necessary to have the concurrence of the Legislative Council. He had no fear of a collision, unless it should be incited by severe and cutting remarks, such as those of the hon. Mr. Younghusband upon the members of the other House. He should oppose the motion, because he saw nothing as yet done by the Ministry likely to infringe the privileges of the Legislative Council.

Mr BAKER would join in reproaching any severe or cutting remarks, but he had only just entered the House, and had not heard the speech of the introducer of the motion. He was quite sure the hon. Mr Younghusband would repudiate any intention of giving offence to the House of Assembly. But if his remarks were severe or cutting towards the Government, he (Mr. Baker) must join him, and assert that the conduct of Ministers, whether intentionally or not, had been calculated to bring about a collision between the two Houses. The appointment of the hon. gentleman, the Commissioner of Public Works, as the only Minister in that House—he being a Minister whose duties referred only to the outlay of public money—that appointment, coupled with his own remarks, to the effect that the Legislative Council had no power to deal with money questions, could only be taken as an insult to the House. His duties were connected with money outlay alone, and with that he said the Legislative Council had nothing to do. He said there were no Bills which could have been introduced there. Perhaps he would say the Waste Lands Bill was a money Bill; for he complained of the House refusing to include two measures in one Bill which were foreign to each other, but he could not deny that, had there been two Bills, they could have passed one and thrown out the other. The course advocated by the Government

might put the House in a most unpleasant position. They might be continually driven to throw out Bills containing one or two objectionable clauses. The hon. Commissioner of Public Works had denied that the Government had endeavoured to legislate by means of one branch of the Parliament. If it were understood that such was the meaning of the Minister, it might be as well for the resolution to be withdrawn. Perhaps its introduction might at least lead the Government to modify the course it was pursuing. The hon. mover would do all he desired, and the House might sufficiently express its opinion, by the resolution being worded more generally. If the Government could assert that every resolution passed in the other House would be submitted to the Legislative Council, and that until they obtained the sanction of the Legislative Council, they could not be acted upon—the ground would be cut from under the feet of the hon. mover. Less than that, they would be traitors to the country, if they did not ask. A collision would be more injurious to the House of Assembly than to the Legislative Council, as the House of Assembly only could be dissolved. For himself, he would always vote as if there were no other House in existence, and he should be confident in the support of his constituents. It was right to call attention to a course likely to produce collision, and thus, if possible, to prevent such a calamity. He hoped the Government would be the last to hasten on such a catastrophe, but if he might refer to rumour out of doors, they were attempting to promote it that day in the House of Assembly, as they had done the day before in the Legislative Council. The desire to produce collision had been denied, but they could only judge of desire by conduct, and the action taken by the Government justified the opinion he had formed. However, after the declaration of the Government, he had no doubt that the hon. mover, with the prudence for which he was so conspicuous, would withdraw his motion, although, if it were pressed, he should feel bound to vote for it. If the motion were withdrawn, he trusted the Government would not urge any proceedings elsewhere. It had been said, it was a paltry occasion to press such a question, but—

The COMMISSIONER of PUBLIC WORKS denied that he had said so. He said the question of the powers of the House to interfere in money Bills had better be discussed on a comparatively unimportant measure than on one of more consequence, such as the Appropriation Bill.

Mr BAKER was glad to hear that correction. He had thought, however, on account of the caustic remarks, and evidently excited feelings of the hon. member, the Commissioner of Public Works, that he would be glad to have the subject settled.

Mr FORSTER was not of course supposed to be acquainted with what was passing in the other House. At the same time he could not shut his ears to common rumour, and he thought that hon. members, knowing, as of course they did, what was going on in the House of Assembly, might be allowed some little latitude in referring to such discussions. But the ground of discussion was very much narrowed by the statement of the hon. Commissioner of Public Works, which he understood to be that no resolution of the House of Assembly would be acted upon unless confirmed by that House.

The COMMISSIONER of PUBLIC WORKS said he had made no such general statement as to the course the Government would pursue.

Mr FORSTER did not know, then, what he was to understand. The hon. gentleman had denied that the

Government was acting, or intended to act, upon resolutions of the other House, and expressed his opinion that it would be illegal for them to do so. He should like to know what the intentions of the Government were upon the subject.

The COMMISSIONER of PUBLIC WORKS did not see that the Government were bound to send the Legislative Council any resolutions passed by the House of Assembly. It was for the House of Assembly to send them if they chose. No legislation could arise upon resolutions of a single House.

Mr FORSTER understood the hon. member to mean, then, that no legislation on the part of the Government could be consummated without reference to that House. He understood, therefore, that legislation would only be attempted upon Bills passed through both Houses.

The COMMISSIONER of PUBLIC WORKS said he had not asserted anything of the kind.

Mr FORSTER had understood him to say that no legislation should take place upon important subjects by resolutions passed in one House. But they might differ as to what resolutions were important. The question of immigration, and even of the introduction of a foreign element into the population, was being discussed in the other House without any intention, so far as they were aware, of submitting them to that House. If so, the functions of that House might be ignored altogether.

The COMMISSIONER of PUBLIC WORKS said he had already brought that very question forward. If it were not discussed the fault was not his.

Mr FORSTER wished the hon. member to state whether the resolutions, if passed, would be submitted to that House.

The COMMISSIONER of PUBLIC WORKS was not prepared to say.

Mr FORSTER considered, then, that the hon. Commissioner of Public Works was unable to give the House any information on the subject, and he must, therefore, take his remarks as his own individual opinion, and not the opinion of the Government. He (Mr. Forster) was most anxious to avoid a collision with the House of Assembly, and with that view he had even opposed the means of dealing with the Tonnage Duties Bill, which had been adopted by that House. He understood that as soon as the Bill was sent down to the House of Assembly the hon. Chief Secretary rose at once and gave notice of motion upon a question of privilege, which was, at that moment, as he believed, being discussed.

The COMMISSIONER of PUBLIC WORKS rose to order. The proceedings of the other House must not be referred to.

Mr. FORSTER said they had been referred to already. If the discussion he had mentioned were going on, it was exceedingly likely to bring about a collision. In his opinion, the Legislative Council had the undoubted right to deal with the Tonnage Duties Bill as they had done. Thus he asserted, although he had not concurred in the course taken by the House. If the question of privilege were to be raised, it ought to be known that the hon. Commissioner of Public Works himself had been the first to introduce an amended clause into the Bill.

The COMMISSIONER of PUBLIC WORKS said the amendment was only verbal.

Mr FORSTER believed the question was as to their power of altering a money Bill, and the first alteration was certainly introduced by the hon member himself. He should have voted for the resolution, but perhaps the declaration of the Commissioner of Public Works rendered it unnecessary. The idea that no measure would be introduced into that House, might have arisen from a remark of an hon member of the other House, that it was better to legislate upon the subject of immigration by resolutions; as it would prevent the necessity of going to the Legislative Council (Hear, hear) The hon Commissioner of Public Works had said that the voice of the people had imposed restrictions upon the House of Lords, but that was because the people were not represented there — that their suffrages had not created that House. The position of the Legislative Council here was widely different. He admitted that the powers of the House of Lords were limited with regard to Bills involving questions of money, but even those might be introduced to a certain extent in the House of Lords, the money clauses being printed in italics. But the Legislative Council, with all its extended powers, had no Bills brought before it by the Government for imitation. A Bill affecting its own Constitution had been introduced in the other House. The Ministry had not brought any Bills forward in the Legislative Council, although, from the pressure of work in the House of Assembly, their doing so would have been very convenient, and would have tended to the dispatch of public business.

Captain BAGOT could not support the motion, because he saw no ground for its introduction. The hon Commissioner of Public Works had told them the resolutions were not passed in the other House, so that they might yet have them before the Legislative Council. He might further say, too, that the resolutions would have no weight outside the Chamber in which they were passed, unless they were included in a Bill. Two Chambers were new to them all, and therefore they must look leniently upon any blunders in routine, and not anticipate evil before it actually existed. In England resolutions were simultaneously introduced in both Houses, and it was in omitting this that the Government had erred. He should be sorry, however, to interpret this omission as intentional neglect. They were treading upon rather dangerous ground in mooted the probability of a collision. They had made material alterations in a Bill, and returned it to the House of Assembly, and it would be time enough to talk of a collision if it should arise. He trusted the resolution would be withdrawn.

Mr YOUNGHUSBAND replied to Mr Morphet's strictures upon his remarks, which he was willing to withdraw if they were supposed to be offensive to the other House, but he had sat long enough as a representative of the people to be satisfied that the conduct of Ministers sometimes required severe animadversion. If it were intended to submit the resolutions to the House, or to embody them in a Bill, he would withdraw his resolution, but not if he had no such assurance.

Mr BAKER wished to know what course would be pursued in future, whether resolutions would be submitted simultaneously to both Houses.

The COMMISSIONER of PUBLIC WORKS must request the hon member to give notice. He could not say whether the House of Assembly would send the resolutions, and he declined to answer as to the course the Government would pursue, as he could not yet tell in what form the resolutions would be eventually passed.

Mr YOUNGHUSBAND moved for leave to alter his motion, so as to make it express a general opinion against legislation by resolution in one of the Houses. He read it as follows.—That in the opinion of this Council any attempt of the Ministry to legislate by resolution in only one branch of the Legislature, is an infringement of the privileges of this Council, subversive of the Constitution, and calculated to bring about a collision between the two Houses of Parliament.

Mr BAKER seconded the motion.

Mr MORPHETT opposed the alteration. It would be childish and weak to pass a resolution upon speculation, courting a collision with the other House.

Mr. ANGAS thought the whole movement premature. There seemed to be a great diversity of opinion as to what constituted legislation by resolution. There could be no doubt of the right of the House of Assembly to pass any resolutions it pleased, and it was his opinion that the whole affair was one mass of confusion. He hoped that both the motion and the amendment would be withdrawn.

Captain SCOTT agreed. It was premature to pass a resolution referring to a possible contingency which had not yet occurred. It would be by far the more dignified course to wait till there was something tangible before them.

Dr DAVIES should also feel bound to vote against the resolution and the amendment.

Captain Hall would vote against them too. He knew nothing of what was passing in the other House, but it was absurd to fancy that any of its resolutions could have the force of law.

The COMMISSIONER of PUBLIC WORKS thought the best way to define the privileges of the two Houses would be by conference.

Mr. BAKER hoped the motion would be withdrawn; but if it were pressed it would be only courteous to allow the hon mover to amend it. He must say he should have been much more satisfied if the hon Commissioner of Public Works had pledged himself that the Parliamentary practice of England would be followed in future, and any resolutions brought forward by the Government introduced simultaneously in both Houses.

Leave to amend the motion was refused, and Mr. Younghusband declined to press it in its original form.

PROPOSED NEW HOUSES OF PARLIAMENT

Captain Bagot moved that this Council finds the accommodation provided for in this House to be sufficient for its wants, and it does not consider it advisable to erect any other House of Parliament at present — After a few words from the hon member, the motion was seconded and carried unanimously.

POSTAL COMMUNICATION.

Mr Angas asked the hon Commissioner of Public Works whether any despatches had been received from the Home Government relative to postal communication, and also whether letters from this colony would be forwarded from Victoria by the European. He had understood that the Melbourne Government intended excluding them from the steamer, and sending them forward by an ordinary sailing vessel — The Commissioner of Public Works would answer the question the next day.

Adjourned till Thursday,

HOUSE OF ASSEMBLY.

WEDNESDAY, JUNE 10.

PETITIONS.

Mr Young presented a petition from the District Council of Noarlunga against the extension of the tramway over the Onkaparinga. Also a petition from certain landholders in the neighbourhood of Noarlunga to the same effect. Both petitions received and read.

NEW MEMBER.

Mr Andrews took the oath and his seat as member for Yatala.

MAIL COMMUNICATION.

The Chief Secretary said, in answer to Mr. Blyth, that having seen no despatch on the subject of mail communication, he presumed no such despatch had been received.

DELEGATE TO VICTORIA.

Mr Reynolds asked the Chief Secretary, with reference to a report current, that Mr Younghusband had been appointed, or was likely to be appointed, the South Australian Delegate, to confer with the Delegates from Victoria and New South Wales on the various questions pending between the different Governments, if that gentleman had been appointed or was likely to be appointed, as it appeared desirable to appoint a Delegate perfectly disinterested, rather than one deeply interested in the Murray trade. —The Chief Secretary said no gentleman had been appointed, nor would any appointment be made, until the Murray Duties Bill had passed both Houses and received the assent of the Governor.

NEW PARLIAMENT HOUSES.

Mr. Hughes enquired whether it was intended to take the opinion of the House on the subject of a new Parliament House. He thought it was the general opinion that the present accommodation was sufficient (Hear, hear) —The Chief Secretary would, by motion, take the opinion of the House on the subject.

PRIVILEGE.

The CHIEF SECRETARY deemed it his duty to call attention to a very serious breach of their privileges by the other branch of the Legislature. Upon a recent occasion they passed a Bill through its various stages to repeal the tonnage dues, and to authorize the leasing of wharf frontages at Port Adelaide. After a very careful discussion, a Bill was passed and sent up for consideration to the other branch of the Legislature. Yesterday they received that Bill without the concurrence of the other Chamber, and also modified in a very essential particular—a particular upon which the House of Commons was exceedingly sensitive and strict. The modifications repealed one of the important money provisions of the Bill. They had, in fact, struck out the first clause of the Bill altogether—the clause by which that House had repealed the tonnage duties. That was a most important principle, and he submitted that it was the duty of that House to maintain it as part of their privileges. That the House might better understand the object of his remarks, he would request that the message from the Legislative Council be read.

The CLERK here read the message, and—

The CHIEF SECRETARY continued the House was now in possession of the facts. It was a money Bill, and that money Bill, having been sent to the other House for consideration, had been altered in an essential particular (Hear, hear). Whilst that part of the Bill which sanctions their right to raise a revenue by leasing the wharf frontages was agreed to, another part of the Bill which repeals the tonnage dues was struck

out. He held that it was not within the province of the Legislative Council to alter a money Bill sent up from that House. He might go into many quotations from "May's Practice of Parliament" and "Dodd's Parliamentary Companion" to show that this principle was one always jealously maintained by the British House of Commons. Their privileges were the same as those of the House of Commons, and the clause in their Constitution Act which required money Bills to be initiated in that House was intended to give legal effect and assertion to that principle. He would read a few passages from "May." In page 426, it was stated that, "On the 3rd July, in 1678, the Commons resolved, '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, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords.'" The hon. gentleman quoted some other passages, among which was the following—"That they only filled up blanks which had not been filled in with the sums which were agreed to by the House on the report of a clause, the rectification of clerical errors, to make the schedule agree with the Bill, to render one clause consistent with another," &c. Having sufficiently directed the attention of the House to that point, he would move that the Bill passed by this House, entitled "An Act to repeal Tonnage Duties on Shipping, and to authorize the leasing of the Wharf Frontage at Port Adelaide, known as the North-parade," which was forwarded on the 12th May last to the Legislative Council for their concurrence, having been returned to this House with amendments modifying the Bill in an essential principle, this House requests the Legislative Council to reconsider the Bill, inasmuch as it is a breach of privilege for the Legislative Council to modify any money Bill passed by this House. He considered that he was merely and simply asserting distinctly the privileges of that House, and placing them properly on record on their journals, and the resolution would do so in a way that would not unnecessarily excite any feeling of irritation or jealousy in the minds of members of the other House. That was a matter which he thought should be most carefully guarded against, as the concurrence of that Chamber was essential to every measure which they passed before they became law, just as their concurrence was necessary to measures passed by the other House. They should therefore be careful not to bring about by legislation anything which would result in a dead-lock between the two Houses (Hear, hear). In the resolution he had read he had carefully avoided any cause of irritation, and it merely expressed the feeling and sentiment of the House in guarded and temperate language. It merely recited the facts, and requested the Legislative Council to reconsider the Bill, inasmuch as they considered it a breach of privilege for the Legislative Council to modify a money Bill. He thought that was the simplest and best course for them to take. If they did not upon that, the first occasion of a money Bill, assert their privilege, it would be followed by other invasions (Hear, hear). For the Legislative Council to take to themselves the same right with regard to money Bills as that House would be to make the Constitution a mistake, and it would be impossible to carry on the legislation of the colony. They must assert the Constitution and uphold their own privileges in the matter of money Bills. He would deprecate any collision between the two Houses, upon that or any other subject, and he would, in the hope of averting collision, move that the resolution be made a message to the Legislative Council.

The COMMISSIONER of CROWN LANDS seconded

Mr HUGHES had listened with great attention to the remarks of the hon. Chief Secretary upon the very important question. With respect to the course which he advised the House to pursue, he was not so sure that he had put the matter in a proper manner. The resolution contained a curt request that they would reconsider the Bill. He hoped hon. members would give the other House credit for having considered the Bill which they had sent back. He thought the plan proposed by the hon. the Chief Secretary would be the best mode of bringing about the dead-lock which he deprecated. He was aware that the prudent way would probably have been for the Upper House to have rejected a money Bill which they could not assent to, but they probably considered that it would be better and more courteous to send it back with such amendments as they could agree to. It should be remembered, that it was agreed, until new Standing Orders were made, that they should have the Standing Orders of the old Council. He would thus call attention to a matter nearer home than May. By the 75th Standing Order it was forbidden to include matters having no proper relation to each other in the same Bill. He said that matters which had no proper relation to each other had been mixed up in that Bill, and the censure consequent upon that fairly applied to the Government who introduced it, or to the Attorney-General, who should have warned the House against passing a measure which by the Standing Orders could not be agreed to by the other branch of the Legislature. He confessed that he agreed with the other House in thinking that a measure which provided for leasing part of the waste lands of the Crown had no connection with the repeal of the tonnage duties upon shipping. He considered the Legislative Council was justified in objecting to two important but opposite principles being mixed up in that manner. He took it that if a conference was suggested between the two Houses, there would be no occasion to pass such a resolution as that brought in so suddenly by the hon. the Chief Secretary. He thought that matter was premeditated on the part of the Government. (No, no.) He was surprised to find how quickly the Chief Secretary stood up and gave notice upon the subject. He thought in all fairness that members of that House might have been allowed some time to consider the matter before it was taken up in that manner. They were but entering upon a new state of things. The privileges of each House would be defined by usage. They could not immediately fall into their proper spheres. The English Constitution did not jump into existence in one day. Individual members of that house were not so learned in those matters as the hon. gentleman who asked them to assent to his resolution, and they would probably hesitate before they would support a motion which was probably framed with the intention of bringing about a dead-lock. The Legislative Council had duties as important to perform in legislating for the country as that House. He was one of those who held the opinion during the debates upon the Constitution Act, that one House would be all that was necessary for that colony. He had, however, upon reading the despatches, and for the sake of the many advantages which the Constitution was to confer, waived his objections, and so did the Chief Secretary. (Hear, hear.) Whatever might be the opinion of individual members as to the necessity for an Upper House, it was clear that they at least had power to reject a money Bill. He took it that that House would better perform its functions by examining the merits of each measure sent to them than by merely passing Bills in a routine manner, and he trusted they would always maintain the dignity of their House. He might be told that other members held opinions such as he held before the Constitution Act was passed. But things were not in the same position now. They had a Constitution, with its many

advantages, upon certain conditions. He thought it would materially interfere with the reputation which they had in England and other countries if they so speedily brought about a dead-lock in the working of the Constitution. He hoped hon. members would be careful in considering how far the resolution proposed by the Chief Secretary would act upon the other House. How would they themselves like to have a matter sent back to be reconsidered? The question involved the privilege and standing of the other House in the face of the colony as materially as it did the privileges of that House. He would ask hon. members to consider, and not to take any hasty step that would derogate from the position which either House of Legislature should assume. That caution was the more necessary from the course taken, and the conduct exhibited by the Ministers on Friday last. (Question, question.)

The SPEAKER intimated to the hon. gentleman that he was not entitled to refer so pointedly to the proceedings of a former day.

Mr HUGHES he would say generally that it was most desirable that the dignity of each House should be upheld, more particularly as they had a Ministry which was occasionally divided among themselves, and when the Parliament and the people witnessed the extraordinary spectacle of four Ministers taking three distinct lines of policy. They should support the Legislative Council in its proper position. They might yet have to exclaim, as some one once did in England, "Thank God, we have an Upper House." (Hear, hear.)

The TREASURER did not expect that the temperate resolution proposed by the hon. Chief Secretary would have met with any opposition from a member of that House. As it had met with opposition, he would endeavour to reply to the observations of the hon. member (Mr. Hughes). The hon. member had stated that the resolution had been framed with premeditation. He at once admitted that it had. It would have been most unbecoming of that Ministry or any other Ministry to come forward with a resolution involving such consequences without premeditation. They confessed to premeditation, not with a view to offence however, but as a matter of duty. Reference had been made to the division amongst Ministers, and that had been advanced as a reason for hon. members to support the Upper House. He could not follow that statement, for it was not an argument, and could not by any possibility be connected with the question before the House. Their divisions upon other subjects had nothing to do with that question. They were at least agreed in the determination to uphold the privileges of that House. (Hear, hear.) It would be a waste of time to follow the hon. member in a matter so irrelevant to the question before the House. The hon. gentleman said the question should be considered calmly, not only to support their own dignity, but also to support the dignity of the other House. It was precisely in that spirit that he (the Treasurer) wished to approach the question, and he would take it up in the order in which the hon. member had discussed it. He said they had commenced a new state of things, that they must go on step by step, as they had no precedents to act upon. It was precisely that train of reasoning which led him (the Treasurer) to support the resolution of the Chief Secretary. He would argue from those premises that because they were laying the foundation of a new Constitution they must take care not to allow a practice to resolve itself into a precedent, which would be injurious to the future welfare of the country. That was to his mind the strongest argument why they should decidedly and firmly, but calmly and respectfully, act in the matter. The hon. member said they should not

deny to the Legislative Council power to amend Bills. He would not seek to interfere with their usefulness to any such extent. The very purpose for which the other Chamber was constituted was to revise and amend Bills passed by that House. While he would accept all ordinary amendments from that House, there were still certain limits to which they must adhere, otherwise the Constitution would not work. The question was clearly settled in his mind as one in which the Legislative Council could only interfere to reject or accept. They were prevented by the Constitution from making any material amendment in a money Bill. They had no right to interfere with that principle. It was for that House, and for that House alone, to decide what taxes should be placed on or taken off the community. The Legislative Council might reject such a measure *in toto*, but it was contrary to constitutional principles for them to amend a money Bill in that respect. The hon. member (Mr Hughes) had argued that the Legislative Council merely proposed to give effect to one of their own Standing Orders, namely, that questions opposed should not be blended in the same measure, and he went on to say that the leasing of the wharf frontages on the North-parade had no connection with the repeal of the tonnage duties. That House had, however, previously decided that those questions were connected by passing the Bill. He quite went with that opinion, and could prove that there was a most necessary connection between the two questions. A Bill had been passed for the improvement of Port Adelaide, and to impose tonnage duties upon shipping, with a view to defray the expense of the improvements. In both particulars the Bill was consistent. The leasing of the North parade, the privilege given to tenants to extend wharf frontages, and the deepening of the wharf frontages, were the great objects, and the replacing of the tonnage duties by the rents arising from the wharfage, distinctly connected the two objects of the Bill, which were the improvement of the harbour and the provision of funds to do so. The Legislative Council had no power to initiate such a measure. Indeed it was, by the 40th clause of the Constitution Act, not competent to either House to do so, except on the recommendation of the Governor, and the 1st clause required that all such matters should be initiated in that House. Although it was not expressed in words, the analogy was admitted of their Constitution to that of Great Britain, and were it otherwise in that respect it would not work. It might be in the memory of many hon. members that he opposed that very clause, but now, having accepted the Constitution, he would observe and maintain that principle the same as those of which he had been in favour originally. It had been argued that the analogy did not exist, as the Legislative Council were elected representatives as well as themselves. The principle in Great Britain was, that the House of Commons, representing the taxpayers, should alone decide what taxes should be paid. The Legislative Council, it was true, represented the people also, but whatever might be said upon that point, it was clearly not by the 1st clause of the Constitution Act, which laid down that all Bills for appropriating any portion of the revenue of the said province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly. He saw nothing to excite collision in the motion, while, if every money Bill was to be altered in the other House, they would require a duplicate of the Treasurer to explain the Estimates—(hear, hear)—to the Legislative Council. It was, he considered, most fortunate that the question had arisen upon a point of not very great importance. It would not be so embarrassing as if it involved a refusal of supplies. The resolution had been described as curt, but it certainly could not be considered discourteous. It was to be regretted that the Legislative Council should have adopted that course, and, judging

from the statements made in the public journals, that the resolution arrived at by a considerable majority of that House should have been set aside by the influence of one of its members.

Captain HART rose to order. It was not usual to refer to a member of another House.

The SPEAKER had not heard any person referred to by name.

Mr BAGOT stated that it was quite usual to refer to the leaders of either House by name.

The TREASURER had followed what he considered the practice of both Houses of Parliament. He concluded by stating that he supported the resolution, and hoped the House would support it, not to bring about a collision, but to assert and maintain its own constitutional privileges.

Mr. RYLANDS was not surprised at the course taken by the hon. member (Mr Hughes). He had opposed the Bill, and would, no doubt, willingly avail himself of any means to throw it out. That was, however, a question of more importance than the fall of a Bill—it went to affect one of the most important privileges of that House. The hon. gentleman had expressed his belief that the Legislative Council had well considered the Bill. There could be no doubt of that from the manner in which they had cut it up (Hear, and a laugh.) They had sent back a very different measure from that which had been remitted for their consideration. It would be remembered that during the discussion on the Constitution Act it was sought to give the power of initiating money Bills to the Legislative Council, but the Legislature was firm in refusing to concede that power. He would not have complained had they sent back the Bill altogether without assenting to it, and that was within the fair exercise of their power. He considered that the remarks of the hon. member (Mr Hughes), founded on the 75th Standing Order, had been fully met by the hon. Treasurer. He would be sorry to have a collision between the two Houses, but the public would see that they were not the first to throw the stone. (Hear, hear.) He hoped the House would firmly assert its privileges and allow no alteration of money Bills.

Captain HART was always glad to be able to support the Government, and would do so on that occasion. He thought the Legislative Council had not used the discretion which the public had a right to expect from men selected for their wisdom, prudence, and experience. (Hear, hear.) He could have sympathised with them had they taken their stand upon some great principle in which the liberties or the interests of the people were involved, and of which they, as the representatives of the respectability and wealth of the colony, might deem themselves the guardians. It appeared to him that they seized the first possible opportunity to come into collision with that House, and certainly they had done so in a manner that would not add to their dignity. The arguments of his colleague (Mr Hughes) had no weight or force with him. The question was not an important one, it was whether they should take off the tonnage duties, and he believed that would be found to be the first case there or anywhere else in which a Legislature had refused to allow a Government to repeal a tax. (Hear, hear.) He would be happy to support the resolution, and was glad that it had been put in a shape by which no offence could be given. The question was one of privilege, and he trusted that the members of the Legislative Council would see that they had overstepped their proper limits. It was possible that the Bill might with advantage have been divided, and the Legislative

Council could with propriety have thrown it out on that ground, and that House could without any compromise of its dignity have reconsidered the matter. There were many young members in that House, and many who were not young members, who could see the force and effect of a clause, and yet were not acquainted with the manner of drawing up enactments. He would support the motion.

Mr WATERHOUSE trusted that hon. members would weigh well every word in the resolution before they affirmed it. They should consider also whether the time had arrived when it was necessary to pass a resolution of that sort, which, although brought forward in a conciliatory spirit, would be regarded by the other House as a hostile proceeding. They could not, he admitted, be too jealous of their privileges, but, at the same time, they should take care not to trench upon the privileges of the other House. He thought the resolution could not be agreed to in its entirety, as it denied the right of the Legislative Council to make any modification of a money Bill. That was going too far, he imagined that it would not be contended that it was a breach of privilege for the Legislative Council to make a non-essential amendment in such a Bill. The authorities referred to proved that, and the Government had proved it by one of their members having moved such an amendment. The House could not wish to express by the words of the resolution more than they desired to establish. Then, with regard to the Bill, it appeared to him, that it did mix up two very distinct matters. No one could contend that the leasing of the wharf frontages had any connection with tonnage duties, or that because one was leased the other should be repealed. Supposing the Legislative Council to have taken that view of the matter, they had only acted rightly in striking out the clause in obedience to the Standing Order which forbids the combination of incompatible matters in one Bill. If they found that the Legislative Council were disposed to infringe their privileges, they could not take a stand too soon or too decisively, but he thought that fact was at least susceptible of doubt. Had the hon. the Chief Secretary read a little further on in "May," he would have found more information. It would have been perhaps better had the Legislative Council rejected the Bill, but in sending that resolution, they in all probability thought they were adopting a more conciliatory course. He did not believe that the Legislative Council wished to act in a spirit of hostility to that House. They were justified in considering that the Bill legislated upon two distinct matters, and that to avoid rejecting the Bill they suggested amendments.

Mr NEALES believed that if such things were allowed to go on they would soon have to pass Her Majesty's supplies in a very irregular way. If that was not an invasion of their privileges, he confessed that he did not know what was. (Hear, hear.) Had it been said indeed that they were sent to impose taxes, and that the Legislative Council were sent to take them off, he could understand the proceeding; but it was time to have that question settled. When the Constitution Act was under discussion it was determined that the Legislative Council should be as much as possible in the position of the House of Lords. It was true that they felt they had no aristocracy, nor even a millocracy, but they were content to invest their shopocracy with imaginary honours. The Queen had favoured the idea, and the gentlemen of the Legislative Council were distinguished by the title of "Honourable" prefixed to their names, while the members of that House merely took a title from the constituency they represented. He had heard nothing to induce him to think that they were invested with less peculiar privileges than the English House of Commons, and the sooner the question was settled the better. He thought the resolution

scarcely expressed what was intended, and so far he would recommend its modification. The Legislative Council had power to effect certain amendments, and it could not answer any purpose to use expressions in the resolution denying that right. He trusted that hon. members would not regard that as a Government support question, for the Government had in that case come forward to support the privileges of the House.

Mr BLYTH had hoped that the resolution would have been adopted unanimously; but, as it was, he felt certain that it would be passed with very trifling opposition. He also thought it desirable to come to a decision on the subject. He recollected that his vote on the clause relative to money Bills during the discussion of the Constitution Act was of more importance than it probably ever would be again, as the clause was carried by the small majority of one. The language of the New South Wales Constitution Act was precisely the same, and he saw that the Estimates had been passed there without any reference whatever to the Legislative Council. If the members of that House were not the guardians of the public purse he was certain that many of them would feel with him astonishment to find themselves there. He rejoiced to see the Government come down as representatives of the people, and would cordially support the motion, but he thought also that it should be slightly modified in its language.

Mr. MACDERMOTT thought as this was the first misunderstanding between the two Houses they were bound to act with great caution. He confessed that the connection between the two objects of this Bill was not very apparent to him. He admitted that the institution of money Bills was the exclusive right of that House, but he strongly recommended a conference rather than the resolution submitted by the hon. Chief Secretary.

Mr. BAGOT expressed surprise at the course pursued on that question by the hon. member for East Torrens. Unless the hon. gentleman exhibited better acquaintance with the privileges of that House, and greater determination to support them, he (Mr. Bagot) could not act with him. He thought that it would be treason to the privileges of that House to omit supporting the Government on that measure—a measure in which the action of the other House interfered with the special privileges of that House. He did not know what was the use of having two Houses, and of the special peculiarities attending the election of the Assembly, if its specific privileges were to be set at naught. He did not regard the other House as a House of Lords, but as a Grand Jury, and he thought their functions resembled those of the House of Commons.

Mr SMEDLEY thought the subject should be approached with caution, lest a precedent should be established which they might object to when, in the course of time, they became old enough and wise enough to be raised to the honour of seats in the Legislative Council (No, no.) The common-sense way of viewing the subject was, that if the Legislative Council had sent back the Bill with a respectful request to the Assembly to reconsider it, the recommendation would have been respectfully received. It was the special duty of the Assembly to look after the public funds, and the country would expect them to discharge their duty. He believed the Legislative Council had a large amount of wisdom and experience, but in this instance they had not exemplified the possession of those qualities.

Mr BURFORD, though disposed to join in the encomiums bestowed upon the Council, thought that in their new position they exhibited infantile qualities. They appeared to have time on their hands, to experience

ennu, and they were trying to find something to do. In this attempt they had no right to assert that the members of the Assembly were unable to distinguish things that differ. (Hear) The Act No. 20 of 1854 was so intimately connected with both questions—the tonnage dues and the wharf frontages—that they formed altogether a money Bill. For this reason he objected to the meddling of the Upper House, not intentionally offensive, but undertaken for want of something better to do. He would support the resolution.

Mr. MILDRYD also ascribed the recent action of the Council to idleness, but he also thought their whole procedure indicated a wish to deal with money Bills. The hon. member for the Port had objected that one of the Standing Orders of the Legislative Council provided that nothing should be introduced into a Bill which was not indicated by its title. Unfortunately for his argument both the topics in question were set forth in the title of the Bill. The Legislative Council had thrown down the gauntlet, and the Assembly must take it up. If a dead-lock occurred, they would have the satisfaction of knowing that it was not caused by anything they had done. They were also sure that they could maintain their ground, while the other House could not maintain theirs. While the Ministers acted as they had done in this instance, they would have the support of the House, and the House would have the support of the country. (Divide)

The CHIEF SECRETARY wished to reply to some of the remarks which had fallen from hon. members. The suggestion of the hon. member for East Torrens would have the effect of emasculating the resolution, if carried out, without boldly opposing it. He (the Chief Secretary) would object to any such modification. The Legislative Council had no power to modify money Bills, and, as he had shown hon. members, this was a point in which the House of Commons carried its privileges to such an extreme as not to allow even the correction of a printer's error without making a record of the circumstance. The hon. member for the Port (Mr. Hughes) had argued that the Legislative Council only wished to imply by their return of the Bill that it was repugnant to their Standing Orders. But that ground had been cut from beneath them altogether, as it had been shown, not only that the two subjects alleged to be incompatible were not so, but also that it was absolutely necessary, in striking off one source of revenue to secure another. The other argument of that gentleman—that the passing of the Bill was a breach of the Standing Orders of that House—was still more remarkable. It would, indeed, have been a curious breach of privilege had the Legislative Council rejected a Bill because of any clause in the Standing Orders of the House of Assembly. There was really nothing in the arguments which had been urged against his resolution, and he would leave it to the House.

The question was then put and carried unanimously.

Resolved, that the resolution be communicated by message.

GAWLER RAILWAY EXTENSION.

ADJOURNED DEBATE.

Mr. SCAMMELL resumed the debate adjourned from the previous day. He agreed in all that had been said in favour of railways as the most perfect means of intercommunication yet known. There was no doubt of the excellence of the system, which was carried to such perfection in Britain. But it must be remembered that the net-work of railways which covered Great Britain originated in a plethora of capital, and many of those lines had brought ruin upon the original promoters. But that ruin did not affect the stability of the Government, or the financial condition of the country. Even

in Great Britain regard was always had to population, and if the same principle were adopted here, the comparison might be fairly made. The condition of the United States of America more nearly resembled that of this colony than Britain did, but those who argued for locomotive railways from their success in that country must have looked altogether at the points of resemblance, and entirely overlooked the points of difference. The population of that country was large and rapidly increasing. It must also be remembered that coals were not indigenous here, and that iron therefore could not be manufactured. It was not likely that railways could be constructed here at the same rate as in America, and lines at from \$1,600 to £2,000 a mile were altogether out of the question. The question had been introduced by the hon. Chief Secretary, and he had stated that the cost of constructing such a line as the Goolwa Tramway would not be less than £4,000 a mile. The hon. member for the Port had pointed out that the permanent way of that line had cost only £2,500 a mile, and that under most favourable circumstances the working expenses could not be very high, and the cost of keeping in repair not great, for there was a clear revenue to the Government of over £1,000 a year from that line, being $5\frac{1}{2}$ per cent on the whole amount expended upon its construction. Had the City and Port line been constructed at the same rate they would only have had $\frac{1}{2}$ per cent to pay to the sinking fund. The cost for haulage on the tramway was stated by the hon. Treasurer at 1s. 3d. per ton per mile, which must have been an error, as the amount charged for cartage along its whole length was only 6s. per ton, which would involve a loss of 2s. 9d. per ton. The actual cost of haulage on the City and Port line had been stated at 2 $\frac{1}{2}$ d. per ton per mile. But there must have been error there too. The cost stated was only the scientific cost, the cost of coals consumed, saying nothing for wages and every other item which men of business would put down. If that were a private concern it would evidently soon come to a standstill. The real question before the House was whether the thin end of the wedge should be inserted—whether 25 miles of country should be developed, at the expense and to the injury of the other portions of the colony ("No—no injury"). The hon. Treasurer had fixed a maximum amount to be borrowed, and the money, which the proposed Bill authorized to be borrowed, would make up that sum. If the hon. Treasurer's principle were not departed from, the rest of the country would have to wait for 20 years without either railway or tramway. If the sum proposed were borrowed, he had no doubt the Treasurer would throw overboard his former statement to join the Government in asking for another quarter of a million to extend the line to the Murray, or another half million to carry it to the Burra. The quarter of a million spent upon the railway to Gawler would have sufficed to carry an efficient tramway to the Burra ("No," "Hear.") There were contractors in the colony who would bind themselves to construct such a line at £2,000 a mile or less. Time was not a consideration in the transit of goods in England, as heavy traffic occupied fourteen hours on lines where passengers were carried in four hours. A slow rate of transit would also suffice here. If the grand scheme of a great trunk line were adopted, the south of the province would be ignored. It was absurd to talk of making tramways afterwards as feeders, for there would be no money to make them with. The naked face of the country required to be clothed with roads, and it would be as ridiculous to commence with costly railroads as to give a satin waistcoat to a shivering aboriginal. He would support the amendment of the hon. member for the Sturt.

Mr. DUNN was not in the habit of speaking much in that House, but must say he felt surprised to see the disposition to resist the motion for enquiry into the

merits of the question. Figures had been produced which showed that a tramway in the colony paid its expenses, and a railway in the colony did not. His own experience supplied him with facts in relation to the working of that railway, which it might be well for the House to know. When a day or two on the journey was no object, and the goods were not capable of being injured, he patronized the railway; but when he wanted to secure quick transit, careful treatment, and punctual delivery, he was obliged to resort to drays. He was only an individual, but being in the habit of forwarding large quantities of produce over the ranges, he could say that he did not care for speed if he could be assured of cheapness of cartage. He sent about 1,300 tons last year, at a cost of 33s. per ton. He would not care if the rate were only one mile an hour if the cost could be reduced to 1s. per ton.

Mr SMEDLEY rose to explain the course the representatives of the district, which would be chiefly benefited by the proposed railway, had taken. They had not instigated the people, but the people had led them on. Meetings which had been held in that district were reported as favourable to the tramway principle. But there was not the unanimity which there appeared to be. He had tested the matter by endeavouring to get signatures to a memorial on the subject. The people of that district (Light) were strongly in favour of the proposed railway. It was not fair to put that district in competition with the rest of the country, but it was a fact that there was more land available for sale and cultivation in it than in any other part of the colony. The hon. member for West Torrens had made a judicious speech, but he had noticed that when references were made to older countries it was never shown what was best for themselves. The population of this colony had been compared to that of a small town in the West of England, but could any population be shown in the West of England, or any other part of England, which exported produce worth £15 per head of the population?

The COMMISSIONER of CROWN LANDS would not have risen on that occasion but for some miscalculations of the hon. member for West Torrens (Mr Scammell). The sum of 1s. 4d. per ton per mile was more than sufficient to cover the whole cost of carrying luggage on the City and Port line. It was also an error to suppose that the Goolwa Tramway was paying a profit. It was really being worked at a loss, but the loss was partly made up by the rent of warehouses and other matters. The Superintendent of that line had applied for a locomotive engine, as more economical in working than horse power. The comparison with the United States of America was not happy, for if they had railways in proportion to the United States, taking the population into consideration, there should be 100 miles of railway in this country at the present time. Much of the iron used in America was imported from England, and wood was commonly burned on the lines instead of coal. The comparison between locomotive and animal-power railways could not be completed without actual experiment, but an approximate result might be obtained. He had calculations in his possession showing that the cost of working by horse power was very little inferior to that of steam. The roads of this colony had not been laid out in the best manner, and it was impossible to go far without encountering undulations, which would increase the difficulty of adopting iron roads to their common routes. But he would take the Mount Barker-road over the ranges, referred to by the hon. member for Mount Barker, to illustrate the advantages which would be gained by constructing a railway to Mount Barker. Assuming the present cost of cartage to be 30s. per ton—and the hon. member had stated it at 33s.—and that the ruling gradient on that line of road is 1 in 10, the cost of

haulage would be reduced to 24s. per ton if the rails were laid on the surface of the present road. If the gradient were altered to 1 in 20, the cost of haulage would be reduced to 13s. 4d., to 1 in 50, the cost would be 5s. 6d., to 1 in 100, the cartage would cost 3s. 6d., and if the gradients were altered to 1 in 280, the cost would be reduced to 1s. 8d. per ton, or 1d. per ton per mile. Estimating the quantity of flour forwarded annually from Mount Barker at 4,000 tons, the annual saving that would be effected on that article alone would be, on a gradient of 1 in 10, £1,200, 1 in 20, £3,334, 1 in 50, £4,900, 1 in 100, £5,300, and on 1 in 280, £5,668. The great advantage gained by improving the gradient was thus made strikingly apparent. There were other statements which might form subjects of comment, but the topic had been so frequently and so thoroughly discussed that it was unnecessary to go into them all.

Mr KRICHAUFF was not surprised to hear from the hon. member for Light that his constituents were in favour of a railway. Of course they would gladly take it if it was within their reach. They had almost a promise from the Government to give it to them. It had been stated that the colony lay to the north, but though the chief part of the land yet to be sold lay there, the population was more densely concentrated in other localities. It would be injurious to the general interests of the colony to extend the railway to Kapunda. It was not right to spend £250,000 for the benefit of that portion of the colony, and nothing for Mount Barker and other places.

Mr HAY considered it necessary to state his reasons for supporting the original motion. He did so because he knew the country and he would say that it would be just as relevant to propose an enquiry into the comparative merits of a canal and a railway to Kapunda, as to adopt the amendment (Hear, and no.) Reference had been made to the influx of emigrants into New York, but it was owing to the enterprise of the American people that such immigration could be absorbed. When three or four shiploads of immigrants arrived here in winter, they were collected in Adelaide for want of roads, and the cry was that the labour market was overstocked. The hon. member who had referred to Kapunda as an unsettled district, could have had very little knowledge of its actual condition. It would be found that the country between the city and Kapunda was thickly peopled, and the mining interests of the Kapunda district gave it great importance. The question, in his opinion, was, not between railroads and tramways, but between railroads and macadamized roads. Tramways were of little use excepting in carrying goods from the place of production, as, for instance, coals from a pit's mouth. They would be of little use where produce had to be carted two or three miles to reach them. Looking at the comparison which had been instituted between this colony and Victoria, he must say that when the population of the two colonies was taken into consideration, and the amount proposed to be expended on railways in each, the balance was in favour of their going on with railways. In reference to the remarks of the hon. member for the Murray, he would say that if the expenditure of £108,000 would put the people of the north in a position of so much advantage as he seemed to consider, it would be money well laid out (Hear.) With regard to the Teatree Gully line, he would say that possibly horses might be advantageously used on it if it were not intended to carry the line further. But it would be absurd to use horse traction on a small connecting portion of the line and locomotives on each side. Generally speaking, he thought that where the length of a line exceeded 15 or 20 miles, it would be found economical to use locomotives. (Divide)

Mr MILNE considered that it would be unwise to continue the line worked by locomotives to Gawler Town by a line to be worked by horses beyond. The question of the purchase of land had been introduced into the consideration, and it had been stated that the land between Gawler Town and Kapunda was nearly all purchased and settled. But that had taken place since the railway to Gawler Town had been commenced, which had thus shown its effect in stimulating the purchase of land. But he did not hold that the sale of unoccupied land should be made an essential point, and the claims of those who had previously located themselves be ignored.

Mr. DETTON did not so much object to the amendment itself as to the feeling of hostility which he believed those who supported it entertained towards the proposed railway extension. The question of railroads for locomotive engines and for horse traction had now been discussed, in doors and out of doors, *ad nauseam*. He had been particularly struck with a remark which fell from the hon. member for West Torrens, letting out the real secret of his opposition. He would, like that hon. gentleman, draw a line east and west through Adelaide, and then enquire what sums of public money had been expended in the country south of that line, and in the country north of that line. (Hear.) It would be seen that nothing proposed to be done for the north was either out of proportion with what had been done for the south, or antagonistic to its interests. (Hear.) The country beyond Gawler Town was so extremely favourable for a railway, the land it would traverse was so productive, and the proposed present terminus a place of so much convenient importance, that it would be most injudicious to refuse to continue the line as proposed. He could not lose sight of the fact that the great proportion of the land sold was to the north. It was to the Land Fund they looked for the means of constructing these railways, and it was by facilitating communication that the land in the far distant portions of the colony would be brought into use. He, for one, did not care whether the line paid or not, he was certain the indirect advantages would be of a nature that would astonish many of them. It had been said that if the sum now wanted were granted the Ministry would come again and ask for another quarter of a million, and then another. He hoped it would be so—(hear, hear)—for he believed the increasing occupation of the colony would require it, and the increasing wealth of the colony would enable them to pay for it. He was also satisfied that no responsible Ministry would ask for a sum of money for any purpose for which a clear necessity could not be shown. He believed a line of tramway would not be much cheaper than a line of railway. It would be unwise to construct now a line of which they might soon have to complain as inefficient. Having begun so well, he hoped they would continue in a similar course. ("Divide.")

Mr COLE supported the motion because he was a friend of progress and a friend of the colony. It had been laid down by that oracle on railway matters, the member for Encounter Bay, that the curvatures and gradients permissible on tramways were greatly in favour of that system. That was his objection to it. Tramways would cost a large sum of money—he had reliable authority—not that of the hon member for Encounter Bay—(a laugh)—for saying nearly £3,000 a mile—which would be thrown away, as after a few years they would have to be superseded by railways. Much money would have to be borrowed for any system, and he would ask the House whether capitalists would not turn up their noses at tramway bonds. Offer them railway bonds and the case was different. (Hear.) The Ministry of the day had done much for the country by introducing this measure. He would not support

it because it was a Government measure, but because it was for the good of the country. He would oppose the Government when he thought they were wrong, but would support them now because he thought they were right. (Hear, hear.)

Mr. DUFFIELD remembered he was a northern representative, and believed the reason so little had been done for the north was, that the north had been too quiet, and had waited for its turn. No objection had been made when sums of money were being voted for jetties in the south, and he thought hon members should be consistent, and, as they had not opposed them, they should not oppose the railway to the north. It was said railways would not pay. Neither would main roads. Neither did the southern jetties. He had yet to learn that anything done by the Government did pay. Neither did railways pay in England. They had been adopted there because capitalists were looking out for investments, but they found this was a bad investment in England, and they would not send out their money to make railways here. It was not shown either that the tramway system, advocated by some hon gentlemen, would pay. The general good of the country should be thought of rather than a direct profit from the lines. The Port line should be credited with the amount saved in the repairs of the macadamized road, connecting the City and the Port, amounting to £7,000 a-year. It had been said that "time was money," and the thousands of hours saved to the community in travelling between the City and the Port should also be counted as a gain due to the railway. (Hear.) He was inclined to support the amendment, for the purpose of deciding the question of railways and tramways. Whenever the subject was taken up it must be in connection with some particular line, and it might as well be that as any other. It had been said that the object of the amendment was to shelve the question of extension. He did not think even in that case that he would be neglecting his duty to the country, for they must have enquiry. It had been said that goods went quicker by horse-drays than by the railway. He said they went quicker by bullock-drays. But that was the fault of the present system of management, and not of the railway. (Hear, hear.) He would support the amendment for the reason he had assigned, being convinced that the enquiry would have but one result.

Mr DAWES supported the motion. He was in favour of railway extension, provided it did not absorb too much of the public funds.

The CHIEF SECRETARY wished the question about to be put was for the second reading of the Bill, as from the expressions of opinion, which he had heard, he was certain it would be triumphantly carried. The discussion had almost of necessity branched off from the outset into an enquiry as to the relative merits of railways and tramways. He did not regret that, as much valuable information had been elicited. He would merely place himself right with the House on some points on which there had been misapprehension. It had been argued that the Goolwa Tramway was worked with a profit. That was a mistake. There had been a loss on its working for the last twelve months of £323. Hon members were probably misled by the sum set down on the Estimates as the receipts of the haulage, but the working expenses had to be deducted, and that left the loss as he had stated. He would not, as he might, dwell upon the loss for three years of capital expended on the work, but would at once refer to the cost of working. The average cost per ton per mile was 1s 3d for 1854, 2s. 3d. for 1855, 1s 2d for 1856, and 1s 3d for 1857. Each horse draws five tons a distance of fourteen miles each day. The working expenses of the Port line, as put forward

in his former statement, was 14s 9d per mile, and the cost of carriage was 9½d per ton per mile, including all expenses. That calculation was based on actual payments made on account of the railway during the last twelve months, and which would not be repeated again on the same heavy scale. He had doubled the traffic of the last six months, and applying that in opposition to the cost, he arrived at the 9½d. per ton per mile for carriage. The cost, however, at that moment, was less than that, for many of the charges had been reduced, and goods were now carried for about 7½d per ton per mile. The carriage on a horse tramway was 1s 3d, and the cost on the ordinary road was 10d. Therefore the railway was the cheapest mode of carrying traffic that could be devised for the colony. The cost of construction, however, as some hon. member had said, was, in fact, the real question, and if they were to have a new and improved system, they must expect to have to pay for it at the outset more highly than for an inferior system. It was true economy, he maintained, to have railways which would be, when the debt was paid, self-supporting. The House should also bear in mind that the debt for railways would be every year diminishing, that every year, not only the interest, but part of the principal, would be paid off, as the annual appropriation provided for the eventual extinction of the debt. He would next state the course he would take with regard to the amendment. While he saw that hon. members were clearly in favour of the Bill, at the same time he perceived that many desired to have further information (Hear, hear). He thought his refraining from dividing the House would really add nothing to the power of the Committee. The Select Committee on the Gawler Town line had, without special instructions, branched off into such enquiries. He would also consent that the number of the Committee should be seven.

The motion, as amended, was then put and carried.

The following members were chosen by ballot as the Committee.—The Chief Secretary, Messrs Reynolds, Bagot, Hart, Blyth, Peake, and Waterhouse. To report on the 14th August.

House adjourned until next day.

LEGISLATIVE COUNCIL.

THURSDAY, JUNE 11

TONNAGE DUTIES BILL.

A message was received from the House of Assembly on the subject of the amendments made by the Council with reference to the above Bill.—Mr Morphet moved that it be taken into consideration on Tuesday next.—Carried.

THE LAW OF MARRIAGE

Petitions against the Bill were presented by Captain Bagot from between seventy and eighty females, and by Captain Hall from the Rev J Gardner, as Moderator of the Free Church of Scotland.

POSTAL COMMUNICATION.

The Commissioner of Public Works replied to Captain Bagot's question, put on a former day, that there was no despatch from Melbourne relative to the forwarding of letters from South Australia by the European.

MONEY BILLS

The Commissioner of Public Works said, in answer to Mr Baker, that the entire question of the powers of the House with reference to money Bills would come forward next week, and therefore it need not be gone into at that moment.

MARRIAGE LAW AMENDMENT BILL

The Commissioner of Public Works, in introducing

this Bill sent up by the House of Assembly, took occasion to say that it was not a Government measure.

Mr BAKER pointed out some inaccuracies in the wording of the Bill, and objected to its principle, as tending to benefit the children of the second marriage at the expense of those who were born before them. He requested the President to favour the House with his opinion on the legality of the proposed measure, and to say whether, in his opinion, the Bill might be referred to a Select Committee.

The PRESIDENT said the title of the Bill was foreign to its object, and was inconsistent with the Standing Orders of the House. It could be amended in Committee and it would be the duty of the House to amend it. He felt great difficulty in answering the question put by the hon. Mr. Baker, not on account of any doubt in his mind as to the subject involved in it, but because of the position he held in that House. He hoped the hon. gentleman would not press it.

Mr BAKER thought, as the President would have an opportunity of expressing an opinion in Committee, he might not have objected to do so from his place as President. The question as to the reference of the Bill to a Select Committee had not been noticed by the President.

The PRESIDENT there was nothing in their regulations to prevent the House referring the Bill to a Select Committee.

Captain HALL regarded the Bill as a jumble of incongruities. There was a title, a preamble, and one clause, and they had no connection with each other. He did not think that House could legislate retrospectively, and declare that right which had been wrong. The Bill proposed to do so, by legalizing marriages which were formerly held to be illegal.

Mr FORSTER agreed with the remarks which had been made in censure of the title of the Bill. But, as the President had suggested, a very slight alteration might be made in Committee, which would harmonize the title with the Bill. There would be no difficulty whatever in fixing upon a title which would truly represent the Bill. The hon. member who had just spoken had offered no objections further than to the title. He had indeed suggested some other objection as to the power of the House to legislate retrospectively. But as he could not have meant what he said, he (Mr. Forster) would not comment on his remarks. Nothing was more common than retrospective legislation. He would support the second reading of the Bill, although he would not object strongly to the reference of the subject to a Select Committee. Still he thought little more information could be elicited than was already in every one's possession. He would, however, prefer to push the matter on, as he thought the evils it was intended to cure were pressing for consideration, and could only be aggravated by delay. He would not presume to force his opinion on the legal aspect of the question involved in that Bill upon the House, especially in the presence of so high an authority as their learned President. But he believed there was no law, human or divine, which sanctioned such restrictions of the marriage contract as the proposed measure was intended to set aside. There was, he believed, nothing in the existing Statute Law of England to render such marriages illegal. On the contrary, he believed that the marriage of a man to his deceased wife's sister was sanctioned by the Statute Law of England. He had taken some pains to satisfy himself as to the state of the law, the results of which he detailed at length, and although he could not hope to have convinced hon. members, he trusted he had succeeded in convincing

them that there were doubts on the subject. He could respect the scruples of those hon. members who felt indisposed to meddle with the law of marriage, lest in doing so they might interfere with the settlement of property. He thought, however, that no fears need be entertained on that score. He would not go into the social aspect of the question, because he thought no objection would be entertained on that ground. He believed that nearly every member of the House would agree to the measure without hesitation, excepting for the sake of some undefined impending danger, which they imagined would result from passing the Act. Before he sat down he would say one word as to the feeling of the country. The Bill had passed the House of Assembly without opposition. It had been before the Council some days, and what expressions of public opinion had it elicited? Out of the 23,000 adult females who were included in the population of the colony, 74 had joined to petition them not to pass the Bill. And one person only for the other sex had appeared in opposition to the measure. If that House rejected the Bill, they would do it in opposition to the strongly expressed wish of the country.

Mr MORPHETT would confine himself to the point which he conceived to be the only essential one for their consideration. That was, would the passing of that Act exceed the powers of the House? They were bound to do nothing repugnant to the law of England. The very title of the Bill before them showed that it was repugnant to the British law. It was entitled "An Act to amend the Law of Marriage." The law they proposed to amend was the law of England, and in amending it they would necessarily make it repugnant to the law as it existed. He quoted on that subject the opinions of Lord Denman, Mr Justice Wightman, Mr Justice Erle, and others, in opposition to the legal views put forward by Mr Forster. Mr Justice Wightman said—"It is clear, from an unvarying current of authorities, that marriage with a deceased wife's sister was voidable in the Ecclesiastical Courts, as within the prohibited degrees. It seems to me that the object of the Legislature, by Act 5 and 6 William IV, cap. 64, was at once to make those marriages void which previously might be voided in the Ecclesiastical Courts by a suit." These opinions were confirmed by Mr Justice Coleridge, and were conclusive as to the law of the subject. They should look at the consequences of the Act they were asked to pass. One of those consequences would be, that people would be induced to marry, whose children would hereafter, probably, at some most inconvenient time, be shown to be bastards. That was a serious and a fatal objection to the measure before them. He should oppose the second reading of the Bill.

Captain BAGOT could only reiterate the able and conclusive remarks of his hon. friend on his left (Mr. Morphett), especially as to the consequences of such marriages. The scruples of females would be quieted by the Bill, they would be induced to marry their relatives, and when they went to England they would, to their horror, find that they were living in adultery, and that their children were bastards. The hon. Mr Forster had produced arguments for three or four hundred years back, but the Statutes he quoted were obsolete, if ever they had force at all. Where there was no written law, custom was held to be as good as any Statute law. By that law the marriages which the Bill sought to legalize were held to be illegal.

The SURVEYOR-GENERAL regretted that the debate had not taken higher ground. He regarded the marriages proposed to be legalized as repugnant to the law of God. The two ancient laws given to man were the ceremonial law and the moral law, the former had been abrogated, but the latter was in force to the present hour. (Hear.) As a member of the Church of Eng-

land, he would go further than he had yet done, and avow that the teaching of that Church had weight enough with him to oppose the Bill. There was no doubt that such marriages were held to be illegal by that Church, and he considered it to be his duty, as a faithful and attached member of it, to bow to its laws.

Mr ANGAS had no compunctions as to the legal view of the question, and on the moral and religious aspects of the case he was equally well satisfied. There was no scriptural prohibition of such marriages whatever. (Hear.) He had considered the subject very carefully, and had read the pamphlet published by the Bishop of Adelaide. That reverend prelate had made out no case against the Bill on religious grounds, though he had succeeded in doing so on ecclesiastical grounds. He did not, however, recognise the authority of Ecclesiastical Courts. The only Statute-book of that kind which he could obey, was the New Testament, and he would challenge the production of any proof from that book that marriages of the kind referred to were improper and unholy.

Major O'HALLORAN felt strongly the responsibility under which he laboured in giving that vote. But as a member of the Church of England, and a believer in the Bible, he could not help expressing his entire dissent from the views of the hon. Captain Freeling. But he had other reasons for objecting to the measure before the House, which would induce him to give it all the opposition in his power. He believed the happiness of married women might be seriously marred by it. If they had reason to suspect their husbands they would feel unhappy all their lives, and even their death-beds would be rendered miserable by jealousy of their sisters.

Captain SCOTT would support the Bill without troubling the House with many remarks on the subject. He would quote the passage of Scripture referred to, which to his mind authorized by implication the marriage of a man to his deceased wife's sister. There was a positive injunction in another passage to marry a brother's widow, which was a parallel case. The objection that the proposed change would be repugnant to the law of England had no weight with him. It had been urged against the abolition of State aid to religion, which had also been denounced that it was likely to undermine religion. Both objections, however, were equally futile—the consequences of that Act, the abolition of the grant in aid, were as good as they had been feared to be bad. It would be so with the measure under consideration. The objection that children would be deprived of the affectionate care of their aunt was very futile. There was no law to make a woman remain single to take care of her sister's children, and she could not be expected to do so. She would be much more likely to love and protect the children of her deceased sister if they were also the children of her husband.

The question was then put, and the House divided, with the following result —

AYES, 8	NOES, 8
Mr Ayers	Major O'Halloran
Mr Hall	Mr Davenport
Dr Davies	Capt Freeling
Mr Angas	Mr Baker
Dr Everard	Mr A. Scott
Mr Younghusband	Captain Bagot
Captain Scott	Mr Stirling
Mr Forster (Teller).	Mr Morphett (Teller).

The numbers of the ayes and noes being equal, the President gave his casting vote for the ayes, explain-

ing that he did so to allow of further discussion on the subject of the Bill.

The Bill was then read a second time.

Mr FORSTER said that the hon Commissioner of Public Works, who had introduced the Bill, but had voted against it, had requested him to take charge of it. With the permission of the House he would do so, and would then move that the House do go into Committee to consider the Bill.

Dr. DAVIES seconded.

The motion was put and carried, and the House resolved itself into a Committee of the whole.

Mr. FORSTER moved that the 1st clause do stand as printed, as follows —That all marriages which may have been heretofore, or which shall be hereafter duly solemnized, within the said province, between any person and his deceased wife's sister, shall be deemed, and are hereby declared valid, and of full force and effect, any law or custom to the contrary notwithstanding. Provided always that it shall not be compulsory for any officiating minister to celebrate such marriages.

Mr. BAKER hoped the hon gentleman who had charge of the Bill would make such amendments in Committee as would make the Bill palatable to the Council. Though he had voted against the second reading, he was not opposed to the principle of the Bill. Had the motion for the second reading been lost, he would have moved for the postponement of the second reading to some future day, to give time for obtaining legal opinions on the subject.

Mr FORSTER would not oppose any amendment that was not repugnant to the principle of the Bill. He would adopt the suggestion of the President in reference to the title, and propose some alteration which would remove the objections to it.

Mr BAKER asked whether the hon. Mr Forster would concur in an expression of opinion from that House that the Bill should be reserved for the consideration of the law officers of the Crown in England.

Mr FORSTER was willing to consent to that arrangement. If his Excellency preferred to reserve the Bill for Her Majesty's assent, he could of course do so.

Mr. MORPHEW would oppose the Bill in all its stages on the ground he had taken in opposing the second reading, viz, that it was repugnant to the law of England. He would point out the objectionable character of the proviso in the clause which made ministerial personages above the law.

Captain BAGOT argued against the clause, on the ground that it spoke of legislation within the boundaries of the province. The Parliament of the colony had no power to legislate beyond those limits.

The Bill was then passed through Committee, reported to the House, and its third reading made an order of the Day for Thursday next.

MURRAY RIVER DUTIES BILL.

On the motion of the Commissioner of Public Works, the second reading of this Bill was made an Order of the day for Tuesday next.

PRIVILEGE

Mr. Baker, before the House adjourned, wished to state that he would venture to ask the President of the Council an opinion on the question of privilege, which was coming under consideration on Tuesday next. He mentioned his intention now, in order that the Presi-

dent might be prepared for the question when he put it, and also that he might get an expression from the House as to the propriety of calling upon the President to give such opinion.—The President was particularly anxious not to exceed the scope of his duties. He thought, however, that it fell within his sphere to give the House his judgment when appealed to on questions involving their privileges. He should not, therefore, object to answer the questions on that subject which the hon. Mr Baker might think proper to put to him.

The House then adjourned till Tuesday.

HOUSE OF ASSEMBLY.

THURSDAY, JUNE 11.

PETITION

Mr. Lindsay presented a petition from thirty-four inhabitants of Hindmarsh Island, praying for the establishment of a Post-Office on Hindmarsh Island. He imagined that the prayer was so reasonable that the Executive would scarcely hesitate to comply with it.—Received and read.

STANDING ORDERS.

The Chief Secretary gave notice that in the event of the Steam Postal Bill being carried through Committee the next day, he would move a suspension of the Standing Orders that the Bill might be passed.—Mr. Blyth enquired whether any despatch had been received on the subject by the last mail.—The Chief Secretary had seen no such despatch.

BOUNDARY BILL

Mr Blyth moved the second reading of the Boundary Bill. He considered that the 2nd and 18th clauses contained the vital principle of the Bill. The importance of the question, and the necessity of settling it, must have forced itself upon the attention of hon. members. He had been requested to introduce many matters into the Bill, which he did not originally include in its plan, but he only relied on the clauses named as containing the principle. An hon member had given notice of a contingent motion, but as that was opposed to the principle, the hon. gentleman had perhaps better vote against the Bill. He did not think that or any of his work perfect, and was content to have his views improved where such improvement was evident. He thought an additional clause with reference to buildings on encroachments, and compelling the equitable arrangement of disputes arising out of such circumstances, might with advantage be added to the Bill. If that measure would have the effect of arranging existing disputes, or preventing the like in future, he would have his reward. He had been on the Jury in the case of O'Dea v. Breaker, where one party alleged that the road in dispute should have run through the plaintiff's house, while the other maintained that the road went over a hill as steep as the roof of that house. The dispute arose out of the inconclusive records of the Survey Department. He referred to other cases arising out of the same cause, and expressed a hope that the House would assent to the second reading of the Bill.—Mr. Krichauff seconded. He dwelt on the great advantage of having the decisions of the Commissioners as proposed final, and declared that the hon. member for Gumeracha (Mr Blyth) was regarded as a benefactor by persons holding land in the country, from his having taken up that question with a view to its satisfactory settlement. He would propose a slight alteration in the 36th clause when the Bill was in Committee, but strongly supported the second reading.—The Chief Secretary said the establishment of machinery to remove and prevent the evils complained of would be a great public benefit. He agreed in the principle of the Bill, but as he had not given the details the necessary

consideration, he would probably have to oppose some of the clauses in Committee. He would refer to the 6th, 7th, and 8th clauses—they would, he thought, be found objectionable, as the Commissioners would be required to hold perpetual session. They would also have to keep an office, and a person in attendance, where notices could always be delivered. Those were objections that had occurred to him on a cursory glance, but he would support the second reading.—Mr Reynolds would vote against the Bill if it was necessary to appoint Commissioners. He would, however, if allowed to object to that point, be disposed to support the second reading. (Hear, hear).—Mr Mildred also would object to the increase of establishments and placements. The Surveyor-General could be one Commissioner, the party interested might name another, and those gentlemen might, if necessary, call in a third.—Mr Young intended to support the second reading of the Bill, but from the remarks of the hon. mover he feared he must oppose it. There were three points which should be aimed at in any legislation on that subject—namely, security, celerity, and economy. He could see no objection to the parties interested appointing arbitrators to settle their disputes, nor any reason why they should be saddled with the cost of Commissioners. (Hear, hear).—The Treasurer was always unwilling to throw any impediment in the way of an hon. member who had taken the trouble to introduce a measure of public importance. He confessed that he had not had time to consider the Bill very carefully, but unless his present objections were removed he must vote against the second reading.—Mr Neales hoped the second reading would be agreed to, but that the further consideration of the Bill be deferred for the present. He wished to vote for the second reading like the hon. member for Sturt, without being pledged to every principle in the Bill. As to the second class of officers to be created for the correction of surveys, he thought it would not be wise to refer mistakes to the parties who made them. (Hear, hear).—The Commissioner of Crown Lands would vote for the second reading of the Bill, but would not pledge himself on that or any other occasion to support every detail in the Bill. The existing system was monstrous, and urgently called for reform. He had known £100 costs incurred to remedy damage of 1s. In that, as in another measure of law reform, the motto should be *Delenda est Carthago*. The legal charges incurred in settling disputes under the present system were so enormous that they must endeavour to get rid of as much as possible of the expenses of Judge-and-Jury adjudication.—Mr Peake opposed the second reading of the Bill. Were they to appoint a hundred Commissioners, and a thousand Surveyors, they could not gain better means of ascertaining and defining boundaries than they had at present. He recommended the postponement of the Bill with a view to excise those clauses which involved a denial of the rights of property.—Mr Hughes readily admitted the consideration due to a member who had taken the trouble to introduce a Bill, but still felt it was his duty to vote against it if he disapproved of its principle. Had he understood the matter as well at first as he did then he would not have given his consent to its introduction. He objected to the setting up of additional Courts, and had no sympathy with the application of the motto *Delenda est Carthago* to the time-honoured institutions of Judge and Jury (Hear, hear). The objections that occurred to him on a careful reading of the Bill were so strong that he felt he had but one course, and that was to vote against the Bill. The expense it would entail would be enormous, double or treble the costs under the present system of deciding disputes by arbitration. He saw no necessity whatever for the interference with the rights of property which the Bill proposed, and would recommend its withdrawal.—Mr Smedley thought it was much easier to raise objections than to frame a

Bill. The attempt to remove difficulties felt throughout the length and breadth of the land was meritorious. He had not read the Bill very carefully, but he was convinced that it contained much that would be advantageous. He would vote for the second reading, trusting that sufficient time would be given for consideration of its details. He knew that there was a necessity for lawyers, but he felt that they were necessary evils, and he would keep as far from them as possible. (Hear, and a laugh).—Messrs. Dunn, Duffield, and Macdermott advised the withdrawal of the Bill. Mr Blyth replied, and its second reading was made an Order of the Day for the first Thursday after the recess.

ROAD BY SELICK'S HILL.

Mr Landsay moved for returns of all correspondence between all individuals and the Central Board of Main Roads, concerning the line of road from Noarlunga to the Mount Terrible Range, and crossing that range at or near Sellick's Hill, relative to that portion which immediately concerns the Hundreds of Yankahilla and Mjponga. He was informed that the best line and the one in use over the Mount Terrible Range was some years ago found to be a trespass road. It then became necessary to have a line of road surveyed over the Range. The Central Board decided on a road which would cost £13,000, but there was no chance of obtaining such a sum, and the parties interested proposed another line, which could be made at £2,300.—The Commissioner of Crown Lands said there was no objection to the return moved for.—The motion was agreed to.

SURVEYING MAIN ROADS.

In Committee.

Mr Kr. chauff moved that an address be presented to his Excellency the Governor-in-Chief, requesting that he will be pleased to place a sum of £2,000 on the Supplementary Estimates of 1857, for the purpose of surveying and defining main roads not yet surveyed or defined.—Mr. Dunn seconded.—Mr Hallett and Mr Hughes opposed. House resumed, and the motion lapsed.

CHINESE BILL.

The Chief Secretary moved the second reading of this Bill, and said that was a question which affected the social interests of all the Australian colonies. He would not have interfered in the matter had not the people referred to come in such numbers as to affect alarmingly the British and Foreign proportions of the population, and the proportion also of the sexes. When they saw those people coming by thousands, and would soon find that they would number hundreds of thousands, it was time to take the matter up. When they found that about 30,000 of those people were intent that year on forcing their way through that colony into Victoria, it was in common justice time to act even without being called on by Victoria to do so. To connive at injustice would entail retributive justice, in that case, probably of most serious social evils. They had reported that many thousands of those men were encamped at Guichen Bay, and the effect of any misunderstanding with the settlers there might be attended with most murderous results. Troops had been dispatched there to reassure the settlers. That would entail expense, and it was but fair that the intruding parties should bear that expense. The irruptions of Chinese resembled that of the barbarians in the time of the Lower Empire, and when their numbers increased, as it must, if their influx was not checked, the mastery of the country might be attempted by them. (Hear.) He would not dwell on the supposed peculiar habits of those Pagan intruders, but he thought that House might safely take as their model the legislation of Victoria on the subject. (Hear, hear.) The amount of £10 per head might appear very high, but his object was

not to make a revenue, but to check the inroad He trusted the House and the country were above any mercenary consideration in a matter affecting the social and moral condition of the Australian colonies (Hear) It was that feeling which induced the Government to come forward and aid the hon member (Mr Hughes) who had given notice to introduce a Bill on the subject He moved that the Bill be read a second time — Mr Hughes cordially supported the second reading of the Bill, and only expressed regret that the Government had not taken action earlier on the subject He trusted that the House would unanimously approve of the Bill. He quite agreed in the restrictions imposed on the influx of Chinese by the Victorian Government, and the passing of that measure would have the effect of removing a prejudice that was to some extent prevalent in Victoria against the people of South Australia, on the ground that they were indifferent to the wishes or interests of the people of Victoria. He had recently stated, and most truly, that he had had Chinese servants, who had acted most properly in his service, but he believed, nevertheless, that their characteristic was servile when in a minority, but insolent and lawless when able to act with impunity. (Hear, hear) He referred to the conduct of the Chinese recently in Borneo, and remarked that as immigrants the Chinese were valueless, being mere birds of passage, attracted by the hope of picking up and carrying away part of the gold which abounded in these colonies — Mr Mildred supported the Bill, but wished the amount had been £20 per head — The Bill was then read a second time, and committed — The several clauses were agreed to, the 7th having been verbally amended, to make it more explicit — It was subsequently recommitted, and its further consideration made an Order of the Day for Friday.

CREDITORS OF BORROW & GOODIAR

In Committee

Mr REYNOLDS moved an address to the Governor-in-Chief, requesting his Excellency to place on the Supplementary Estimates for 1857 the sum of £15,735 11s 9d., to be paid to the creditors of Messrs Borrow and Goodiar, in liquidation of their claim upon the Government Also an additional and sufficient sum to cover legal expenses incurred by them in supporting their claim up to the present date On enquiry recently he was astonished to find that no adjustment of that matter had been attempted by the Government He would not go through a subject of fifteen years' standing, but he would refer to the award in that case of £15,735 11s 9d by a Jury He thought that the result of an arbitration and a trial by Jury was ground enough for that House to proceed on. He would leave it to the House to adopt the sum which he would propose, or to do whatever else might appear just An Act had been passed to enable those gentlemen to obtain justice by a reference of their claim to a Court of law They had appealed to the Court of law, obtained its award; but by the obstacles thrown in the way by the Government could not get the benefit of the verdict It appeared to him that these obstacles amounted to oppression (Hear, hear) A motion for a second trial was set aside on an application for a commission to take evidence out of the colony, which put off the settlement of the question to an indefinite period (Hear, hear) He thought it was not creditable to the Government, nor would it be creditable to that House, to allow the matter to remain unsettled any longer He believed the petitioners would be satisfied with the amount found by the Jury to be due to them without the interest, which the Jury also declared they were entitled to supposing that a mistake had been committed by the Jury even to the extent of two-thirds, the remaining amount with interest for fifteen years added to what the Government admitted was due would amount to more than he asked for If the Government intended, as he

understood they did, to compromise the matter, he did not expect any opposition to the motion — Mr Burford seconded the motion He hoped the House would by adopting it save themselves the labour of investigating the whole subject He confessed that he was grieved and disgusted with the conduct of the Government in that matter The petitioners had, in the language of the law, "put themselves upon their country," but that was of no avail The evasions of the Government put that aside He considered that the non-compliance with the verdict of the Jury was an outrage on the wishes of the country He considered that no language he could use would equal the enormity of the practices of the Government in relation to Borrow and Goodiar — The Chief Secretary said the House had no assurance on agreeing to that motion, that Borrow and Goodiar would be satisfied — Mr Reynolds could state that they would be satisfied — Mr Burford would confirm that — The Chief Secretary said a solicitor could not bind his client, and he did not think the declaration of the hon gentleman would be of any value in a court of law. The Government had offered to compromise that matter by paying £8,000 in full of all demands That was made with the full consciousness that their claim could only be established to the extent of £3,000 They demanded £14,000, and having refused the one offer, what certainty could the House have that the motion, if agreed to, would finally settle the claim? He would be satisfied to vote £8,000 in full satisfaction of all demands and expenses, but protested against any further amount as a public wrong — Mr Blyth said not one shilling of any amount that would be voted in that motion would go into his pocket, so that in his remarks he was quite disinterested The Chief Secretary had said there were two ways of settling the question He admitted that it was so It was possible to settle it in a just or honourable way, or to settle it by wearing out the patience of the claimants That latter mode was a vestige of the old system of covenant-cutting, dishonouring bills, and the degradation of the colony, which they were, or ought to be ashamed of He hoped the system would be, by the vote on that occasion, entirely wiped away, and that the future history of South Australia would be free from the reproach of such transactions — The Treasurer, among much more of the same kind, said, that the verdict referred to was against law and evidence, and such was the opinion of the Judge He had gone carefully through the subject, and could by no means find any claim exceeding £3,000 To arrive at a conclusion as to what was due to those parties would take a competent accountant a long time to decide, and yet they were called on to act on the mere word of the hon member for the Sturt — Mr Reynolds said they had the verdict of a jury — The Treasurer the House had properly the previous day assumed the position of guardians of the public purse, and they could not deal with that claim in a different manner from the Estimates generally, which they were bound to consider carefully. He was not aware of the offer of £8,000, or he would have opposed it, as in his conscience he did not think it due, but as it had been offered he would support his colleagues in it under the circumstances — Mr Reynolds reminded the hon gentleman that the petitioners asked to be heard by counsel — The Treasurer was remarking on the motion, and would suggest that the matter should be tried by the House in a regular manner, taking evidence and hearing all the facts, or else refer it to a Select Committee. (Hear, hear) — Mr. Duffield declared that the non-settlement of that matter was the blackest spot in the history of South Australia The Government contested the claim, but the jury having given their verdict the Government continued the contest He felt it his duty to support the motion — The Attorney-General trusted that he was an honest man — (hear) — and he believed that the claim was emphatically a dishonest one He commenced his investigation of the matter

strongly impressed in favour of the claim, and found that it was as follows — A claim was made for £19,000 by Borrow & Goodiar, the Colonial Architect reported that \$'6,000 was due to them. The £3,000 in dispute was referred to arbitration, but the referees disregarding their duty, went beyond the question referred, and awarded £31,000. The Government were prepared to abide a decision of the question referred, but they would not and should not, in honesty to the public, submit to that irregular award. Then as to the verdict, he was convinced that the Jury had come to the trial pre-determined to give a verdict for the claimants. He did not, he confessed, so much wonder at their giving a verdict not based on evidence when he heard hon. members declare on a vague recollection of a subject which was based only on a one-sided publication of the facts by parties on one side. So far from admitting that \$4,000 was due, he could only admit the possibility of Borrow & Goodiar recovering that amount in a Court of Law. At a particular time they were shown to have a claim of £1,500, and were asked to send in their account twelve months after they sent in their claim for £3,000. The Government offered to pay that sum to the Bank or the assignees of Borrow and Goodiar, but they did not admit that anything was due to them. He had, for the sake of settling the matter, advised the Government to offer £8,000. He would go further, and recommend £10,000, on the understanding that £2,000 went to Borrow & Goodiar. He would allow nothing more, for he was satisfied that the costs were incurred by attempting to enforce a claim of £30,000, when in no way could they prove more than £3,020. He would say that if they could recover £50,000 by law let them have it, but he thought they would not have taken the present step if they had any reliance on their legal claim. If they wished to have the matter settled by law, a decision could be arrived at by law in one month, but that would not be what a Jury prejudiced in their favour would award. He had seen how a Jury would sympathize with one man, and give a verdict formed on their estimate, not of the justice of the case, but the wealth of the other party (Hear, hear) — Mr. Hay would have been happy to support the motion if he saw that it would settle the question, but he saw that the question of costs was left an open question. He would advise that whatever amount was recommended, that it should be a final vote. He quite agreed in the idea of the hon. Attorney-General adding £1,000 as a settlement of the costs — thus giving £3,000 to the creditors, £2,000 to Borrow & Goodiar, and £2,000 as a full settlement of the law costs — Mr. Smedley seconded Mr. Hay's amendment. He thought that would equitably settle the matter. He hoped the mover of the resolution would see the wisdom of moderating his claim. — Mr. Hughes had arrived, from an examination of the question, at precisely the same views as the hon. Treasurer. He trusted that the same credit for disinterestedness would be conceded to him as had been claimed by others. He repudiated the imputation conveyed in the language of the petition, that that House would permit the public funds to be wasted in wearying out a suitor for justice. He believed that the offer of the Attorney-General more than met the justice of the case — Mr. Reynolds replied. Generally he had no interest in the question, but he considered it was one that should be settled. It was said by the Treasurer that Jurors were fallible, but so was the Treasurer, and he (Mr. Reynolds) would prefer taking the verdict of twelve Jurors who had heard the evidence, and on their oaths given their verdict, to the opinion of that hon. gentleman. He felt that the motion suffered by the advocacy when met by the logic and eloquence of the Attorney-General. He would be happy to accept, on the part of the petitioners, any sum as near that asked for as the House, in its sense of justice, would award (Hear, hear) — The Attorney-General moved, as an amendment, that all the words after "£10,000," in the second line, be

struck out, with a view to insert the following "on account of the claim of the assignees of Borrow and Goodiar, on condition that such sum is accepted in full satisfaction of the claim and that £2,000 out of that sum be handed over to Messrs. Borrow and Goodiar for their private use."

Question — That the words proposed to be struck out stand part of the question.

Committee divided, with the following result. —

AYES, 7	NOES, 13.
Mr. Blyth	The Chief Secretary
Mr. Burford	The Attorney-General
Mr. Duffield	The Treasurer
Mr. Hay	Commissioner of Crown Lands
Mr. Scammell	Mr. Kitchauff
Mr. Smedley	Mr. Leake
Mr. Reynolds (Teller)	Mr. Lindsay
	Mr. MacDermott
	Mr. Mildred
	Mr. Milne
	Mr. Peake
	Mr. Young
	Mr. Hughes (Teller).

Majority against Mr. Reynolds's motion, and for the Attorney-General's amendment, 6. On putting the Attorney-General's amendment as a motion, Mr. Mildred suggested the addition of £300 for law expenses, to which the Attorney-General objected, and the House again divided.

For Mr. Mildred's amendment 8, against it, 12, majority, 4.

AYES, 8	NOES, 12
Mr. Blyth	The Chief Secretary
Mr. Burford	The Treasurer
Mr. Duffield	Commissioner of Crown Lands
Mr. Hay	Mr. Kitchauff
Mr. Reynolds	Mr. Leake
Mr. Scammell	Mr. Lindsay
Mr. Smedley	Mr. MacDermott
Mr. Mildred (Teller)	Mr. Milne
	Mr. Peake
	Mr. Young
	The Attorney-General (Teller).

PARLIAMENTARY RECORD

Mr. Peake obtained leave to amend his motion, to the effect that the Executive be instructed to make enquiries during the recess as to the best mode of securing a record of the votes, proceedings, and speeches of members, that the people may possess an authentic book of reference thereto, and that it be an instruction to the Standing Orders Committee of this House, to communicate with the Standing Orders Committee of the Legislative Council, with a view to report on the best mode of procuring such record. His principal object was to have, at the outset of constitutional government, an authentic record of the speeches and votes of members — The Speaker said there was an authentic record kept of the votes and proceedings — Mr. Peake went on to dwell on the value of a colonial Hansard, to record the history of precedents, and also remarked that it would tend to improve the reasoning and language of hon. members. He believed that it would induce their successors to train themselves carefully in logic and rhetoric, to qualify themselves for the important work of legislation — Mr. Dawes seconded, and the motion was carried.

ROAD TO BLANCHTOWN

In Committee

Mr. Duffield moved, that an address be presented to

his Excellency the Governor-in-Chief, requesting him to place a sufficient sum of money on the Supplementary Estimates for 1857, for the purpose of sinking a well on the road between Truro and Blanchtown. He would merely remark that the want of water was the only obstacle to the traffic by drays on that road. — The Chief Secretary seconded. — The motion was carried, and the House resumed.

LAND RESERVES

Mr Landsay asked the hon the Chief Secretary what records had been kept of lands reserved for Government and public purposes, and whether any such Government or Public Reserves had at any time been alienated by the Government, and under what circumstances, and by what authority such alienations, if any, had been made. — The Commissioner of Crown Lands said there were no records beyond the marks GR or PR on the maps, but they were now being coloured distinctly. He had not found any record of any alienation of a public reserve. A section might have been reserved for a time for sale and afterwards sold, but that was altogether different from a reservation for a special purpose.

MOUTH OF THE ONKAPARINGA

Mr Young moved that the petitions of the landholders against the bridge near the mouth of the Onkaparinga be printed. Carried.

LAND GRANTS

Mr Landsay asked the hon the Attorney-General whether, in the event of a dispute as to boundaries arising between two proprietors of adjoining sections, he considered the land grants of this province sufficiently explicit to decide any such dispute. — The Attorney-General said many questions might arise where the land grants would not be sufficient. Where the parties had not done anything to affect their rights, the land grants would determine them; but where the parties had acted, the circumstances would in all probability affect the dispute.

SUPPANNATION FUND

The Treasurer laid on the table a return relating to the Suppuration Fund. House adjourned until next day.

MESSAGES FROM THE GOVERNOR

During the day the following messages were received from his Excellency the Governor-in-Chief —

No 4. The Governor-in-Chief informs the House of Assembly, in reply to Address No 5, dated the 2nd instant, that a sum of £7,000 will be placed on the Supplementary Estimates of the current year, for the purpose of enabling the Government to complete the jetty at Glenelg, in accordance with the wishes of the House.

No 5. In reply to Address No 6, of the 3rd instant, the Governor-in-Chief informs the House of Assembly that he will cause the wishes of the House, as therein expressed, to be carried out.

HOUSE OF ASSEMBLY.

FRIDAY, JUNE 12.

The Speaker announced that he had presented the address agreed to the day before to his Excellency the Governor-in-Chief.

PETITIONS

Mr Waterhouse presented a petition from the inhabitants of Magill, respecting an alteration in the hour of postal delivery of that place. — Received and read, and notice of motion that it be printed given.

Mr Duffield presented a petition from 168 electors of Barossa, praying that in the event of the election of Horace Dean being declared void, that Mr. W. Baker will be not declared the sitting member, but that a writ be issued for a new election, or the petition referred to the Court of Disputed Returns. — Received and read. — Mr Duffield moved that the petition be referred to the Court of Disputed Returns. — Carried.

EXPLANATION.

Mr Bagot was desirous of making a short statement, as he felt that it was desirable that nothing should be said in that House to give umbrage to the members of the other branch of the Legislature (Hear, hear). He would ask leave to amend a statement which he was reported to have made in that House. He was reported to have compared the Legislative Council, not to the House of Lords, but to the Grand Jury. What he really intended to say, and what he thought he did say, was, that the functions of the Legislative Council in relation to money Bills resembled the functions of the Grand Jury with regard to their Bills, that they must deal with them upon the whole, and either accept or reject, but not alter or amend them, that as the Grand Jury must either find or throw out the Bill, so in the case of money Bills, the functions of the Legislative Council resembled the functions of the Grand Jury. (Hear, hear.)

THE RECESS

The CHIEF SECRETARY moved that the House, on its rising, do adjourn until the 11th August. It was with a view to expedite the public business that the adjournment was asked. The Ministers really wanted time to prepare many measures which they intended to introduce. It was also necessary, in the consideration of the Ways and Means that the returns of receipt and expenditure for the first half of the year should be in hand. Those returns would be ready by the 1st of August, and the day for reassembling was fixed as soon as possible after that date. He hoped the House would not refuse the adjournment.

Mr BIRN thought a more inopportune motion could not be submitted to that House. The public business was pressing, and it was the season when members generally could best spare time to attend to it. When the time named had arrived, there would be urgent private demands on the time of hon members. (Hear, hear.) He would move the previous question.

Mr WATERHOUSE also thought the time named for reassembling was a period when persons engaged in agricultural and pastoral pursuits would be very busy (No, no, from Mr Leake.) Then it should be remembered that the functions of the Emigration Commissioners, in connection with the supply of labour, would soon cease, and there would be a break in that important matter—the supply of labour—if prompt means were not now taken by the colony to continue it.

The TREASURER said there would be sufficient funds, judging from their last communication, in the hands of the Commissioners to keep up the present rate of supply until January so that argument had not the force he imagined. There was, however, a sufficient reason for the adjournment—the printing was in arrear. Hon. members had called for so many returns, that, with all the printing-presses in the colony engaged, they could not get through the work. (Hear, hear.)

Mr HUGHES admitted the force of the argument that rested on the state of the printing, but he was not satisfied at the postponement of the Immigration question. (Hear, hear.) If they adjourned as requested, leaving that matter unsettled, the Agent would arrive in England barely in time to commence operations.

when those of the Commissioners entered, and he should be some months in England before he commenced operations to be able to act with advantage to the colony (Hear, hear)

Mr REYNOLDS referred to the great amount of business on the paper, and stated that he thought the Electoral Law Amendment Bill would require a whole sitting, other matters also would either take time or run the risk of being too hastily disposed of. He hoped the motion would not be pressed, as he was anxious that the House should give no reason by hasty legislation to be charged with bungling (Hear, hear)

Mr BARRAGE thought they had the printing sufficiently in advance to go on with the business. He had given his clients the assurance that he would support law reform, and they had a Bill of some seventy clauses on that subject ready printed to go on with (Hear, hear). Then they had the Railway Extension Bill, and the Boundaries Bill—a most important measure to the District Councils. Then they had also the Electoral Law Bill printed, and, being convinced that the printing-office had supplied them amply, he would support the amendment.

Mr MILNE thought it would be advantageous to hon members to take time to consider the many important Bills before them, and for that reason he would support the motion.

Mr MACDONALD supported the motion on the ground that the Ministers had not yet been able to detach themselves from the business of their department, and apply themselves solely to their Parliamentary duties. In that case he thought it would not be fair to them to refuse the adjournment.

Mr Blyth withdrew his motion for the previous question, and the amendment to adjourn on rising until the 21st July was carried.

STEAM POSTAL BILL.

The CHIEF SECRETARY, in moving the second reading of this Bill, said it was absolutely necessary to make some arrangement on this subject, or there was every probability that the mails would be rejected by the mail steamers (Hear, hear). He thought it would be unwise to neglect securing an advantage within their grasp when they could attain it so easily as by passing that Bill. No despatch had been received, nor were they likely to receive one with an early date of a favourable character from England. He had a private letter, however, from England, which induced him to believe that it would be wise to pass the Bill (Hear, read). He would not read a private letter, he made the statement, and must let it go with the House for what it was worth. He would read a short statement of the cost to the colony under the postal system. The revenue from sea postage was £4,025 8s 6d., the cost and expenses, £3,465 11s 8d., showing a gain of £650 16s 10d. if the present system were continued. If to make it more complete, they were to establish a branch steam service, as proposed by the Chamber of Commerce, they should have to pay £4,800, and then the loss by sea would be £4,199 3s 2d. Then, if they would join the general subsidy, or pass the Bill, the amount would be £10,000. The rates from sea postage would be £3,777 18s 6d. The loss, therefore, by joining the subsidy would be £6,222, instead of £4,199 3s 2d. But the estimate, which embraced the contingency of having a branch mail service to Melbourne, involved a contingency which could not exist. They knew that the Melbourne Government would not allow the mails, under that arrangement, to be put on board the steamers, and the probability was that the Home

Government would support that determination. It was therefore, in vain to expect the mails to be carried by the ocean steamers on the same terms as at present, and he merely put the figures before the House as a suppositious estimate. He would, therefore, strongly urge the House to pass the Bill. The difference of amount to be expended was small, while the advantage of a certain and rapid transit for their letters was not a trifling matter (Hear, hear). He would merely add, that if the House desired it he would move a clause limiting the operation of the Act to twelve months.

Mr WATERHOUSE could not vote for the second reading without further information. At the last discussion, the previous question was agreed to because the Postmaster-General had communicated with the Home Government. Now as that communication had been dispatched by the *Oncida*, which had broken down, the answer could not be expected by the next mail.

The CHIEF SECRETARY then said he had obtained leave to read the letter he had referred to, and he thought by so doing he would save the time of the House, and the hon member the trouble of making immaterial remarks.

Mr MACDONALD asked in what position the colony would be as regarded the branch service, provided they agreed to the subsidy.

The CHIEF SECRETARY understood that the cost of the branch service would be part of the whole sum, and that the Home Government would bear half the entire expense of the branch service.

Mr WATERHOUSE said it had been shown to the House that the Home Government were, on the 16th Apr., about to take action on the subject, and the despatches had not yet arrived. The postscript led him to believe that the Government were disposed to hold a different opinion from that expressed by Mr. Rowland Hill. Until the answer arrived, he could not consent to support the Bill.

Mr SMEDLEY thought the House was much indebted to the Chief Secretary for the information he had given them. He did not believe that the Victorian Government had done anything in a spirit of hostility to that colony—(hear, hear)—but merely had done that which asserted her own right. He thought now, however, that it would be absurd of them to assume any position which they were by their population and on other grounds not entitled to assume.

Mr HUGHES had arrived, on the same grounds as the gentleman who had just sat down, at a directly opposite conclusion. It would be time enough when the Home Government had announced their intention to chain that colony to the chariot-wheels of Victoria to pass that Bill (Oh, oh, and Hear, hear). He would ask what security had they that the other colonies would consent to their adopting the contract for one year? He thought it was quite possible, when they had their own agent in England, to carry out immigration in connection with the postal service in screw-clippers. The cost of shipping was much cheaper now than when that contract was made, and he saw no reason to think that they could not make arrangements for themselves similar to those in operation between Great Britain and New Zealand. They would not derive a benefit equal to the amount of the subsidy, and, as to there being no hostility to them on the part of Victoria, why did they not allow their letters to go at some particular rate? Then those who pleased to pay that amount might avail themselves of that service. He regretted that the Chief Secretary had not fully

communicated to the Home Government the reasons upon which the Legislature stood out against the proposed scheme. That officer should also have forwarded the very able report by Captain Douglas. It was not correct to bring forward a matter of that importance a second time upon such short notice, and he hoped hon members would not hastily pass it.

The TREASURER said the hon gentleman who had just sat down had protested against being tied by the Home Government to the chariot-wheels of Victoria, but he wanted the Home Government to take out of the pockets of the people of Victoria 16d for every South Australian letter sent home. (No, no, and hear, hear.) He did not say it in words, but that was what his argument would come to.

Mr HUGHES not at all. I said let them charge for each letter 16d if they like. (Hear, hear.)

The TREASURER the hon gentleman would find, if he was Postmaster, that he would not carry out such a plan as that, allowing one person to pay one sum, and another person a different sum. (Hear.) He hoped the House would enable the Executive to open a negotiation, and that while they were negotiating the postal communication should be continued. (Hear, hear.) A persistence in opposition to that Bill would be attended with most serious inconvenience to the country while the sum of £10,000 would cover all, even the branch mail service, and secure the carriage of the mails with speed and punctuality. The hon member (Mr Hughes) had asked what security they had that the Melbourne Government would allow their mails to go for twelve months. He would say the security of their former conduct. On his bare assurance that a Bill would be submitted to the Legislature, the Melbourne Treasurer allowed their mails to go by the steamer. (Hear, hear.) Then assuredly he would let them go when he was secured, the payment of the money by an Act of the Legislature.

Mr REYNOLDS was about to ask where the Bill under discussion was, and it was not until the Treasurer had been some time on his legs that he discovered that it was a Bill which had been disposed of in the earlier part of the session, by passing the previous question. The first evening the Bill was moved in a very thin House, and when most of the members were absent. He had no knowledge of this being brought forward on the 1st day before a proposed lengthy adjournment, and that the Chief Secretary would come forward to move, at the second reading, a suspension of the Standing Orders, that the Bill might be passed. He had no more information on the subject than was given in the private letter, and he did not know whether the Government had beat up for recruits for the purpose of passing a measure that would bind them to the chariot-wheels of Victoria. They were not, he maintained, in a position to decide the question. They were upon the eve of receiving despatches from the Home Government, the contents of which the Ministers could not as yet know. He therefore contended that it was unwise to bring forward the Bill, and attempt to force it through the House. The hon the Chief Secretary had said that upon a former occasion, it was a thin House when the previous question was moved, and that it was desirable to have the matter settled by a fuller attendance of members. He (Mr Reynolds) looked round at that moment and counted twenty-five members of the House, while by referring to the division list there were thirty members present when the previous question was carried, the record showing fourteen on one side and sixteen on the other. The hon the Chief Secretary must have drawn upon his imagination for his facts, and he (Mr Reynolds) had no doubt that the same number of members would have been present that

day had proper notice of the present business been given. The letter charged the people of South Australia with wishing to enjoy advantages without paying for them. He looked upon that as a libel upon South Australia, and did not wonder that the writer should wish no public use to be made of his letter. Indeed, he could not help thinking that it was bad policy of the Government to bring forward that letter. It was strange that a man who had never seen the colony should take upon himself to say that he knew better than they did what was good for them. He, (Mr Reynolds), however, would maintain that they were the best judges as to what they wanted, and getting that, they were quite willing to pay for it. (Hear, hear.) He would oppose the Bill until they got an official answer to the same correspondence sent home, and he maintained that the Government were not right in attempting to force the Bill through the House.

Mr FRANK said the acts of the Home Government appeared to have been conducted in good faith. That Government could not answer for the action of three colonies 16 000 miles off, but had offered very liberal terms. They took the lion's share of the cost, and left most of the benefit to the colonies. He deprecated the childish views taken by some hon members in relation to the attitude of the Victorian Government. What had been said about being yoked to the chariot-wheels of Victoria was very unstatesmanlike and childish. The true common-sense course would be to take their letters at half the cost, rather than stand on their dignity and pay twice as much for them. He hoped the silly position taken up by the House would be abandoned. If they wished to use the mail service, let them, as men of business, pay their share of the cost.

Mr BURROUD said, after the wonderful display of eloquence they had just heard, it was certain that wisdom would die with the hon member for the Burra. But really, after all his talk about silliness in so very silly a strain—(hear)—there had been nothing said to alter the position of the House in relation to the question. The contract provided only for the conveyance of the mails to Melbourne, leaving it to the colonies to provide means for carrying them on. He thought it was better to go on for another six months, under the inconvenient system in force, than to rush headlong into the scheme proposed by the hon Treasurer. He should oppose the motion.

Mr HAY was sure every colonist in South Australia was quite willing to pay a fair price for every benefit he received. But the colony of Victoria was asking more than was fair, and more than they were entitled to demand. Victoria was simply offering to give a second-rate service, while South Australia paid equally with themselves. (Hear, hear.) The House would be willing to vote any additional amount necessary to secure the calling of the vessels in a South Australian port. If any injustice were done to Victoria by the existing system they could adopt the plan of putting an extra postage upon every letter sent through that colony—a plan which would enable South Australia to know what they had to pay, and would be fair to all parties.

The COMMISSIONER of CROWN LANDS thought the question lay within a very narrow compass. It was simply whether they wished their letters to go by way of Melbourne or not. If they did not wish to use that mode of communication, they might refuse their sanction to the measure before them, but, if they did wish to avail themselves of the convenience, they could not accomplish it without the payment of a large sum of money. Direct communication was no doubt very desirable, but it was not possible to have it under 12 or 18 months at least. As to waiting for the despatch, he

could only say that it was not likely the terms of the despatch would differ from the letter of Mr Rowland Hill, which informed them that, if they did not choose to pay for the service, they must not expect to share its advantages. They had now a practical question to settle, and they should address themselves to it in a practical spirit.

Mr DITTON regarded Mr. Rowland Hill's private letter in the light of a private document, as that gentleman had so much influence in all that concerned the Post-Office management. He thought their mails would be refused by the agents of the Steam Company, and justly so, for it was mean to attempt to secure the advantages of a service without paying an adequate proportion towards its cost. Merchants, and others who had correspondents in Melbourne, were able to circumvent the Victorian Government by enclosing their letters to their Melbourne correspondents. He was obliged to do so himself with his more important letters. But no one seemed to care for the labouring man, and others who had no such facilities, but whose correspondence was of consequence to them. He thought the best thing the House could do would be to empower the Government to make the best terms they could in the matter. He would support the Bill.

Mr MACDONALD thought the opposition arose from a feeling of offended pride, which was not a feeling that should operate with that House. (No.) He believed the obstacles to call at a South Australian port originated with the Company, and not with the Victorian Government. The South Australian should consider that, after all, they were not of such immense importance as they imagined. (Oh, oh!) The trade of the colony was certainly considerable—(hear)—and the interests of trade demanded quick and regular postal communication. The mere interest of money which would be saved by co-operation with the Victorian Government on the established service would more than pay their share of the subsidy. The Bill empowered the Government to make the best terms it could. If the expected despatches were of a more favourable kind than he anticipated they would be, the Government could avail themselves of that circumstance in making their arrangements. He hoped the House would take a mercantile view of the subject. (Hear, hear.)

Mr MILDREN felt placed in a doubtful position, and hoped that the positive information they expected to receive would enable them to act decisively after the recess. If the facts were before them they could act at once, but it was the absence of facts that caused the difficulty. The last clause of Mr Rowland Hill's letter alluded to something unknown, which something he believed would be found favourable to South Australia. In conformity with the views he had expressed, he would move that the second reading of the Bill be made an order of the day for Tuesday, the 21st July.

Mr BABBAGE wished to know whether the Bill was intended to be an annual Bill or not. He would second the motion of the hon. member for Noarlunga, but, before speaking on the subject, he would like to be informed on the point he had mooted.

The CHIEF SECRETARY had said he would move words in Committee to limit the application of the Bill to twelve or eighteen months.

Mr BABBAGE understood, then, that the Bill before them was not a counterpart of the Bill rejected by the late Legislature. The Victorian Government had received a pledge in writing from the Chief Secretary of this colony that the Government would bring in a Bill of a similar character to that suggested, and on the

fath of that pledge the South Australian mails were put on board the *Oneida*. But they were not redeeming their pledge, and the Victorian Government would not act on a mere twelve month's agreement, when they had been promised an adhesion to the entire contract. The Government had not obtained any assurance from the Victorian Government that they would consent to their letters from South Australia being forwarded under this exceptional arrangement. They had no further information in respect to the opinion of the Home Government than that contained in Mr Rowland Hill's letter, and that was to the effect that a despatch was being written which must be now on its way, and would probably be here in a few weeks. Had that fact been known to the House before the question of adjournment was put, the House would not have consented to the motion, and if the Government were unable to act promptly upon that despatch when it arrived, they would only have themselves to blame. As he had intimated, he would second the amendment.

Mr BAGOT regretted that the Ministers had not considered the matter a little more before the introduction of the Bill, so as to secure the concurrence of the House. If they had brought forward some such motion as the following, they would have secured general concurrence.—That an address be presented to His Excellency, praying him to direct that a communication be entered into with the Government of Victoria for the purpose of paying the South Australian subsidy to the Steam Company, on the steamers calling at Nepean Bay, or some port in this province, and, if necessary, to provide for the payment of an additional sum, not exceeding £3,000, over and above the proportion of the subsidy. This course would have had the further advantage that it would not have placed the House in the position of being asked to rescind a vote they so recently came to. He regretted much the course of remark pursued by the hon. member for the Burra (Mr Peake), and the way in which he treated the House. The use of such words as "childish," "foolish," "silly," and so on, was calculated to induce the House to think that the words he used were applicable to that hon. gentleman's mode of action. (Hear.) South Australia had no idea of "sneaking" her letters into the mails without paying for them. She had enjoyed the reputation of never refusing to pay her debts, and so far from wishing to obtain the service for nothing, they would gladly pay a still larger sum for the delivery of the letters in a South Australian port. It was very pleasant to have letters quickly, but the working portion of the colony did not so much care whether they got their letters in two months or four. The House could not adopt the recommendation to look at the matter merely in a mercantile view. It would be a great advantage to have a quick communication, but it would not do to ignore the position of this colony. He hoped the Ministry would consent to some such modification as he had proposed. (No, no, from Mr Peake.) He did not know whether the hon. gentleman who said "no, no," answered on behalf of the Executive—(a laugh)—but the House was not accustomed to regard him as the mouthpiece of the Government. He (Mr Bagot) hoped to have an expression of concurrence from the hon. Chief Secretary, in whom he placed much greater confidence than in the hon. member for the Burra. (Hear, hear.)

Mr MARKS did not believe that any Steamship Company would bring out mails from England to South Australia for £24,000 a year if they were obliged to bring emigrants. He recollected that there was a conference to be held in Melbourne on this very subject, and he had no doubt the Melbourne Government would dare to refuse to send their letters by the steamers as they had done before. With those views he should support the motion.

Mr. HARVEY had voted with the Opposition on a previous occasion, and as he had changed his mind, he thought it was his duty to state his reasons for the change. He believed the Chamber of Commerce truly represented the mercantile interests of the colony, and the suggestions of that body had a great weight with him. Speed of postal communication was no great object to the agricultural community, though it was to the mercantile community. As the representative of an agricultural district he was bound to consider their wishes. The expected despatch would not change their position, as they had the substance of it in Mr Rowland Hill's letter. Another reason was, that £12,000 a year would be saved to the community by joining in the contract for the general scheme instead of establishing a direct service of their own, while the loss in time would be very considerable. On these grounds he felt it was his duty to support the Bill.

Mr. BLYTH rose to allude to several points in connection with the subject which had not been noticed. One of those was the matter of fines which was magnified by recent events into a consideration of great importance. They had no assurance that any advantage would accrue to this colony from the fines which would be levied upon the Company for breach of contract. He must say that the Government had been strangely wasteful of the political capital in their hands. There were several questions in which the Victorians were deeply interested, and in which we had had the advantage of them, but had thrown it away. There was the Chinese question, the immigration question, the tariff question, the immigration question, and others, which the Government had completely thrown away, when they might have made good use of them. He did not doubt that if they had dispatched a delegate to Victoria to assist in the conference on the postal question, he might have obtained the concession of the port they most wished to gain—the delivery of the mails at a South Australian port—in exchange for the concessions they were willing to make on the other matters he had referred to. They had appealed to England, and they had also appealed to Victoria. Could the letter read that day be taken as an answer to their appeal to England? If so, they had no alternative but to vote for the second reading of the Bill. But in the possibility that the expected despatch would contain sentiments much more favourable to South Australia than he anticipated it would, he must vote for the amendment of the hon. member for Noarlunga. The question had now been before the House for a considerable time, but no steps had been taken by the Government to place them in possession of new facts or to further a solution of the question in any way. He had not heard of any memorial to the Home Government setting forth the demands of this colony, nor of any communications with the neighbouring Government, or any one else, to secure the object for the want of which they had refused to enter into the contract.

Mr. MILNE said that, supposing the Home Government agreed that they should have the advantage of the steamers without joining in the contract, that would not alter the question in relation to Victoria. The colonial Government could still refuse to send their letters, if they pleased. As the representative of an agricultural community, he could not consent that the mercantile community should derive a large direct benefit at the expense of the community. For his own part, he was content to take a secondary position in relation to Victoria, as but for the gold discoveries of that province they would all still be in the old position, and be yet waiting 90 or 100 days for their letters from England.

The CHIEF SECRETARY replied

The question was then put. The House divided on the motion "That the words proposed to be struck out stand part of the question," which was lost by a majority of 6. The members voted as follows—

AYES, 12		NOES, 18.	
The Treasurer		Mr Babbage	
Commissioner of Crown Lands		Mr Bagot	
Mr Dawes		Mr Blyth	
Mr Dutton		Mr Burford	
Mr Hallett		Mr Cole	
Mr Harvey		Mr Duffield	
Mr Maedermott		Mr Dunn	
Mr Marks		Mr Hay	
Mr Milne		Mr Hughes	
Mr Peake		Mr Krichauff	
Mr Smedley		Mr Leake	
Chief Secretary (Teller)		Mr Lindsay	
		Mr Reynolds	
		Mr Scammell	
		Dr Wark	
		Mr Waterhouse	
		Mr Young	
		M Mildred (Teller)	

Mr Mildred's amendment was then put and carried, and the House divided a second time. In the second division Mr Andrews voted with the Government, and Captain Hart with the Opposition, making the numbers 19 to 18.

AYES, 19.		NOES, 13	
Mr Babbage		The Chief Secretary	
Mr Bagot		The Treasurer	
Mr Blyth		Mr Andrews	
Mr Burford		Mr Dawes	
Mr Cole		Mr Dutton	
Mr Duffield		Mr Hallett	
Mr Dunn		Mr Harvey	
Capt Hart		Mr Maedermott	
Mr Hay		Mr Marks	
Mr Hughes		Mr Milne	
Mr Krichauff		Mr Peake	
Mr Leake		Mr Smedley	
Mr Lindsay		Commissioner of Crown Lands (Teller)	
Mr Reynolds			
Mr Scammell			
Dr Wark			
Mr Waterhouse			
Mr Young			
Mr. Mildred (Teller)			

GAWLER RAILWAY EXTENSION

On the motion of the Chief Secretary, power was given to the Select Committee to call for and examine witnesses and papers.

THE ADJOURNMENT

The Chief Secretary moved that the intended adjournment of the House should be communicated by message to the Legislative Council. Carried.

PRIVILEGE

Mr Reynolds asked permission to read a letter which he had received from Horace Dean. It was a denial of Dr Dean's being the author of a letter signed "A Sturt Elector," to Mr Reynolds, which he (Mr Reynolds) read to the House.

CHINESE IMMIGRATION

The Chief Secretary hoped that for the sake of despatching business the House would consent to go on with the Chinese Bill as the next business. The House went into Committee. Clause 3 was recommitted and amended so as to limit the operation of the Bill to Chinese passengers. Clause 7 was struck out. The House resumed, and the report was brought up and

adopted. The Standing Orders were suspended, and the Bill was read a third time and passed.

ELECTORAL LAW AMENDMENT BILL

The Chief Secretary moved that the Electoral Law Bill be an Order of the Day for the 21st July.

STEAM SNAGBOAT.

In Committee

The Chief Secretary moved—That an address be presented to His Excellency the Governor-in-Chief, requesting that a sum of £8,000 may be placed on the Supplementary Estimates of 1857, for the construction and setting to work of a steam snagboat on the River Murray. The object was to clear the River Murray of snags, under the direction of a gentleman who was well known as a man of enterprise and ability—Captain Cadell (Hear, hear). That gentleman had, by his three working parties, cut off all the timber in the bed of the river to the level of the lowest water. That was not all that was wanted, however, and by means of a steam snagboat they could secure the navigation of the Murray in the driest season. The estimated cost of building the boat was £5,000, and a competent engineer and proper machinery could be found in the colonies. The other £3,000 would be for the working expenses of the boat after construction. They then could communicate with the other Governments on the subject, and, he had no doubt, easily induce them to put additional snagboats on the river (Hear, hear).—The Speaker put the question. It was carried, the House resumed, and the report was brought up and adopted.—Mr Hughes enquired whether it was intended to recompense Captain Cadell for his services.—The Chief Secretary said the Government intended to recompense Captain Cadell, whose great services to the colony they fully acknowledged.

STANDING ORDERS.

The Chief Secretary moved—That the Standing Orders prepared by the Committee on Standing Orders be adopted by this House as their Standing Orders, pending further consideration to be moved on a future day.—Mr Burford called attention to the fact that one of the Orders was that each member should have the privilege of admitting persons by ticket to the Speakers' Gallery. At present the admission was unrestricted, and he knew no reason for the alteration.—The Chief Secretary said it was not intended to enforce that regulation, but an occasion might arise when for the preservation of order it would be advisable to have it to fall back on.—The motion was carried and ordered to be communicated by message to the Legislative Council.

NEW HOUSES OF PARLIAMENT.

The Chief Secretary moved—That, in the opinion of this House, it is not expedient to commence the erection of a new building for the Legislature during the continuance of the existing Parliament. He thought hon members of that House were satisfied with their accommodation (Hear, hear). As the Legislative Council were satisfied he thought they could not be otherwise. The motion was carried.

SOUTH AUSTRALIAN INSTITUTE

Mr Babbage hoped that the question of a building for the South Australian Institute would be considered by the Government during the recess, as the vote just come to put out of the question the expectation hitherto entertained.

IMMIGRATION RESOLUTIONS.

In Committee

Mr Babbage moved, in addition to the resolutions agreed to, the following.—That, in the opinion of this

House, immigration into this province should be continued at the present rate for twelve months from the period when the funds already remitted to England for this purpose shall have been expended.—Mr Reynolds hoped the hon gentleman would let that matter stand over until the reassembling of the House after the adjournment.—Mr Babbage thought the object was to conclude the matter that evening. If they understood the resolutions would not be taken out of Committee, he would willingly postpone the motion.—The Commissioner of Crown Lands said he was desirous to conclude the resolutions that evening, that the Bill might be prepared during the recess.—Mr Reynolds thought it a matter that could be introduced into the Bill.—The Chief Secretary said the matter involved a money vote, and should come from the Governor-in-Chief. When the financial state of the colony was before the House, the necessary sum could be voted.—Mr Babbage was desirous that the Government should not misunderstand the opinion of the House. He would not, however, press the motion if the Government were willing to take it up.—The Commissioner of Crown Lands thought it probable that the Immigration Commissioners would not continue to act for that colony after the expenditure of the money in their hands. If the amendment was carried it would be desirable to add other words, to enable the Government to substitute machinery for the Commissioners. He proposed the following addition to the motion. And that this House will supply such funds as may be required for such immigration, and for the necessary emigration establishment in England.—Mr Hughes moved that it is expedient, in order to enable the Immigration Agent in England to dispatch one ship per month, that he should be authorized to grant free passages to labouring immigrants to such an extent as may be necessary to enable him to fill such ships in the event of there not being a sufficient number of passages claimed under the foregoing resolutions.—The Commissioner of Crown Lands said there would be no difficulty in filling up one ship a month from the number of nominations that were taking place. Considerable exertions would be necessary, he thought, to induce an equalized nomination of emigrants, as at present they were in excess as regarded one portion of the empire.—The Attorney-General said the object of the amendment was to repeal without discussion the principle of the resolutions, and he must protest against it.—Mr Hughes withdrew his amendment, and Mr Babbage's motion, with the addition suggested by the Commissioner of Crown Lands, was agreed to.—The report was brought up and adopted.

THE INSOLVENT LAW

The Attorney-General laid on the table a Bill to amend the law relating to insolvent debtors.

MAIN ROADS

The Chief Secretary laid on the table a Bill to provide for making and maintaining main roads in South Australia.—Read a first time, and the second reading made an Order of the Day for Friday, 24th July.

House adjourned until the 21st July.

LEGISLATIVE COUNCIL.

TUESDAY, JUNE 16.

CHINESE AT GUICHEN BAY.

In answer to a question from Major O'Halloran, the Commissioner of Public Works said that the Government did not contemplate sending additional police to Guichen Bay, as they found no necessity for it. They would, however, watch matters, and if the circumstances would require or justify the expense, they would increase the police force there.

POWDER MAGAZINE

Captain Scott moved for a copy of the correspondence between the Government and the Harbour-Master, and also between the Government and the Trinity Board, having reference to the powder magazine at Port Adelaide, since the 1st March, 1855.—The Commissioner of Public Works would be happy to furnish the correspondence asked for. He mentioned that there would be an item placed on the Estimates for a new magazine.

ATTENDANCE OF MEMBERS

Dr Davies withdrew his motion with reference to recording the names of absent members

MESSAGE FROM THE HOUSE OF ASSEMBLY

The Sergeant-at-Arms stated that there was a messenger in attendance from the House of Assembly.—Mr Morphet called attention to the fact that they had public notification that the House was not in session, and he, therefore, apprehended that it was not competent for them to receive a message from that House.—Mr Beresford, the Clerk of the House of Assembly, was then introduced.—The President understood that the Clerk brought a message from the House of Assembly. That House had had official notice that the House of Assembly had adjourned.—The Clerk of the House of Assembly thought the only official intimation of that fact was conveyed in one of the messages he held in his hand.—The President considered it highly improper for the bearer of the message to make any such statement.—The Commissioner of Public Works thought the message should be received.—The President to receive a message implies that it will be answered, and I am at a loss to know how an answer can be conveyed to a House not in session. (Hear, hear).—Mr. Beresford withdrew.

TONNAGE DUTIES REPEAL BILL—PRIVILEGE

Mr MORPHETT, in moving the consideration of a message from the House of Assembly returning the Tonnage Duties Repeal Bill to this Council, would request the President to state how far, in his opinion, that House had encroached upon the privileges of the House of Assembly

The PRESIDENT then rose and said I am desired by the Council to state my opinion upon the question of privilege raised by the resolution of the House of Assembly transmitted to the Council with a message on the 11th of June inst. That resolution was as follows, viz.—“That the Bill passed by this House intitled ‘An Act to Repeal Tonnage Duties on Shipping, and to authorise the Leasing of the Wharf Frontages at Port Adelaide, known as the North-parade,’ which was forwarded on the 12th of May last to the Legislative Council for their concurrence, having been returned to this House with amendments modifying the Bill in an essential principle, this House requests the Council to reconsider this Bill, inasmuch as it is a breach of privilege for the Legislative Council to modify any money Bill passed in this House.” At the foot of the copy of the above resolution, as sent to the Council, were the following words, viz.—“Question put and carried unanimously.” I advert primarily to this latter fact, with a view to draw the attention of the Council to what appears to me to be an irregularity in a matter of form, which, if allowed to pass without notice or observation, would establish a precedent which might hereafter be quoted as justifying a continuance of the system. It is not according to the usual practice of Parliament, in transmitting Bills between the two Houses, that either House should acquaint the other by what number any Bill or resolution before them passes, and the introduction of an alteration in

the usual method of proceeding in such respect might be inconvenient, if not dangerous in its consequence. Before I proceed to the consideration of that part of the resolution in question which refers to the modification of a money Bill by the Council, I must observe that I am unable to find any recorded instance of a Bill being sent back by one House to the other for reconsideration, or any precedent which warrants such a course as that adopted in this instance. Having drawn attention, as I have felt it my duty to do, to these preliminary points, I will proceed to the subject upon which my opinion is desired. The subject is one which involves a case of first impression. It is novel and without precedent, and is of vast importance. In expressing my opinion upon it, therefore, I may be excused for saying that I do so with great diffidence, though I shall not hesitate to record it according to the best of my judgment. As to the alleged breach of privilege, the resolution of the House of Assembly puts in issue the right of the Council to make any alteration in a money Bill, and in effect denies that right. This question must, in my opinion, be governed by the terms of the Constitution Act, from which both the Council and the Assembly derive their legislative powers, and by which those powers are defined and controlled. By the Constitution Act, the present Parliament, consisting of two Houses of Legislature, is substituted for that which previously existed, consisting of one House only, and such two Houses are expressly invested with the same powers as attached to the one House, excepting that it is provided that all Bills for appropriating any part of the revenue of the province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly. Now the powers vested in the one House or former Legislature were “to make laws for the peace, order, and good government of the colony, provided that no such law should be repugnant to the law of England,” and those powers are transferred in identical terms to the present Parliament, consisting of the two Houses, without any restriction or distinction as to either in reference to the other, or any exception, giving to the one any greater or less power or authority than the other, further than as regards the limitation of the right of initiating Bills for the appropriation of the revenue or the other objects before mentioned. The powers of each House are therefore, with the single limitation first mentioned, co-extensive and co-equal. Such being the case, it appears to me that the Council had as much control over the Bill referred to in the resolution after it was transmitted to them, as the House of Assembly had after it had been originated by that House, and previous to its transmission, so far as the right to modify or otherwise alter such Bill is concerned. To maintain the contrary it must be shown that the Constitution Act contains some exception or provision in favour of the House of Assembly to the exclusion of the Council, and extending the limited right of originating money Bills to the unlimited right of dealing exclusively with them after they are originated, without any control whatever on the part of the Council—not even the power of rejecting them—a power which is not distinctly or separately inherent in the Council more than any other of the general powers invested by the Constitution Act in the Council and House of Assembly conjointly for doing all that is necessary for perfecting laws for the colony, without any qualification except that before adverted to. In concluding this subject, I would advert to the course pursued by the Legislatures in the colonies of New South Wales, Victoria, and Van Diemen's Land, not with an intention of citing them as precedents, but as exemplifying their views on the same subject—that is, as to the power of the Legislative Councils in those colonies to interfere with money Bills originated in the other Houses of Legislature, and transmitted to them for their concurrence. The Legis-

lature of New South Wales consists of two Houses—a Legislative Council and Legislative Assembly—the two unitedly possessing the same powers as the Legislature of this colony, but differing in their composition in so far as that the Legislative Council is nominated, and the other House elected, and I find on reference to the votes of those Houses, that the Legislative Council assumes to itself the right of altering a money Bill sent to it by the other House, and that in one instance the latter have assented to an amendment, but with some qualifying remarks appended. The former Legislature of Victoria, who framed the Constitution Act of that colony, evidenced their intention that the present Legislative Council there should not have the power in question by expressly providing against and excluding the exercise of it. In that Act it is enacted "That all Bills for appropriating any part of the revenue of Victoria, or for imposing any tax, return, or impost, shall originate in the Assembly and may be rejected, but not altered, by the Council." From the insertion of this provision it may be fairly inferred that it was deemed necessary in order to exclude the Council from the power of altering such Bills, which they would otherwise have possessed under their general authority to make laws conjointly with the Assembly. The Legislature of Van Diemen's Land consists of two Houses, both elected, and possessing the same powers as the Legislature of this colony. The Legislative Council there have assumed the right of altering, and have, as appears by the votes of that Council, altered several money Bills, and have, amongst others, altered the Appropriation Bill. A conference has taken place upon the subject between the Houses there, and no conclusion has been come to, and the House of Assembly have agreed to the amendments without prejudice. After giving the subject the best consideration in my power, I am decidedly of opinion that the Council, in altering the Bill in question as they have done, have not committed any breach of privilege, inasmuch as I consider their acts in such respect to be clearly within the scope of their powers. In forming this opinion I am governed solely by what I conceive to be the legal interpretation of the Constitution Act. Without viewing the question as one of expediency or not, or allowing my mind to be improperly influenced by any fanciful imagination as to what might or might not be the intention of the Act or its framers further than can be collected from the express terms of the Act itself, I apprehend that any presumed meaning or intention of an Act cannot prevail over the expressed sense, but that effect can only be given to the intention whenever such intention can be indubitably ascertained by permitted legal means, and that while admitting it as a maxim that effect ought to be given to the intention and object of the framers of an Act, I nevertheless hold it to be an established doctrine, that in order to give such rule its full signification, it must be such an intention as the Legislature have used fit words to express. Although the spirit of an Act is to be regarded no less than its letter, yet the spirit is to be collected from the letter, and it would be dangerous in the extreme to infer from extrinsic circumstances that a case for which the words expressly provide shall be exempted from their operation. It would seem that in the United States of America it is not thought unwise to invest the Senate (which is a branch of the Legislature there synonymous with the Legislative Council of this colony, though elected in a different manner) with the same powers as are claimed by this Council, for, by Section 7 of the Constitution of the United States it is thus provided, viz—"That all Bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other Bills." With regard to any question of intention, independent of what may be drawn from the language of the Constitution Act, it may be

useful to the Council to have placed before them a short outline of what occurred prior to and during the passing of that Act. In 1853 a Bill was first introduced for altering the then existing Constitution, and establishing a Parliament in this province, consisting of a Legislative Council and House of Assembly, and the clause which was to give to those Houses the powers of legislation contained a proviso limiting the power of originating money Bills to the House of Assembly, in the same words as the proviso before referred to in the present Constitution Act. That Bill passed the Legislature, and, having been reserved for Her Majesty's assent, was disallowed. In 1855, a fresh Act (the present Constitution Act) was introduced, but it did not, in the first instance, contain any similar proviso. The 1st and 2nd clauses of that Act were passed in Committee, but the 1st clause was recommitted, with a view to the introduction of the proviso, and, after considerable debate, its introduction was admitted. The debate upon this subject on the 27th November, 1855, will be found to contain matter bearing upon the point in question, and exhibiting the views taken by the honourable members who joined in that debate. I should here have closed my expression of opinion, but that, considering the importance of the question, and the propriety of viewing and discussing it in all its bearings, I feel compelled to refer to what I understand to be a favourite theory of some, that the right claimed by the Council cannot be well founded, inasmuch as it is opposed to the custom and practice of the Parliament of Great Britain. To establish that theory, an analogy must be shown to exist between the Parliament of Great Britain and the Parliament of this colony, and that such analogy is so close as to render the principle which governs the practice of the Parliament of Great Britain, and upon which that practice is founded, not only applicable to, but as of necessary and imperative adoption by the Legislature of this colony, notwithstanding the Constitution Act, or even coupled with its provisions. I apprehend that no such analogy exists, and therefore the theory is groundless. The Parliament of Great Britain consists of three estates—the Queen, the Lords and the Commons. The Parliament of this colony consists of two estates only, the Queen and the Commons—although the latter is divided into two different Houses or portions of the Legislature. The Lords are members of the Legislature by virtue of a right inherent in their persons, and they are supposed to sit in Parliament on their own account, and for the support of their own interest. In consequence of this, they have the privilege of voting by proxy (the Commons have not the right, because they are themselves the proxies of the people) and when any of them dissent from the resolutions of their House, they may enter a protest against them, containing the reasons of their particular opinions. This part of the Legislature is declared frequently to balance the powers of the people. It cannot be pretended here that the Legislative Council have the privileges of the House of Lords, as such privileges would not be consistent with the constitution of the Legislative Council, because their privileges are expressly restricted by the 35th section of the Constitution Act to the privileges of the House of Commons, showing a continuous and obvious intention, by express terms, to place the privileges of the Legislative Council and House of Assembly upon the same footing and equality. The Commons are the third estate, as the representatives of the people. Both Houses here represent the people, being elected by them. To the Commons the people have delegated the power of framing laws, to both Houses here the people have delegated the power of framing laws, in both Houses here the people have delegated the same power, and herein exists the real distinction between this and the Imperial Parliament. The Lords, as the second estate, have a distinct interest from the Commons, and are in no way the representatives of the

people, while here neither House have a distinct interest from the people, both Houses being equally bound to protect the interests of the people. The only similarity between the Parliament of this colony and that of Great Britain is, that all its constituents form a check upon each other. But the principle of that is different. The House of Commons—that is, the people—are a check upon the nobility or House of Lords, and the latter a check upon the people by the mutual privilege they enjoy of rejecting what the other has resolved. Although the practice of the Imperial Parliament has been so established by long usage and custom that the Lords do not interfere in altering money Bills, or exercise any other right than that of either assenting to or rejecting them, yet it is a matter of Parliamentary history that in former days there are many instances of the Lords introducing measures imposing pecuniary burdens, and in later times altering Bills passed for similar objects in the Commons, and the Commons assenting to the amendments, but that subsequently the Commons have objected to the interference of the Lords further than by assenting to or rejecting Bills. It is clear that though acquiescing in that restriction upon their rights imposed by the Commons, and by long usage become the custom of Parliament, the Lords have never acknowledged any further privilege upon the part of the Commons than that of originating Bills of supply. The right assumed by the House of Commons to introduce and pass money Bills without any further interference on the part of the Lords than by assent or rejection is founded upon the fact of their being the elected representatives of the people, and as such alone having the right to impose burthens upon them, and the Lords representing their own interests only, but that principle cannot apply to this colony and confer a greater right upon the House of Assembly as to dealing with money Bills than the Legislative Council, each being equally the elected representatives of the people, and each possessing by consequence the same authority and control over the finances of the colony. The duty of each House is equal, both are bound, as representatives of the people, to protect their interests, and if either neglect to do so it would be a dereliction of their duty. If the power of the two Houses of Legislature here is equal, then the supposed analogy to the Imperial Parliament is not maintainable, nor, if it were, could it have the effect of varying that power, and giving to one House a greater authority than the other.

Mr MORPHETT moved that the opinion of the President be printed, and entered upon the proceedings of that House.

Agreed to.

Mr ВАХПЕ, with reference to the opinion of the President respecting the message from the House of Assembly, said it would be well to avoid anything which would be likely to cause a breach between the two Houses, it was also desirable to prevent irregularity. He would therefore suggest that the question of informality be set aside, and the message received under protest.

This suggestion was agreed to.

Mr. МОРФЕТТ then proceeded with his motion. He did so with an earnest desire to elicit a calm expression of opinion from that House, and he hoped that would have the effect of inducing the House of Assembly to alter its determination. He was not surprised that a difference of opinion should arise between the two Houses of Legislature, seeing that it was very little more than two months since the new Constitution was inaugurated. The two branches of the Legislature had yet scarcely the means of testing practically their different powers and rights. Soon after the Parliament

of New South Wales assembled, the *Times* newspaper, commenting on the state of things that followed, said, "A remembrance of the struggles and blunders, the crimes and absurdities, through which England floundered into her present Constitution, should lead us to look with tolerance and with hope on our rising colonies, and teach us not to be surprised above measure if they do not realize fully in six months a work which cost us as many centuries." It was not, therefore, he repeated, surprising that there should be a difference between the two Houses. The question for consideration was a message in which the House of Assembly said it was a breach of their privilege for the Legislative Council to modify a money Bill. In order to see whether they had really been guilty of a breach of privilege, they must look to the Constitution under which both Houses existed. He was happy to say that the discussion would be very much assisted by the lucid statement read by the President (Hear, hear). The power of the Legislative Council with respect to Bills was defined in the 1st clause.—"There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a House of Assembly, which shall be called 'The Parliament of South Australia,' and shall be severally constituted in the manner hereinafter prescribed, and such Legislative Council and House of Assembly shall have and exercise all the powers and functions of the existing Legislative Council, Provided that all Bills for appropriating any part of the revenue of the said province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly." That contained the only limitation to their powers, and to that alone could the House of Assembly point in support of its complaint of a breach of privilege. The Bill in question, however, did originate in the House of Assembly (Hear, hear). Let them turn to the origin of the Constitution Bill and of that proviso. The first Bill giving a Constitution to South Australia was passed in 1853. That contained a proviso similar to the present, but the Bill was disallowed by the Queen. The next Bill was passed in 1855, it was introduced without the proviso, and it was then intended that the second Chamber should be nominated. In Committee, the first and second clauses were passed without the proviso. Subsequently, however, upon the motion of an hon member, now the Speaker of the House of Assembly, the 1st clause was recommitted and the proviso introduced. A very long and very interesting discussion took place upon the principle that the initiation of money Bills should be in the House of Assembly. That principle was opposed in that discussion by his hon. friend the Commissioner of Public Works—(hear, hear)—and he expected that hon gentleman would give effect to the very excellent speech he delivered upon that occasion, by supporting the motion (Hear, hear, and laughter). The hon the Surveyor-General also made an excellent speech on the same side upon that occasion, and if he (Mr Morphett) could only introduce it into that debate, he had no doubt he would carry the motion without a dissentient voice. (Hear, hear, and laughter). The Chief Secretary, the Attorney-General, and the Treasurer, all spoke on the same occasion with great force against the principle of the proviso, and it was only carried by 11 against 10, or by a majority of one. Amongst the many striking things said by the hon gentlemen to whom he had referred, there was one by the present Chief Secretary, that "they should not give independent powers to either House." But what did the House of Assembly contend for? Why, perfect independence, the right to introduce money Bills, and the right to carry money Bills, without allowing the Legislative Council to alter, or, in fact, consider them (Hear). The Advocate-General said in that discussion, in answer to the hon member for the Burra, "it was not possible that gentlemen could, in the face of the country, repudiate what they had just said" (Hear, hear). He hoped his hon.

friend the Commissioner of Public Works, and the hon the Surveyor-General, would remember, "that it was not possible that gentlemen could, in the face of the country, repudiate what they had just said" (Hear, hear) He merely referred to that as showing what was glanced at by the President, in his opinion, namely, the object and intention of the framers of the Constitution Act. The intention of the Act was shown, however, by the 35th clause.—"It shall be lawful for the said Parliament, by any Act, to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the said Legislative Council and House of Assembly, and by the members thereof respectively. Provided that no such privileges, immunities, or powers shall exceed those now held, enjoyed, and exercised by the Commons House of Parliament, or the members thereof." There was, then, nothing in the Constitution Act to compare the Legislative Council to the House of Lords. The Act compared them to the Commons of England. (Hear, hear) They were representatives of the people, elected by the people, just as the members of the House of Assembly. Hon gentlemen, indeed, sometimes compared them to the House of Lords, but he considered there was no analogy, nor could there be any analogy between them. It a reference was desired to other Legislatures with a view to ascertain their power by analogy, he would refer them to the United States, where the Legislatures were composed of two elective Houses. There the Senate had always claimed and exercised a right to alter and amend money Bills. Another analogy held good with respect to the Legislature of Tasmania, which consisted of two elective Houses. There the Legislative Council alters and amends money Bills. The same right had been exercised by the Legislative Council of New South Wales, although it was not an elective body. In Victoria, it was specially provided, by the 64th clause of the Constitution Act, that money Bills shall originate in the House of Assembly, but may not be altered in the Legislative Council. Had such a provision been thought desirable in South Australia, words to that effect would no doubt have been introduced into our Constitution Act. They knew, however, from the celebrated debate to which he had referred, that the powers of the two Houses were to be co-extensive. The Legislative Council could not, in justice to the people who sent them there, consent to abandon the position they had taken. They must maintain that position, and prove that the House of Assembly had taken one that was erroneous and untenable. He much regretted the course pursued in that matter by the Chief Secretary. Had he adopted the obvious constitutional and parliamentary course of moving the House to request a conference—(hear, hear)—that discussion would have been avoided, and the chance of a collision put out of the question. He might have settled the question amicably, but not having done so, they must consider the question of their rights as impugned by the House of Assembly. In order to assert those rights, and to test the position assumed by the other House, he would now move—That this Council having received a message from the House of Assembly, stating that the Council has committed a breach of privilege in returning to the House of Assembly the 'Tonnage Duties Repeal Bill' which was passed by that House, with certain amendments made by the Council, and having given the fullest consideration to the message of the House of Assembly, resolves, that in the opinion of this Council it has not committed a breach of privilege in making the amendments to the Bill in question, it being the undoubted right of this Council to make amendments in all Bills whatever sent up to the Council by the House of Assembly; and that it being bound in justice to the people by whom it is elected, to maintain their rights and to exercise the powers given to it by the Constitution Act, it is the imperative duty of this Council to

send the 'Tonnage Duties Repeal Bill' again to the House of Assembly, and to desire that the House will concur in the amendments made by the Council, but this Council regrets that the House of Assembly had not adopted the more Parliamentary course of requesting a conference between the two Houses on the point in question.

Mr BAKER seconded.

Mr FORSTER would support the motion, and he did so because he thought it affirmed what must be admitted to be the right of that House to deal as it had done, not only with the Bill in question, but with any Bill sent up for their consideration. The message did not deal simply with the act of that House as to that Bill, but involved a principle—an important principle—as to whether that House had a right to deal generally with Bills sent up from the other House, or whether it had only the right to receive or reject Bills. The message was, as the President had read it, and the question in issue, not whether that House was right or not in altering the Tonnage Duties Repeal Bill, but whether that House has a right to interfere with any money Bill sent up from the House of Assembly. The statement made by the President had so fully, so clearly, so unanswerably met the point in question that he considered the matter settled. It was not possible for the House of Assembly, or any other House, to maintain the position that that House had not a right to deal as it pleased with any Bill. Their privileges were stated and defined by the Constitution Act; but the Constitution Act was never referred to in sending back that Bill. That Act plainly proved that that House had undoubted right to make such alterations as it thinks just and proper in Bills sent up for its consideration. He would repeat what had fallen from the President, for he could not put the matter more strongly or in a better manner. Thus he did at length, and pretty nearly in the President's own words. Again, he would assert that the Bill in question was not a money Bill within the meaning of the Act, for the 40th clause provided that no money Bill shall be passed by either House unless recommended by his Excellency; but that Bill had not been introduced on the recommendation of his Excellency, and if not, it was not a money Bill within the meaning of the Act. It had been said that certain customs of Parliament decided that that House could not deal with money Bills except to accept or reject them. He would not trouble the House by going into argument to show that there was no analogy between that House and the House of Lords, but he would show that the members of the Government, who had contended for that analogy, did not believe it. (Hear, hear) They did not, he repeated, believe it, and if permitted, he would repeat what they had said. However strong the argument might be with others, not one of the present Ministry had a right to come forward with that argument, simply because they had put forward arguments upon the occasion referred to by the hon mover opposed to that position which they now assumed. They did not agree by inference, but asserted clearly and plainly that they were opposed to it. They contended that that House had a right to deal with money Bills, to alter and amend them. In support of this view of the case, he read long extracts from the reports of the debates in the newspapers of the day, particularly instancing the avowed opinions of Messrs Finnis, Hanson, and Torrens. Mr Finnis, instead of quoting May, should have fallen back upon himself. (Hear, hear) The Attorney-General and the Treasurer had argued strongly for the power of the two Houses being as nearly equal as possible, but how long had the latter of these gentlemen maintained that view of the case? Hon. members would, if they looked back, be probably surprised to see the amount of legis-

lation which they would prohibit the Upper House from dealing with. The number of Acts referring to taxation, imposition of rates, and money votes would be found very great. He would be happy to hear some argument why the sphere of action of the Upper House should be limited. He could understand it in the British Constitution, but could see no reason why the Upper House, as proposed to be constituted, should not be competent to deal with all measures the same as the Lower House. They need not discuss it upon abstract principles. That was obviated by the opinions expressed by Ministers on two different occasions, namely, when the Constitution Act was passed, and now that they forwarded to that House the message referred to. He did not wish to impute motives, but he would say that they must stand in a precarious and unenviable position before the country to express such opinions at one time, and upon another to move such a resolution as that before the House. He did not think it right generally to refer to matters heard out of doors, but he had heard that important resolutions were being considered in the other House. He mentioned that, with a view to prevent collision—for he had no wish that the two Houses should come into contact—but he had heard that on the sending back of that Bill the other House would legislate upon it without further troubling that Council, that they considered it competent to them to declare by resolution that the tonnage duties shall not be collected, and to authorize the leasing of the wharf frontages. He understood further that it was the intention of the Government not to send the Estimates before that House, nor to send any Bills involving money, but to deal with the public funds of the country without the consent or the concurrence of that House (Hear, hear). He called attention to that for the purpose of advising members of the other House, as they wished to stand well with the country, and with all honest men, not to confuse the legislation, nor to attempt what they constitutionally had no power to do, nor to involve in any unnecessary conflict the two Houses of Parliament, for they were clearly wrong in the position they had assumed. He was quite satisfied that the members of the House of Assembly would not, upon reflection, be so mad as to involve themselves in personal responsibility in appropriating solely the revenues of the colony. He begged pardon for noticing the subject, but he did so for the purpose of preventing what might be a great public calamity. He was desirous that the privileges of the House should be understood, not only by that House, but by the House of Assembly. He was anxious to preserve harmony between the two branches of the Legislature, but the course taken by the House of Assembly was so opposed to the privileges of that House, that he could not but regret that such a course had been taken. He could not but exonerate to a great extent the members of the Assembly, for the principles of the Constitution were never referred to. They appeared to have taken for granted that they had a right to do as they had done, and seemed to proceed on the belief that the Chief Secretary was correct, and seemed to come to the conclusion that that House had adopted a wrong course. He had no doubt that upon reconsideration, they would come to a very different conclusion and that the matter would be set right between the two Houses. He had observed that the learned Attorney-General had taken no part in the recent discussion. He was too wise to involve himself in the ridiculous contradictions in which the other members of the Government had involved themselves. He was not aware whether the hon gentleman was present on the occasion, but if he was, he must have known that the members of the Government were speaking against their convictions when they induced the House of Assembly to pass that ridiculous resolution. (Hear, hear)

Mr. GWAINE felt some difficulty in expressing an

opinion on the subject before the House, as he had neither had an opportunity of giving it the careful attention its importance demanded, nor of hearing the elaborate, and, he felt sure, very valuable paper which he understood to have been just read by the learned President. But the question presented itself to him in a very strong light, and he must confess, though under the circumstances mentioned it might seem presumptuous to say so, that he could not conceive of any feasible defence for the course which had been taken by the House of Assembly. The opinion formed by that House appeared to have been partly made up of analogies drawn from the British Constitution, and partly upon conclusions based upon its own reading of the Constitution Act. With regard to the analogy sought to be established, it must be remembered that for a long time the right of the House of Commons to impose taxes was grounded upon the alleged fact that, being the representatives of the people, they were taxing themselves. To this it was objected that they also taxed the peers, who, being mostly large holders of property, were as much affected as the people. But he believed that the House of Commons held the power of taxation because it was a temporary body elected by the people, while the House of Lords was a permanent body originally nominated by the Crown, and subject to its direct and continual influence. What analogy was there between that House and the Legislative Council of South Australia? The Legislative Council was not nominated by the Crown, it was not a permanent body, for its members went back in rotation to their constituents, and it was not subject to the influence of the Crown. In none of these points, therefore, was there the slightest analogy between them. Even as regarded the powers at present possessed by the House of Commons with regard to money Bills, he might refer them to Mav, who would tell them (page 426) that for 300 years the Commons were content with simply originating such measures. It was only at a comparatively recent period, in 1671, that they advanced their claims somewhat further by insisting on their right to prevent money Bills being dealt with by the House of Lords in any other manner than by assent or rejection, and a resolution to that effect was eventually passed in 1678. That was comparatively a modern power assumed by the Commons House of England, but the House of Assembly here jumped at once to the assertion of the same right which had been so long unclaimed at home. He was not prepared to say positively whether or not the Tonnage Dues Bill could fairly be considered a money Bill, but he would assert with confidence that it was not one which the Commons House of England would have ventured to have sent back to the Lords for the reasons and with the message with which the House of Assembly had returned it to the Legislative Council. No doubt hon. members generally were acquainted with Hallam's luminous observations upon the Constitution, and would remember his mentioning the objection made by the Lords to the practice of tacking on irrelevant matter to money Bills. The Commons had ceded the point, and the Lords would not now receive any money Bills containing general clauses. It would be seen, then, that, in mixing up other matter in the Bill for the repeal of the tonnage dues, the House of Assembly had assumed a power which the Commons of England did not claim. The arguments drawn from analogy had no weight with him, for he was convinced that no analogy existed. The question was simply on the construction of the Act, the provisions of which he would shortly consider. Till lately our Legislature consisted of a single House, composed of eight nominees and sixteen elected members. To them was granted, by the Imperial Act, the power of altering the Constitution, and substituting for the existing House a new Legislature, consisting of either one or two Houses. It was the execution of that power which brought into existence the present

Legislative Council and House of Assembly The Act declared that the Legislature, whether consisting of one or of two Houses, should possess no greater powers than those of the former Legislative Council, but it was silent as to the division of those powers in event of two Houses being established But their own Constitution Act did to a certain extent legislate upon that point, so far as to say that all money Bills should be initiated in the House of Assembly But it further enacted, in the 35th clause, that it should be lawful for the Parliament to define by Act the privileges, immunities, and powers to be held, enjoyed, and exercised by the Legislative Council and the House of Assembly and the members thereof respectively, provided that no such privileges, immunities, or powers should exceed those of the Commons House of Parliament It would be seen, therefore, that all the Act said was, that money Bills should originate only in the House of Assembly, but that all further distinction of powers should be settled by a future Act But the House of Assembly had not waited for legislation on the subject as was required by the Act, it had come to a conclusion at once He must say that, before arrogating to itself powers that were not expressly given to it by that Act, it would have been at least more courteous to have passed some resolution on the subject, and directed the attention of the Legislative Council to its views upon the functions of the two Houses Instead of that, while the Legislative Council were exercising, as he believed, their proper powers, the House of Assembly sent back a Bill, without previous notice, and accompanied it by a message charging the Legislative Council with having committed a breach of their privileges Privileges! why they had no privileges, either as a House, or as individual members, and could have none till a Bill to define them had been passed by both Houses, and was assented to by the Governor If they required greater powers than they at present possessed, they could obtain them in no other way He might add that it could be shown to him that any extended powers they might so seek would be advantageous to the colony, he would be one of the first to concur in granting them, but the course at present pursued was not calculated to promote mutual respect and confidence between the two Houses The Imperial Act did not define the powers of the two Houses, the Constitution Act gave the House of Assembly the exclusive power to originate money Bills, but that was a very different question from the negative power of preventing the Legislative Council's amending them The two questions were historically distinct—literally historically distinct in England, as he had already shown from May, and when the Constitution Act gave the House of Assembly merely the power of originating money Bills without adding anything else, how could it be contended that the other powers followed as a matter of course? The Act clearly gave the positive, without the negative power Therefore he, as a lawyer, could give no other opinion, than that the Legislative Council had acted legally, and that the House of Assembly had done otherwise, for it appeared to him, that the Legislative Council had as much power to alter a money Bill, as it had to alter any other Bill He should support the motion

The COMMISSIONER OF PUBLIC WORKS felt it his duty, before the question was put, to address the House, for, though—he said it with much deference—his opinion had not changed since the subject was brought before the House on the occasion of its previous meeting—he addressed the House with much diffidence, as the learned President had expressed an opposite opinion on the legal bearings of the Constitution Act, and he had also heard an opinion differing from his own from the learned gentleman on his left (Mr Gwynne) It would be presumptuous in him to offer an adverse legal opinion, but the subject had other

bearings He would ask any hon member of the House to consider how far the Legislature should, for the interest of the country, be controlled by statute law He knew that it was essential to the establishment of a British colony, that its Legislature should receive from the parent State, in the first instance, a definition of the legal right by which it should hold its authority—and such definition they had received—but he held that, when a question of privilege arose, the Parliament itself was the sole authority by which it could be determined Who, he would ask, was to be the referee to decide, whether the opinion of one member or the other was right upon a question of constitutional law? The Parliament alone could decide—(hear, hear)—and the question could not otherwise be satisfactorily settled Therefore, for that House to attempt to decide it finally was assuming too much

Mr GWYNNE said that was precisely what he argued. He had cited the 35th clause of the Constitution Act to show that neither House could of itself define its own privileges, but that the passing of an Act would be necessary for the purpose.

The COMMISSIONER OF PUBLIC WORKS had only intended saying that no statute law could define the privileges of either House Were it otherwise their powers of legislation might be limited to a dangerous extent The hon. President considered the powers of the two Houses equal, except with regard to the initiation of money Bills, and the hon members who spoke after him had followed in the same track But one of them (Mr Forster) had gone further, and cited the opinions expressed in the former Legislative Council by some of the members of the present Government He (Mr Davenport) must say that the selections read to the House were partial, and not such as could enable it to form a fair opinion He would admit that it would take too long to go through all that the various members of the former Council might have said upon the subject at different times, but they could not certainly arrive at the real views entertained by that House by the few passages which had been selected The hon Mr Forster had especially called attention to what took place in the debate on the 20th November, 1855 He (Mr Davenport) had also referred to the reports of that period, and found that upon the subject of money Bills, very different opinions were expressed by several hon members to those entertained by the hon gentlemen who had preceded him He instanced particularly the cases of Messrs Angus and Baker, and gave lengthened extracts from their speeches, to show the analogy they desired to have maintained between this and the Constitution of England The newspaper, with which the hon Mr Forster was connected, had also advocated the same views To go to the other question—the analogy between our Legislature and those of the other colonies, or of America, he would read an extract from a work published in London, in 1856, on Colonial Constitutions, by a barrister-at-law Speaking of powers of Legislative Councils, p 20, he said—"The second estate of our colonial governments, intended by the theory of its Constitution to fulfil the functions of the hereditary peerage of Great Britain, is the Legislative Council As legislators, its members act in an upper House. They can originate and reject Bills, or propose amendments, except in cases of money Bills The extent of their Parliamentary privilege is considerable, but hardly admits of legal definition" Thus further evidenced by defined duties of the Lower House—"The third estate, or House of Assembly, is, in those colonies to which free institutions have been granted, simply a miniature copy of the British House of Commons Their Constitutions vary on certain points, but all elect their Speaker, have power to control public accounts, vote supplies,

impose taxes, and frame laws and ordinances. A maxim of free governments, is, that representative assemblies are the depository of taxing powers." He had read that extract as an answer to what had been said about the analogy between our Constitution and those of other colonies. In his opinion, however, they were able to define their own functions, and to go on under their own Constitution, without reference to any other place whatever. He did not want to throw a cloud upon the origin or early history of any other colony, but he must say, that of all countries under the British Crown, this was, in every sense, whether in the freedom of its origin, the character of its early settlers, or its subsequent progress, the most essentially British. Reference had been made to Van Diemen's Land, where it was said that, though the Constitution there provided that money Bills should be initiated only in the Lower House, the amendments of the Upper House had been accepted. It must be remembered, however, that though this might have been done on a particular occasion, there had been no general resolution adopted on the subject, and it was evident that the power of dealing with the public money was still considered to rest with the Lower House, as the Governor, in his speech at the close of the session, made the usual separate address to its members in acknowledgment of the votes of supplies. In Victoria, there was the same provision in the Act. As regarded New South Wales, there was, perhaps, little analogy, as the Upper House there was nominated. With respect to America, the Senate was a very different body to our Legislative Council, not only as possessing other functions resembling those of a court of law, but as being only indirectly elected by the people. The analogy of our Constitution with that of England had been denied, and the power claimed by the House of Assembly was said to have been only a modern one in the House of Commons. A modern one—as modern as 1671. (A laugh.) He must remind the House that we were not commonly in the habit of drawing analogies for our guidance with a state of things which existed 200 or 300 years ago. The principle now acknowledged was, that no taxes should be imposed unless by the direct representatives of the people, and as that House was not elected by universal suffrage, it did not represent the entire people, and its interference on the subject would be highly unconstitutional. It was elected, not by the people, but by the persons of property in the colony, and might seek to impose taxes which would press too heavily upon those whom it did not represent. (No, no.) He did not see how that could be denied, and he thought the point ought to have its due weight in the deliberations of both Houses. Before sitting down he must in fairness to the other members of the Government endeavour to set them right with regard to the remarks which had been made about them. One hon. member, who, to the amusement of the House, had read extracts from the debates in the old Council, had remarked upon the opinions expressed by some of the members of the present Government in a manner calculated to produce in the House an impression adverse to their straightforwardness. He had been inclined to interrupt the hon. member, but had refrained from doing so, as the practice was generally objectionable; but he must now remind the House that the gentlemen from whose speeches he had read extracts were not, at the time they delivered them, as they were at present, responsible Ministers—that they were not then introducing a Bill into the House, in accordance with their own independent opinions, but one which they were instructed by the Executive to bring in, and which they were bound to support. The more proper way of ascertaining their views upon the subject would be to refer to what they had said since they held the reins of government in their own hands.

Mr FORSTER remarked that the Constitution Act was

the result of the opinions expressed by the Ministers at the time it was under discussion.

The COMMISSIONER of PUBLIC WORKS knew that the private views of at least two of the hon. gentlemen in question had been in accordance with those they now expressed. The hon. gentleman had referred to the late resolution of the House of Assembly as being ridiculous. He felt sure he would withdraw that expression, as it would detract from the dignity of that House, and was likely to draw down the force of any decision to which it might eventually come.

Mr FORSTER had been particular in specially exempting the House of Assembly, when he used the word referred to. He had applied it only to those members of the Government who had so entirely changed their opinions.

The COMMISSIONER of PUBLIC WORKS was glad to get that explanation, so far at least as the House of Assembly was concerned, but he must say, that the Ministers would have neglected their duty to the country if they had not at once maintained the privileges of the House, which at the moment they felt to have been assailed. He could not sit down without calling attention to the effect likely to be produced by the passing of a resolution asserting the right of that House to alter or amend money Bills. Its supporters were assuming a position their right to which had yet to be proved. It would be a far more dignified course for that House to grant that the question was an open one, to acknowledge that its settlement was most important, and to propose a conference for the purpose of defining the privileges of the two Chambers. (Hear, hear.) Were they to pass the present resolution, the House would either put itself in the position of being obliged to maintain its principle—(hear, hear)—or of being compelled to recede in a manner which was not calculated to promote its dignity. He should be glad if some hon. member would move an amendment to the effect he had suggested, if not, he would himself endeavour to frame one for the consideration of the House.

Mr BALTR moved the adjournment of the debate till the following day.—Carried

The House adjourned till next day

MESSAGES FROM THE GOVERNOR

During the day the following messages from His Excellency the Governor-in-Chief were received in the Legislative Council.—

No 1 The Governor-in-Chief informs the Legislative Council, in reply to Address No 2, dated the 12th ult, that he will give favourable consideration to the request therein contained

No 2 In reply to Address No. 3, of the 12th ultimo, the Governor-in-Chief informs the Legislative Council that he will cause to be laid before the House the charts of Victor Harbour and of the mouth of the Murray, which have recently been carefully surveyed, together with the reports of the Naval Officer and Harbour-Master thereon

LEGISLATIVE COUNCIL.

WEDNESDAY, JUNE 17.

NOTICE OF MOTION

Captain Bagot would move on Tuesday next —That without prejudice to the decision pronounced by the Honourable the President of this Council on the irregular manner in which messages from the House of Assembly were brought up by its Clerk on Tuesday

last, and were refused to be received by this House, they be received, upon the grounds that the said messages conveyed certain Bills that had been passed by the House of Assembly demanding the prompt consideration of this Council, especially the Bill referring to Chinese immigration — Agreed to.

REGULATION OF WASTE LANDS BILL.

Mr Baker would move that the second reading of the Waste Lands Bill be an Order of the Day for Tuesday next. — Mr. Ayers seconded the motion, which was carried

TONNAGE DUTIES REPEAL BILL — PRIVILEGE.

Mr BAKER was about to resume the debate on the motion of Mr Morphett, when—

The COMMISSIONER of PUBLIC WORKS requested that the motion should be read.

The Clerk accordingly read the motion.

Mr BAKER said the reading of the motion at the instance of the hon Commissioner of Public Works reminded him of an observation which fell from that hon gentleman on the previous day. He said he intended to move an amendment on the motion if no other member of the House would do so, but he must remind the hon Commissioner, that having concluded his speech without moving the amendment he had referred to, he had precluded himself from the possibility of carrying out his intention. Before going into the merits of the question before the House he (Mr Baker) would refer to some remarks made by the hon Commissioner of Public Works on the preceding day, and to some of the quotations that gentleman had come to the House prepared to make. The first of those quotations was of a few words culled from a speech he (Mr Baker) had the privilege of making on the 21st of November last. It was to the effect that he was willing to stick to the British Constitution. He would read a few lines from that speech preceding the words in question — "He would oppose the proposition in the Bill providing for the officers of Government sitting in both Houses. He could not imagine that it was right or even practical. He knew of nothing like such a provision except in France, and Englishmen were not so wedded to French customs as to adopt them in framing a Constitution. For his part he would rather stick to the English form of Constitution." The objects for which the words were quoted from his speech were not borne out by the whole of the passage. That was a specimen of the fairness of every quotation made by the hon Commissioner in reference to his (Mr. Baker's) utterances. And thus was the line of action the hon Commissioner was adopting, at the time when he was accusing another hon. member (the hon Mr. Forster) of making unfair extracts. The defence which that gentleman had set up for his friends, the members of that Ministry, when he represented them as men uttering one set of sentiments at one time, and another set of sentiments at another time, was the severest sarcasm that could be uttered in reference to them. He trusted in God that he might never have a friend who would so defend his conduct. He (Mr Baker) still upheld every remark he had made in the discussions prior to the passing of the Constitution Act. He had argued against the inexpediency of allowing two sets of Estimates to be introduced or adopted, but he thought, and always thought, that the power of initiating money Bills should be confined to one House. His sentiments on that point were unchanged. During those discussions the Government had asserted that they could not carry on the public business without the confidence of both branches of the Legislature. There was another

set of persons who at that time had assumed that the future constitution of the Legislative Council would be of the feeblest character. They had made out lists of all the most imbecile old women in the colony as the persons who would occupy seats in that Council. It now seemed as though both parties had agreed to make a simultaneous attack upon the Council. He would draw a distinction between the House of Assembly and the Ministry. The offensive movement of which they complained had come from the Ministers and not from the House. The Government that had once deemed it necessary for the conduct of the public business to be able to command a majority in both branches of the Legislature now found that though they could manage—that was the word—though they could "manage" the House of Assembly, they could not manage the Legislative Council. They had therefore changed their policy, and now endeavoured to attack the Council and bring it down. Having no policy which they could put forward to have support in that House, they were now determined to weaken its influence and destroy its power. The distinction he had drawn would show that there was no danger of the collision which had been talked of between the two Houses of Parliament. The resolution which they had received was not the act of the Assembly, but the premeditated act of the Ministry. He had a right to assume that it was premeditated, because it was the only question of policy in which the Government had acted simultaneously. Those who had premeditated this act had also prognosticated that there would be a collision between the two Houses, and they all knew what prophets were, and what means they would take to secure the accomplishment of their predictions. The Government had no hope of effecting their purpose except by affecting the Legislature, so as to bring about a rupture between its two branches, and they would call upon the working classes to support the House of Assembly whereas it was only the Ministry, and not the House that was engaged in the conflict. He would warn that Ministry that such an appeal to the country would be most disastrous to themselves, as the people would see through the position they occupied. The hon Commissioner of Public Works had referred to discussions on the same subject which had taken place in Tasmania, and had also quoted remarks made by a writer on the subject of Colonial Constitutions, Mr Arthur Mills. The hon Commissioner—who, he might say in passing, he had often been sorry to see alone in that House, even so much so as to propose a resolution which not one individual would second—that hon gentleman, in quoting Mills, forgot altogether to say what Mills was writing about. The remarks of that writer were not intended to apply to two elective Houses, but to a Constitution including one House nominated by the Crown, and one House elected by the people. These had, therefore, no bearing upon the question they were then considering. In reference to the Van Diemen's Land Constitution, he would read, for the edification of the hon Commissioner of Public Works, some of the opinions of the Attorney-General of that island, which were applicable to the case under consideration, as the particular clause in the South Australian Act to which they were referring had been copied verbatim from the Tasmanian Act. These remarks he set out at length, as also some observations from Mr. Kermodé delivered on the same occasion. But passing on from the discussions in the Van Diemen's Land Parliament he would, with the permission of the House, read an eminent legal opinion, hanging directly upon the point at issue. It was that of the Attorney-General Pratt, and was part of an opinion expressed by that authority on the general subject of the several powers of the Council and Assembly of Maryland. Speaking of the appointment of officers Mr. Pratt says—"Nor, on the other hand, have the Lower House any such independent authority; and, therefore, I think the Upper

House are right, notwithstanding this claim, on which they might be supported by the proprietary, because it is unreasonable for one branch of the Legislature to assume a power of taxing the other by officers of their single appointment. As to the insufficiency of the allowance of the Commissioners of the Loan Office, my Lord (Baltimore) should not meddle with this question, which is proper to be discussed and settled by the two Houses, as it concerns only the quantum of the allowance." One of the points on which the Attorney-General (Pratt) had been requested to give an opinion was, the power of the Upper House to examine claims and accounts. On this point, he said—"The Upper House are right in making a stand on this clause in the Bill, and should take care how they admit encroachments of this kind when they are supported by arguments drawn from the exercise of the like rights in the House of Commons here. The constitutions of the two Assemblies differ, fundamentally, in many respects. Our House of Commons stands upon its own laws—the *lex parliamentarium*, whereas Assemblies in the colonies are regulated by their respective charters, usages, and the common law of England, and will never be allowed to assume those privileges which the House of Commons are entitled to justly here, upon principles that neither can nor must be applied to the Assemblies of the colonies."

The COMMISSIONER OF PUBLIC WORKS asked the hon member to give the date of the opinion.

MR BAKER—It was something less than a century ago. (A laugh.) He could not give the precise date. It must be remembered that the opinion had become a precedent, and the Constitution was established by precedents, and that no matter how old a legal dictum might be, if it had never been overruled it still had as much weight as though it had been delivered yesterday. He would read one more passage from the opinion. Mr Attorney-General Pratt summed up as follows—"Having given my sense on each of the objections so far as they have been taken up and maintained by the Upper House in the margin of that part of the case, I shall only add here a general piece of advice to Lord Baltimore, that in this disposition of the Lower House to assume to themselves any privilege which the English House of Commons enjoy here, his Lordship should resist all such attempts, where they are unreasonable, with firmness, and should never allow any encroachments to be established on the weight of that argument simply, for I am satisfied neither the Crown nor the Parliament will ever suffer those Assemblies to erect themselves into the power and authority of the British House of Commons." The hon. Commissioner of Public Works had objected to the date of the opinion he had just read. Perhaps he would allow him to quote from a more modern writer, Lord Brougham, and no doubt he would assign to that eminent lawyer a high degree of authority. In his work on Political Philosophy, Lord Brougham, after describing the "extraordinary influence on all questions of national concernment" possessed by the Upper House, says:—"Against this can only be set the popular connection of the other House, and its tenacious adherence to certain privileges with respect to the Lords. I allude particularly to the exclusion of the latter from the originating of any measure of supply, and from all alterations upon any financial measure sent up from the Lower House. Although the Lords have never abandoned their claim to originate and to alter money Bills, as well as the Commons, yet in practice they never assert the right, and we may therefore take it that by our Constitution the Commons alone can begin any measure of supply, and that the Lords have no power to alter it as sent up to them, but must either accept it wholly or wholly reject it. It seems quite clear that this exclusive right of the Commons is

only useless to them, while it greatly tends to impede public business, by loading the Commons with Bills which might be considered in the Lords when they have nothing else to do—(a laugh)—and occasioning Bills to be thrown out in their last stages, and then introduced in the Commons and reconstructed, in order to meet objections taken in the Lords. That the Commons gain nothing whatever by this pretension is clear, and nothing can be more absurd than citing the case of the Upper House's judicial functions as a parallel one, for in that instance the Commons cannot interfere at all, the whole matter beginning and ending in the Lords, whereas the assent of the Lords to a money clause is just as necessary as to any other part of a Bill. The claim is grounded on mere violent and factious excitement, on mere romantic and poetical declamation, on views consisting of exaggeration, of confounding things like as if they were identical, or substituting one idea for another, or a determination to act unreasonably and according to fancies and figures of speech—not solid arguments. It must be remarked, too, that the Commons, after treating this exclusive privilege as of paramount importance, as the safeguard of all its other privileges, have suffered it to be broken in upon once and again, as when it withdrew from the absurd pretence that a prohibition being enforced by a pecuniary penalty could not be touched by the Lords, because it was a money clause." This opinion dealt not only with the rights of the House of Lords, but went far also to determine the question of the policy and convenience of the assumption of certain exclusive rights by the Assembly so much argued by the hon. Commissioner of Public Works. He (Mr. Baker) had no doubt that the opinion of Lord Brougham would be proved to be a correct one; and that it would rather tend to facilitate than to retard public business, to allow to the Legislative Council the power to alter and to modify money Bills as well as to reject them. Reference had been made to the American Constitution, but in the United States it was not possible that any collision between the separate branches of the Legislature could arise from a cause similar to that which was threatening to produce such a result here. Ministers there, whether men of any high patriotic feeling, only anxious to serve their country, or men of all differences of opinion, only banded together by the ties of place, and influenced in all their actions by the consideration of retaining office, were never obliged to manoeuvre to secure Parliamentary power, because they were prohibited from holding seats in either House. The 6th clause of the United States Constitution affirms that "no person holding any office under the United States shall be a member of either House during his continuance in office." By the United States Constitution, however, the Senate (the Upper House of that Legislature) had the power to alter money Bills. This power was given to it in the 7th clause of the Constitution, which commenced as follows.—"All Bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other Bills." The American Constitution had been frequently referred to by the Attorney-General during the discussions on the Constitution Act, and he hoped the precedent of that Constitution in this respect would not be lost upon that learned gentleman now. He trusted he had said enough to show the hon. Commissioner of Public Works that, although he might quote Mills in favour of his argument there were plenty of authorities on the other side of greater weight. But Mr. Mills's quoted opinions, as he had shown, were not applicable to the state of things in this province. Here they had no Lords Spiritual, or if there were such personages, they were especially prohibited from taking a part in legislation. If the members of that House were compared to the Lords Temporal of the British Parliament, the analogy between them must be shown. The

truth was they would be exposed to just and deserved ridicule if they made assumptions of any such powers or privileges as were inherent in the House of Lords. The hon. Commissioner of Public Works had said that no statute law could define the privileges of either House of Parliament. But this was not a question of privilege, so much as of the powers conferred upon them both by a written statute law. If the Constitution of South Australia had been the growth of ages, like that of England, the question would have worn a very different aspect. There it was for the Houses themselves to determine and define what powers they possessed, but here the powers of the Legislatures were defined by an Act of Parliament. No man reading the Constitution Act could say that the Legislative Council was not permitted to amend money Bills. It was arranged that such Bills should be first introduced into the House of Assembly, but they were to be forwarded to the Council for their consideration and revision, and neither House could pass a Bill so as to give it the force of law until it had received the sanction of the other. Before the Government objected to the course of action which had been pursued by the Council they ought to have shown one of two things. They should either have pointed out the parallel between the Legislative Council and the House of Lords, or they should have shown distinctly where the Legislative Council had infringed the Constitution Act. The Ministers had done neither of these things, but had taken the opportunity of making an attack upon that branch of the Legislature, which he had already shown to have been premeditated. No sooner was the Bill returned to the House of Assembly with the message from that House, than the Chief Secretary rose, and moved the resolution which they were then considering. The Assembly were taken by surprise. The members had not examined the question carefully for themselves. They depended on the statements made by the Ministry on a constitutional question like that, and they acted in accordance with their suggestion. He had no doubt, however, that when the matter was next brought before the Assembly it would receive a cool and careful examination, the statements of the Ministers would not be taken for granted, and the result would be very different from that previously arrived at. (Hear.) The hon. Commissioner of Public Works had argued against the right of the Council to deal with questions of finance on the ground that they represented only a class of the community, while the Assembly, representing the whole colony, was, according to that hon. gentleman, exclusively competent to manage the public funds. If they were to refer to the votes by which each House had been elected, they would find there was a numerical difference in favour of the Assembly only to a very small extent—not exceeding 1,700 he believed. That did not constitute a basis so very much broader for the one House than for the other. But for the sake of argument he would admit the statement of the hon. Commissioner in all its force. He would grant that the Assembly was constituted on a broader basis than the Council. But, without depriving the Council of the power of altering money clauses, were the powers of the two Houses equal? Was not the difference in the basis of the respective branches of the Legislature sufficiently met by the exclusive right given to the Assembly to have all money Bills initiated in their House? And on that point he might remark that the House he was addressing was not likely to do anything detrimental to property. The remarks of the hon. Commissioner of Public Works on this point were—he would not say jesuitical—but unfair, because, whatever mischief they attempted to do, their intentions would have no force until their Acts had been adopted and passed by the other House. If they in that House were likely to do anything injurious to the rights and interests of the people, the Assembly would still have the power to

frustrate their intentions. But he would put the other side of the question, it was probable they might prevent evils which the other House might attempt to do. He would point to the Ministerial project for compulsory education. Supposing the Assembly to pass that measure, which would compel a man to pay for the education of his children, though he might be forced to let them go unclad and even unfed, it was well that the Council had the power to protect the labouring man. That power they would certainly exercise for the benefit of the whole community, as well as of the particular class referred to, for that which operated prejudicially upon the labourer was injurious also to all other classes. That education scheme of the Government—which he would venture to say they would be obliged to abandon even before they introduced it—was sufficient to prove how necessary it was that the Council should have power to protect the people. There were other matters in which the Council should have the opportunity of expressing an opinion, although they were matters connected with the public revenue. He might allude to the patronage which the Ministry could exercise though it was only to the extent of giving holidays to workmen for election purposes. This was a matter affecting the public purse, and the Council should have the right to express an opinion on such conduct. The hon. Commissioner of Public Works had referred to the address of the Governor of Van Diemen's Land and the expressions he had used in alluding to the Appropriation Act, and the administration of the public finance generally. It would be quite as proper to allude to the speech with which His Excellency, the Governor of this colony, had opened that Legislature, and the mode in which he dealt with questions of finance. He spoke to both Houses generally on questions connected with the public revenue and expenditure, while to the Assembly he said the details of financial measures would be submitted. His Excellency recognized in that distinction the constitutional principle, and in all other references in his speech to measures involving money questions, he used both the epithets "hon. gentlemen" and "gentlemen." It was also remarkable that his Excellency had promised them that the resolutions on immigration should be laid before them. (Hear, hear.) That was a proof that His Excellency's intention was to submit all questions to both Houses. He did not himself attach much weight to the argument, on either side, deduced from the Governor's mode of address, indeed, he thought that kind of argument should not have been introduced into the discussion. But it had originated with his hon. friend the Commissioner of Public Works, and there was at least as much force in the inference drawn from the style of address adopted by their own Governor as in that deduced from the speech of the Governor of Tasmania. In respect to the immigration resolutions, it was his firm belief that the Ministry never intended that they should be submitted to the Legislative Council.

The COMMISSIONER of PUBLIC WORKS they had been sent to the Council on the previous day, and were rejected.

Mr BAKER hoped he would not yet have to apply the term "jesuitical" to his hon. friend. But he must ask how was he, as a member of that House, to know the contents of the messages informally offered?

The COMMISSIONER of PUBLIC WORKS, as a member of the Government, knew what were the intentions of the Government, and was acquainted also with the way in which they attempted to give effect to them. (Hear.)

Mr. BAKER did not know whether he should allude then to what was matter of notoriety out of doors, but

he might refer to the common report, that the Government were boasting loudly, that they could legislate by resolution, and thus do without the Legislative Council altogether

The COMMISSIONER of PUBLIC WORKS believed it was a violation of the Standing Orders of that House to refer to matters of common report in that way

Mr BAKER only wished to elicit from the hon Commissioner a disclaimer on the part of the Government of the course which common report attributed to them. He had alluded to the subject particularly, because the hon Commissioner had led him into error with respect to those resolutions, by refusing to give him information in reference to them asked for on a former occasion.

The COMMISSIONER of PUBLIC WORKS said the information had been asked for on the occasion alluded to in the way of a challenge. A challenge was always calculated to bias the judgment, by impelling a man to do something on the ground of the challenge, which he would not do on account of its own inherent propriety. As a member of the Ministry, he would not be compelled to divulge the course the Ministry intended to take on any question, when it might not be conducive to the public service to reveal their intentions

Mr BAKER said the inference he had drawn from the Commissioner's silence on that occasion was, that the Ministerial policy was not then ripe. But the fact was, that he had asked for information, and had not obtained it, and had been led into error by the refusal to communicate the desired knowledge.

The COMMISSIONER of PUBLIC WORKS begged, as these statements would go forth to the public, to ask whether the individual who represented the Government in that House had ever shown a disposition to deny information necessary for the conduct of public business, or desired by any hon member

Mr BAKER would at once and freely answer—Never. (Hear) That gentleman had always been most ready to furnish all the information required, and had shown the most commendable disposition to assist hon members by every means in his power. But that only made the exception in the case he had referred to appear more singular, and was the very circumstance that led him to the conclusion at which he had arrived

The COMMISSIONER of PUBLIC WORKS rose to make some further remark, but—

The PRESIDENT said that that irregular discussion had been permitted to run to too great a length

Mr. BAKER had already referred to the remarks of the hon. Commissioner of Public Works on his colleagues. It was impossible that he (Mr Baker) could add anything to the severity of those remarks. According to the hon. Commissioner, the members of the Ministry, whatever their private convictions, had always adopted the views of the Government of the day, and had constantly placed themselves in the position of advocates who had a criminal to defend. That gentleman had also said that the Ministers should rather be judged by what they say now than by what they said on former occasions, and under other circumstances. That conceded the point that there was a difference between the views held now and expressed then, and, in respect of the particular topic under consideration, it proved that the Ministers did, when the Constitution was under discussion, intend to give powers to the Legislative Council which they now denied to them. Before he sat down, he might be permitted to refer to

the history of the Constitution Act, although the circumstances attendant on its passing had already been alluded to by more than one speaker. As a member of the late Legislature, when both the first and the last Constitution Acts were passed—a position which had not been enjoyed by many hon members of that House—he might be allowed to recall some of the facts of the history of those measures, even though he might fall into a reiteration of what had been previously said. In the first Bill, the principle of a nominated Upper House was included. The Ministry then argued in favour of giving power to deal unrestrictedly with money Bills originated in the Lower House to an Upper House so constituted. That Bill, although passed, was petitioned against, and ultimately returned to the colony for the reconsideration of the Legislature. In the second Bill the principle of making the Upper House elective, as well as the Lower, was adopted. Ministers then argued that such an elected Upper House should have larger powers than a nominated one, and they struck out the proviso, which confined the function of the Council in relation to money Bills, to amending, passing, or rejecting them, and left it optional with the Governor to initiate money Bills in either House. He (Mr. Baker) took a different view of that matter, and so did many other members of the late Legislature, and although the clause was once passed without the proviso, they succeeded in getting it recommitted, and in inserting words which limited the powers of the Council in relation to money Bills. The hon. the Commissioner of Public Works was quite right in stating that the Ministry took a view of the subject then very different from the view they take now. They certainly entertained a widely different opinion of the powers and functions of the Legislative Council. He trusted the hon Commissioner of Public Works would be able to assure the House that it was not the intention of the Government to legislate by resolutions of Assembly, and to do without the Council altogether. He hoped that gentleman would use his influence with his colleagues to induce them not to repudiate all their former arguments, and to adopt quite an opposite line of conduct, simply because they could not secure a majority in the Legislative Council (Hear) They had not acted so as to secure it. They had ignored that House altogether. If they persevered in that course the result would be a change of Ministry and great public inconvenience. He hoped Ministers would consider the effect of such a change upon themselves as well as upon the country, though he supposed they did not care much about that. They should look at both those results, as they were mixed up together. The Commissioner of Public Works had said it would be a dignified and courteous course for them to pursue to propose a conference with the other House instead of passing the resolution proposed for their adoption. This was an unfortunate suggestion, for it led them to ask why the Government had not done that which they were now recommended to do. It would have been more dignified and more courteous, and, he would add, more conducive to the public interests, had the Ministry adopted that course in the first instance which their representative in that House was now urging upon them. The Government might have done it before the first stone was cast, for it was they who commenced the war. And it was a curious position to take up, to come now to the Legislative Council and call upon them to do, as more dignified and courteous, that which the Government might have done themselves, but neglected or disdained to do. He must allude briefly to another of the hon Commissioner's arguments. He had said that Parliament itself was to determine the powers and functions of both Houses. But how was it to be done? The House of Assembly had already attempted to decide the matter summarily by sending the Bill they had amended back to them, accompanied by a resolution restricting their powers in the most ar-

bitrary manner. Then they were told by a member of the Government that only the Parliament could determine their powers. He really did not understand the argument as it was put forth. Were they to abide by the decision of the other House as the voice of the Parliament? Until some further information was afforded them he felt bound to support the motion of the hon. Mr. Morpeth. It would not do to modify that resolution as had been proposed. The point must be stated and maintained that the Legislative Council has the power which the House of Assembly denies to it. The retention of that power was necessary to promote the economical expenditure of the public funds, and to do away with that excitement which was produced by holding up the purse and making promises never to be fulfilled. (Oh, oh.) He had often said "oh" to that conduct himself, for he had often deplored it. He said they could assist the Government in the economical expenditure of public money. If railway schemes favourable to particular localities were proposed, it was within the province of that Council to restrain the promoters of them. If they continued true to the country, the country would be true to them. The present conduct of the Government was clearly unconstitutional, and it was also inconsistent, for they were now attempting to break down that which they had helped to build up. The charge of inconsistency had been made on both sides during that debate. Nothing could please him better than the publication of all the correspondence and speeches on the subject. That would show against whom the charge of inconsistency could be substantiated. Then the country would hear, and could decide between the conflicting accusations. (Cheers.)

The SURVEYOR-GENERAL objected to the term colleague of the Commissioner of Public Works as applied to him.

Mr. BAKER was quite willing to retract, and substitute the word friend for colleague.

The SURVEYOR-GENERAL objected on the ground that the opinion which he would then express might not be regarded as his individual opinion, but as an opinion expressed by a colleague of the Ministry. He trusted that the country would do him the justice to believe that the opinions he expressed were his own, and were not influenced by any opinions expressed elsewhere. (Hear, hear.) Having heard the luminous opinion of the President upon the legality of the course pursued by that House, he could have no doubt that the correct interpretation had been placed on the Constitution Act, and that that House had power to accept, to modify, or to reject money Bills. (Hear, hear.) At the same time it was a question whether they should not abstain from doing anything that might lead to a legislative difficulty. The opinions of the Ministers of the day, as expressed when the Constitution Act was under discussion, had been quoted very freely. It appeared that they stated that a certain House should have certain powers, that they strove to strengthen the powers of the Upper House in every way, and contended for its right to initiate, alter, accept, or reject money Bills. The language of Ministers had been placed clearly, properly, and faithfully on record, and it was stated that they now turned round from the force of circumstances and altered the opinions then expressed. He hoped to put that matter in a truer light. As shown in the opinions of the Ministers, they maintained the right of the Upper House to initiate money Bills, and also that they should have power to go from one House to the other to support with the weight of their talent and knowledge the measures they introduced. That was one point of the Bill which the Ministers introduced, another was the suffrage proposed to be introduced, another was the way in which the districts were to be divided for the

Upper House. All those things should be taken into consideration when the opinions of the Ministers were quoted as giving distinct powers to that House. That Constitution Bill, however, was so altered, that the Ministers did not know it. They repudiated the amendments, and divided amongst them from time to time, so that it could not be argued that the opinions expressed by the Ministers were their opinions of the functions of that House under the present Bill. It was not fair to state that they had changed their opinions from the force of circumstances, or that they did not believe them when they enunciated them. He took issue with the excuse advanced for Ministers by the hon. the Commissioner of Public Works. He believed the Ministers adopted in respect of that Bill the course which they considered best for the country. They had their hearts in it, and were not dictated to by any individual holding high commission from her Majesty. (Hear, hear.) The constitution of that House had been altered in many ways, and it was quite consistent that the Ministers might have very different opinions as to the functions to be exercised by that House. A remark had been made by the hon. Mr. Baker that those who indulged in prophecy generally did all in their power to make their predictions come to pass, and that those who prophesied that a collision must soon take place between the two Houses were bringing it about. He would say that the Chief Secretary deprecated such an idea, and expressed his belief that the persons returned to the Parliament would have too much good sense to act so as to bring about anything of the sort, therefore it was not true that a prophecy of that sort had been made, and that the Ministry were doing all in their power to bring it about. He believed that that House had by the Constitution Act the power it assumed, but he would caution the House against any overt act of hostility. In attempting to discuss money Bills clause by clause they would lead to a retardation of the business of the country, and create a difficulty in carrying on the Government, and even greater evils than perhaps could be foreseen. His object was to give that House all its legitimate powers, and he believed the power could be constitutionally exercised by rejecting Bills and not by exercising a power which would bring them into collision with a House which, being elected by a wider constituency, had a broader basis. The country also would probably prefer to confide the management of money Bills to the members of that House which would have every three years to render an account of its proceedings to the constituencies. He confessed that he thought it more probable that the country would remit details of finance to such a House rather than to that House, one-third of whose members were elected for a longer period, and the others for twelve or sixteen years. (No, no.) Well, for certain definite and much-extended periods. Those reasons induced him to ask that House to pause before they passed the resolution before it. Even supposing the resolution was carried in spirit, he thought they would do well to alter one word in it. There could, he imagined, be no objection to expunging the word "desire." (Hear, hear.) He did not think they could retain that word as applied to a body of equal power to themselves. He threw that out as a suggestion to hon. members who might wish to make the message as courteous as it could possibly be. He understood the hon. Commissioner of Public Works to argue that the hon. Mr. Baker had in previous discussions alleged the analogy between that House and the House of Lords. He believed the hon. Commissioner was right, and that the members of the old Council had all more or less the idea in their heads that the analogy was to be preserved. He therefore thought it would be wise of that House only to assume the power which was the rule by the Constitution of England.

Captain HALL considered that subject one of great importance, and that its decision would form a prece-

dent which would materially affect the usefulness of that House as a branch of the Legislature. They were charged with having committed a breach of the privileges of the House of Assembly. He took exception to that charge, and thought it must fall to the ground upon two points. The charge was that of altering a money Bill, and sending it back to be amended. Now, the hybrid Bill in question was not a money Bill, it was not introduced by the Governor, and so was not a money Bill. Therefore, the charge of breach of privilege upon that ground could not be sustained. Then there was another ground upon which the charge must fail. The House of Assembly had failed to show what were its privileges, or that it had privileges peculiar to itself, or any that the Legislative Council did not enjoy in common with it. He maintained that that House, in dealing with the Bill in question, had not overstepped its power, nor trespassed upon the privileges of the House of Assembly. They had acted in accordance with the fundamental principles of correct legislation by confining the Bill to one object. They had only the Constitution Act to guide them as to their powers and privileges. The 35th clause required those privileges to be defined by law, and not asserted by the mere resolution of one branch of the Legislature. (Hear, hear.) By a mutual agreement they could define their privileges and by no other means. When the hon. Surveyor-General talked of an overt act of hostility, he (Captain Hall) could not understand where that proceeded from—certainly not from that House, which was only asserting its rights and the duty due to their constituents. They were empowered by the Constitution Act equally with the other House, so far as he could see. They had plenary powers of legislation, with the single exception of originating money Bills. The analogy attempted to be drawn between that House and the House of Lords held good to a slight extent, but to an extent so slight that it only exhibited the great and essential difference between them. The only point of analogy was, that there was a fraction of the population not included in the franchise which returned the Legislative Council; but the House of Lords did not represent the people at all. Then what was given up for that non-representation of a fraction of the people was the right to originate money Bills, and the representatives of the whole bulk of the people held the purse strings. He would not have alluded to the intentions of the framers of the Constitution Act had not others referred to them, but he would say that had they the intention to limit the functions of that House, they failed to express that intention in the Constitution Act. When he decided upon becoming a candidate for a seat in that House instead of taking his chance with a local constituency, he did not consider that he was to lose the power of asserting the rights of his constituents. He considered that he would have full power to legislate with the members of the other House. He regarded the functions of that House the same as the Ministers then did, or he would not have sought the honour of a seat in it. He did not think it necessary to refer to Mills, or May, or the other authorities from whom such copious extracts had been read, because he thought the question must be decided upon the Constitution Act itself. (Hear, hear.) He maintained that according to that Act the House had not exceeded its powers, or trespassed upon the privileges of the House of Assembly. He did not like to hear such references to a collision. He could not believe that the other House, containing as it did so many men of good sense, would follow their leaders so blindly as to bring things to the pass apprehended by some hon. members. A few hon. members no doubt followed their leaders to some extent, but they would soon open their eyes to the unwise course they were pursuing, and he had no doubt they would retrace their steps. He was satisfied that when the discussions in that House were read, a majority of the

hon. members of the House of Assembly would hold opinions very different to those recently expressed there. He did not envy the feelings of the Commissioner of Public Works in attempting the explanation of the reasons which induced the Ministers to express their opinions when the Constitution Act was introduced in the former Council—opinions so contradictory to those at present held by those gentlemen. He likened them to political chameleons. The hon. the Surveyor-General stated that they were forced to change their opinions by the force of circumstances, that under other circumstances they were willing to accord fuller powers to the Upper House. Yes, that was when it was to be a nominated Upper House. (Hear, hear.) Those were the circumstances. So soon as the House became elected of the people, the Ministers must curb the power and restrict the functions of that House. (Hear, hear.) He was certain that it was not the feeling of that House to do anything uncourteous to the other branch of the Legislature, but it would not be wise of them to submit to the taunt of having committed an overt act of hostility. Had the other House invited a conference, the thing would have been settled at once. The Surveyor-General had alluded to one word only in the resolution, which he thought should be amended. He would support the alteration of that word as suggested, if the mover and seconder would consent. He did not see any particular objection to the word, but if the substitution of the word "request" would render the resolution more courteous, he was sure that Council would willingly agree to it.

Captain Scott did not like to give a silent vote on that occasion. It was one which not only affected the present members of that House, but also those who might come after them. It occurred to him that Ministers had some doubt in their own minds as to how the House would act when money Bills were introduced, and therefore at an early period of the session they hastened to introduce that Bill. There was really nothing in the Bill itself to call for that hurry, and so he thought there must have been some other object in its introduction. He spoke not personally, but of the general policy of the Ministers. They might have thought it better to have the matter settled upon a question of slight moment rather than to have the important business of the colony arrested. It was also not a little remarkable that the adjournment of the House of Assembly followed so soon upon the sending back of that Bill. They would probably take that opportunity of ascertaining the public feeling as to that House, and perhaps they would, upon the reassembling of the other House, be prepared to introduce a Bill more in accordance with the wishes of that Council and the public. Not only had the Assembly sent back the Bill, but the Council was charged with infringing their constitutional rights. Now, he understood that their constitutional rights would be ascertained from the Act giving the Constitution, and they must appeal to the Act itself to ascertain their privileges. He would ask what clause of that Act had been violated in dealing with the Bill. (Hear, hear.) Some of the speakers in the House of Assembly quoted largely from May and other writers on Parliamentary usage. He thought the matter should be settled by authorities nearer home, and that they should have referred to the Constitution Act itself. Some of them had referred to the spirit of the Constitution. He did not know how they were to come at the spirit except in the body of the Act. It was for that Council to proceed upon what was tangible in the Constitution Act, and leave others to deal with what was not in the Act at all. That was, he thought, a proof of the evils of what was called hasty legislation. Had they taken more time in the House of Assembly, and, instead of consulting May, read the Constitution Act itself, they

would have come to a very different conclusion. The course which they had followed had placed both Houses in a very undesirable position. It was very undesirable that there should be any difference between two branches of the same tree, which should produce the same fruit—the good government of the country. That unfortunate Bill, which had turned out to be an apple of discord, and had been tossed from House to House, was now upon their table. What were they to do with it? Send it back, of course—(hear, hear)—but still not in such a way as to give offence. They should keep in view, in their resolution or message, a determination not to show anything that would have the appearance of an improper feeling towards the other House. Then, as to the question of conference. The Council considered they were in the right, therefore it was for the House of Assembly to apply for a conference. The Assembly, in his opinion, were wrong in saying they had committed a breach of privilege, still a feeling of pride might prevent their applying for a conference. Then, he would ask, was it inconsistent with the dignity of that House to apply for a conference? He thought, as a matter of course, that the discussion which had taken place in that House would be published, and then all would be able to form their opinions as to who was right or wrong in the matter. That being the case, he did not think it would derogate from their dignity to throw out a suggestion as to the propriety of a conference, not with regard to that Bill, but with a view to the rights of both Houses being clearly defined. If that simple question was not now settled, they might have other conflicts of the same kind, and he would like to have a conference, by which a clear understanding would be arrived at of the rights, privileges, duties, and functions of both Houses.

Mr AYERS said the Surveyor-General had taken exception to the word "desire" in the resolution, but he would call attention to the fact that it was a word used by the Speaker of the House of Assembly in transmitting messages to the Legislative Council. If any hon. gentleman could suggest a word less objectionable than "desire," he would have much pleasure in supporting its introduction. With reference to the subject now before the House, he felt that he could add nothing to the arguments used by the hon. gentleman who preceded him, and he would not take up the time of the House in needless repetition. The question was, however, one of such importance that he felt it necessary to state the reasons upon which he supported the motion. He had carefully read the Constitution Act, and had found nothing in it to justify the course which the Assembly had thought proper to take, nor to impugn the proceedings of that House in reference to the Bill in question. He believed they had an undoubted right to amend it, and he was strengthened in that belief by the opinions given by the President and other gentlemen who had addressed the House. He felt it to be his duty to support the motion to the best of his power.

Mr ANGAS felt unwilling to prolong the discussion after the able manner in which it was taken up on all sides of the House. He could not, however, justify himself in giving a silent vote, more especially as he had taken an active part in discussing the Constitution Act in another House. The question resolved itself into a small point. Was the course pursued by that House legal or not? He maintained the legality of the proceedings of that House upon that question from beginning to end (Hear, hear). He maintained that the Bill was irregular, unlawful, and contrary to the constitution of both Houses. If it was a money Bill, it should have been sanctioned and introduced by message from his Excellency. It did not appear that his Excellency had been consulted upon the subject, and that the Bill originated in the House of Assembly.

He was convinced that, had the Bill been submitted to his Excellency, he would never have given his sanction to it in that shape. He maintained that the first action upon the Bill was erroneous, and justified the course adopted by that House. Then, again, that House had a right to discuss money Bills, and to amend them, as was evident from quotations given from the Constitution Act. By the very powerful opinion given by the President, it was perfectly evident that, from the constitution of the House, they had that power. In the many quotations that had been given from May, he wondered that the following had not been introduced. It would, he thought, have given a slightly different aspect to the question—"But amendments involving the principle of a charge upon the people have frequently been made to such Bills by the Lords; which, on account of the extreme difficulty of separating them from other legislative provisions to which there was no objection, have been assented to by the Commons. Such amendments, however, ought not to interfere with regard to the amount of the tax, the mode of levying or collecting it, the persons who shall pay or receive it, the manner of its appropriation, or the persons who shall have the control and management of it. In any of these cases the Commons may insist upon their privileges, and it is only by waiving them in particular instances, and under special circumstances that such amendments have ever been admitted." Now he maintained that the principle involved in the paragraph was the very one in the Bill, and the House did not know how to deal with the Bill, as there was a question altogether different from that of finance in it, and therefore they felt it advisable to divide the Bill, to adopt the one half, and to leave the question of finance for further consideration, supposing, no doubt, that the other House would introduce another Bill bearing upon that point. That was the natural course which the House should follow, to resolve not to consider Bills upon subjects irrelevant to each other and the title of the Bill. He had no doubt that discussion would open the eyes of the country to the real merits of the question, but that there was any desire on the part of the members of that House to commit any breach of privilege or good feeling was out of the question. He might have adverted to the quotations which the Commissioner of Public Works had made from the speeches of the Ministry in the late Council. He would, however, satisfy himself with a single remark. He had carefully looked through all the opinions which he had expressed on that occasion, and instead of going against the privileges of that House, they would all tend to support the motion. He sincerely hoped that the Governor would never give his sanction to any measure which might be brought into the Assembly for the purpose of legislating by resolution—a principle which was entirely opposed to the Constitution, injurious in itself, and insulting to that House. He had heard that the opinion given by the hon. Mr. Baker settled the matter, and would bring that House into conflict with the other House, but he had great confidence in the legal knowledge of the Governor, and that he would never sanction any such principle. He believed that any resolutions which passed the Assembly would be embodied in a Bill and submitted to that House for its consideration. He thought the alteration of the word as suggested in the resolution would be courteous, and he would not object to it.

Dr DAVIES hoped that all would uphold their rights, but that they would do it in a conciliatory spirit, for he felt certain that the members of the House of Assembly did not want to quarrel with them. A great deal had been said of the usage of the House of Commons 500 years ago, and of other Councils in that colony, but he thought the better way to discuss that subject was to confine their attention to the Constitution Act. Neither the Commissioner of Public Works

in that House nor other Ministers in the Assembly had quoted clauses from the Constitution Act in support of their views, while the arguments of the members of that Council were founded upon the Constitution Act. The preamble stated that there was a necessity for two Houses having the functions of the one then existing. The 1st clause gave the power which was stated to be necessary in the preamble. The 35th clause stated that all powers and privileges must be sanctioned by an Act of the Legislature, that was to say a second Act, according to a mutual understanding between the two Houses. Again, the 40th clause gave power to discuss money matters, and would not exclude the Upper House from recommending the introduction of matters, or dealing with questions of ways and means. The Commissioner of Public Works had compared the Legislative Council to the House of Lords. He (Dr. Davies) would also compare them, but for the purpose of showing what little analogy existed between them. The one was hereditary, the other elective, the one irresponsible, the other responsible to their constituents, the one cannot be dismissed, the other vacate their seats by misfortune or crime, the one is a permanent body, the other only elected for a certain period. The members of one House sit irrespective of qualifications, the members of the other require qualifications by the 5th clause of the Constitution Act. The one never resign their seats, the other can at pleasure, and must at the end of a definite period. The Lords vote by proxy, the members of that Council cannot. The Lords exist or are appointed irrespective of any act to be performed by them, that Council was established under the idea of hasty legislation, to be a check upon the other House upon all occasions. The Lords legislate for a class, the Legislative Council for the whole community. They have Lords Spiritual, and we thank goodness, have none of them here (Hear, hear)

Captain BAGOT intended to support the resolution, but regretted exceedingly that his hon friend (the Surveyor-General) had not remained in his place that he might receive his (Captain Bagot's) sincere thanks for the gallant matter in which he had stepped forward to the rescue of the Ministry. He would have been greatly pleased had that defence been more successful, and he would have had extreme satisfaction in finding that their conduct in regard to the Constitution was capable of palliation. He would appeal to hon. members to say what would, in the Imperial Parliament, be the opinions of men who held high office, and who jumped round suddenly, and expressed opinions diametrically opposite to opinions expressed but a short time before (Hear, hear). Such men would lose, as they deserved, all credit with the country, and he would not apply the language to them which they deserved, for the simple reason that it would not be parliamentary (Hear, and a laugh). The defence set up by the hon. the Surveyor-General was, that at the time they adopted a certain line of policy the Bill bore different features from those imparted to it during its discussion, that it was, in fact, so completely altered as to destroy its identity. But, he would ask, was there any alteration in its principle? Was it not the intention to form a Constitution upon the two estates—the House of Assembly and the Legislative Council, and was there in the alterations made any departure from that principle? The Ministers advocated certain powers for the Upper House, those powers they set forth fully and explicitly in their speeches, and they were greater than the then existing Council thought fit to grant. The Ministers exerted all their energies and talent to secure larger powers for the Upper Chamber, and what were the alterations carried against them? Nothing but a wise and proper provision, which they should not have opposed, namely, that money Bills should be initiated in the House of Assembly. Was

that alteration sufficient to render the Bill undistinguishable and not to be recognised by its friends and supporters? The Ministers had taken, he would not say a disgraceful course, for that was not Parliamentary—(a laugh)—but they had taken a course with regard to the Upper Chamber which was diametrically opposed to their former course, and one which could not be accounted for by any obviously creditable motives. The hon. Commissioner of Public Works had astonished him more than anything he had ever heard from the lips of man, when he told them that men who had held office so long had in a debate put forth all their talent of reason and argument, and did not believe their own reasoning or their own arguments (Hear, hear). They were told by the hon. Commissioner of Public Works that the opinions now enunciated by Ministers were always their real opinions. He was afraid that there was no room to make a better defence of the Ministry. He would not at that late hour travel over the ground so well occupied by preceding speakers, but would merely remark that he would willingly consent to the alteration of the word referred to, if that was thought to give a more conciliatory character to the resolution. It had been shown, however, that such was the actual language of the other Chamber, adopted, not offensively, but simply because it was Parliamentary, and therefore could not give offence. He thought, moreover, that the amicable opinions and wishes of the members of that House had been sufficiently expressed to prevent any misunderstanding, and in that belief would recommend the resolution to be left as it was.

Mr YOUNGHUSBAND supported the motion as it stood. He thought there could be very little added to what had been already said. The argument was reduced to a single point—the supposed analogy between the functions and privileges of the House of Peers in England and the Legislative Council to override the principles of the Constitution Act. As a member of the late Legislature, and having some experience of the discussions which came on from time to time, and also as a member of the Select Committee appointed to consider and report upon the reforms in the old Constitution, he might be allowed to express his opinions of the meaning of the clause. Before the Bill was passed, in framing the form of government, four points were considered essential—an extension of the franchise, the extinction of nominalism, an Executive responsible to the people, and full control of the waste lands and the revenues therefrom. To prevent such a liberal form of government degenerating into licentiousness, the Imperial Parliament proposed that there should be a Legislative Council to operate as a check upon hasty legislation or reckless or profligate expenditure of the public funds by the House of Assembly (Hear, hear). That was a fact so patent to all in the House that he did not think it necessary to enlarge upon it. The reasons which influenced him in the debates referred to were, he thought, that members of the House of Assembly who represented local constituencies would be better informed as to the wants of their districts, but he gave his vote for the clause it stood, with the full impression that all resolutions affecting the expenditure of public money would be referred to the Legislative Council, which, being elected by the whole colony, would be more likely to do justice to the country at large. It appealed to him that the debate as to whether the House had a right to alter money Bills was a waste of time, as to question it would be to attempt to set aside one part of the Constitution. Therefore he thought the debate was a mere fighting with a shadow. He was induced to believe that the Ministers who initiated that movement did so in the hope of gaining an ephemeral popularity with what he might call the Radical section of the House of

Assembly (Hear, hear) He would support the motion, as it merely met an attempt to infringe upon the privileges of the Legislative Council

Mr MORPHETT would, before the motion was put, say that he was not a suckler for mere forms of words, but the word "desire" was a strictly parliamentary term, and it had been adopted in consequence of its previous use by the House of Assembly. A message was received from that House on the 9th June, in which the word was not written, but printed, so it must have been advisably adopted. It was quite a correct term, and the Clerk of the Legislative Council, who had used the term "request" in a message prepared to be forwarded to the House of Assembly, very properly altered it to "desire," and submitted it to the President, who approved, and the message, so worded, was forwarded. He therefore presumed that no intended slight could be supposed from the use of that word. He would, however, if the House wished it, be quite willing to effect the suggested alteration. He would not long trespass upon the House before he allowed the motion to be put, but the Commissioner of Public Works had made one remark to which he must refer, more especially as that hon. gentleman was generally so very accurate in his language and conciliatory in his manner. He said that Parliament was the best judge of the powers of the Legislature. He believed that to be correct, but he thought the Commissioner of Public Works forgot that the House of Assembly had erected themselves into the Parliament. The hon. gentleman had not referred to any Act which limited their powers, and the provisions of which they had exceeded. It was the House of Assembly alone that had accused them of exceeding their powers. That Council was acting as it thought constitutionally and wisely in the consideration of a Bill sent up by the other House. They had a plain and simple duty to perform, and in performing that duty they made certain alterations in the Bill, and sent it down to the House of Assembly, and if that House thought they had exceeded their powers, it should have asked for a conference. They considered they had merely done their duty, but if the House of Assembly thought they had exceeded their powers, the plain and constitutional course was to demand a conference. The Commissioner of Public Works had also, contrary to his usual conciliatory and gentlemanly manner, made a serious accusation against him and the hon. Mr Forster of making one-sided statements, because they quoted the opinions expressed by certain members at the time the Constitution Bill was under discussion. It was not Mr Forster's fault, nor his fault, that the opinions quoted were unfortunately the opinions expressed by the present Ministry—(hear, hear)—or that they were so entirely opposed to the opinions lately expressed by the same gentlemen. They were, in fact, quoted as the opinions of Ministers, not merely the opinions of individuals, and that was done because it was, strangely enough, the Ministers who brought that question forward—(hear, hear)—and who were, in fact, attempting to infringe upon the principles of that House.

The COMMISSIONER of PUBLIC WORKS apprehended that his remarks were taken, not as he made them, but as they had been reported.

Mr MORPHETT had not seen the paper, and did not know how the remarks had been reported.

The COMMISSIONER of PUBLIC WORKS had stated that he himself intended to do a similar thing, and that his extracts would naturally be partial, inasmuch as he could not go into the entire discussion, but he would extract the parts that bore upon the side which he supported. He could not undertake to repeat the words he had used, but that was the spirit and inten-

tion of them. With regard to what had been said about the Ministry doing this, that, and the other, he would honestly state that the House could not judge of the intention of the Ministry as a whole from what he had said in that House, or from what had fallen from individual Ministers in the other House. The subject had not been mooted among the Ministers as such. (Oh! oh! laughter, and Hear, hear.) If hon. members doubted that assertion, they doubted his veracity, and if so, the sooner he sat down the better.

Mr BAKER enquired whether the hon. Commissioner referred to him.

The COMMISSIONER of PUBLIC WORKS did not refer to any hon. member in particular, although he might have looked towards the hon. Mr Baker.

Mr BAKER wished to explain that his exclamation was occasioned by a sudden comparison of the hon. Commissioner's statement with his having heard that the Treasurer admitted that the motion in question was a premeditated one; and, further, that he had stated that the Ministry would not be justified in introducing such a motion without premeditation. (Hear, hear.)

The PRESIDENT remarked that such discussions were very inconvenient. The honourable Commissioner was making explanations for persons not of that House.

The COMMISSIONER of PUBLIC WORKS understood that he represented Ministers in that House, and when they were attacked, he considered he was not out of order to rise in explanation. When hon. members said Ministers had done this, that, and the other, he thought it was not fair to impute to them as a body what they had not been guilty of.

Mr FORSTER hoped he would be allowed to explain. He had been charged with quoting partially the remarks of the Ministers upon the Constitution Bill. He had no consciousness whatever of having made partial quotations. He did not intend them to be partial. He had a conviction that they were correct, and he denied that they were partial. (Hear, hear.)

Mr MORPHETT had been interrupted by the hon. Commissioner of Public Works, who denied that the Ministers had acted in concert in that matter. He thought, however, that he was justified in considering it a Ministerial act, for it was introduced by a Minister in one House, and defended by a Minister in that House. The hon. Surveyor-General had cautioned the House most considerately and kindly against committing the first act of hostility, but he maintained that the first act of hostility had been committed by the other House. It was a questionable act to deny their functions; and it came to them in a very coarse and off-hand way. When the message came up from the Lower House, he moved that it be taken into consideration after the lapse of five days, but in the House of Assembly the Chief Secretary rose, as if there had been a galvanic battery under his chair, and moved that the whole question should be taken into consideration at once. There could be no doubt as to where the first act of hostility proceeded from. It was, he considered, rather insulting of the hon. Surveyor-General to attempt to restrict their power, because they were elected for a longer term than the members of the other House. He believed that neither that House nor the country would attach any force to that argument of the hon. Surveyor-General. (Hear, hear.)

The PRESIDENT put the question, and it was carried, the Commissioner of Public Works being the only dissenter.

Mr BAKER said it was, he believed, unusual for a majority to call for a division. Still he thought that was such an important constitutional question that the names of the hon. members who voted for the ayes, would be taken down. (Divide, divide)

The House divided, when the appeared—

<p>AYES, 13.</p> <p>Captain Bagot Mr Stirling Captain Hall Mr Younghusband Mr A. Scott Mr Angas Mr. Morphett Dr. Davies Captain Scott Dr Everard Mr. Ayers Mr. Baker Mr. Forster.</p>	<p>No, 1</p> <p>Commissioner of Public Works</p>
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Majority for the ayes 12.

RETURNS.

The Commissioner of Public Works laid upon the table returns relative to the Superannuation Fund and the survey of Victor Harbour

MARRIAGE LAW AMENDMENT BILL

The third reading was postponed till the next day, in order to allow time for the consideration of an additional clause

House adjourned till Thursday.

LEGISLATIVE COUNCIL

THURSDAY, JUNE 18.

PRIVILEGE.

Major O'Halloran expressed regret at having been absent when the resolution referring to the privileges of the House was passed on the previous day. He would take that opportunity of declaring that his sentiments were quite in unison with the resolution passed by such a decisive majority

GOOLWA TRAMWAY.

Captain Bagot called the attention of the hon the Commissioner of Public Works to the manner in which a return with reference to the Goolwa Tramway had been drawn up. The object in asking for the return was to ascertain how the tramway was worked and what amount of revenue had been derived from it. The Commissioner of Public Works said minute details had been asked for since the date of the return, and they had been to some extent supplied. The return in question did not supply all the information referred to, but it was apparent on the face of the return that it did not profess to do so.—Captain Bagot admitted that the original motion did not set forth all the items of detail which the return should contain. That was not thought necessary, it being presumed that a return to be useful to business men must be in detail.—The Commissioner of Public Works took a note of the information required.

MARRIAGE LAW AMENDMENT BILL.

Mr Forster moved that the Bill be read a third time.—Captain Bagot moved that the Bill be recommitted for the purpose of adding to it the following clause—This Act shall be published, by the Governor of the said province, in the *South Australian Government Gazette*, within one month after Her Majesty's approval of the same shall have been received by him; and shall commence and take effect from the day of the

date of such proclamation.—Mr Forster hoped the House would well consider the effect of that clause before incorporating it in the Bill. He was well content that the Bill should be reserved for Her Majesty's assent. But the effect of that clause would be to take the right of reserving the Bill out of the hands of the Governor, and exercising that right themselves. He hoped the hon member would not press the clause.—Dr Davies opposed the introduction of the clause, as it appeared to him that the Council would, by adopting it, stultify themselves.—Capt Hall entirely approved of the object of the clause, and he believed it would be equally acceptable to the defenders and opposers of the Bill, but he did not think it should be included in the Bill. He thought some means should be found to express to His Excellency the wishes of the House upon that point.—Mr. Angas said the Governor would see that he would take a very serious responsibility upon himself—although within his constitutional powers—if he gave his assent to the Bill without referring it for Her Majesty's approval.—The President put the question twice, and declared that the ayes had it. Mr Forster called for a division, which resulted as follows—

<p>AYES, 7.</p> <p>Major O'Halloran Mr Morphett Mr A. Scott Capt Hall Mr. Stirling Mr Davenport Capt Bagot (Teller)</p>	<p>NOES, 7</p> <p>Dr Davies Capt Scott Mr. Younghusband Mr Ayers Dr. Everard Mr. Angas Mr. Forster (Teller)</p>
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The number of the ayes and noes being equal, the President gave his casting vote for the ayes, explaining that he did so, because he was of opinion that the proposed clause did not infringe any privilege of his Excellency the Governor-in-Chief, and that the immediate coming into effect of this Bill might be attended with disastrous consequences, if the Bill did not afterwards receive her Majesty's assent.

New clause read a first time.

Capt Bagot then moved, that the Order of the Day be discharged, and that the third reading of the Bill be an Order of the Day for Tuesday, June 23rd.

Question put and passed

MURRAY RIVER DUTIES BILL

On the Order of the Day for the second reading of this Bill being read; Mr Davenport moved that it be now read a second time.—Question put and passed.—Bill read a second time.—On the motion of Mr Davenport, the President then left the chair, and the Council resolved itself into a Committee of the whole.—In Committee Preamble postponed. Clauses No 1 and No 2 agreed to. Clauses No. 3 and No 4 amended and agreed to. Preamble amended and agreed to. Bill, as amended, reported, and ordered to be read a third time on Tuesday, 23rd June

House adjourned till Tuesday.

LEGISLATIVE COUNCIL.

TUESDAY, JUNE 23

STANDING ORDERS.

Mr Younghusband would ask, before the business of the day commenced, what progress was being made by the Committee on Standing orders. He was aware that an arduous task had been imposed on the Committee, but it was important that it should be proceeded with.—The President was happy to be able to inform the hon. member and the House that considerable progress had been made by the Committee. Every pos-

sible attention had been paid to the subject, and no unnecessary delay would be allowed to retard the duty of the Committee.

MESSAGES FROM THE HOUSE OF ASSEMBLY

Captain Bagot said that since the notice in his name had been placed upon the paper, he had considered the effect of its adoption by that Council, and as he understood his principal object—the immediate enactment of the Chinese Bill—would not be the result, he did not see the advantage of pressing the motion. As the Bill could not go from that House to the Governor for his assent, but must be referred to the House of Assembly, nothing would be gained by pressing the motion, and he would ask leave to withdraw it.—Leave granted

TONNAGE DUTIES REPEAL BILL—PRIVILEGE.

Mr MORPHEIT said that in giving notice of motion on that subject he was careful to do so for such an extended period that all the members of that House should have time to give the matter a calm consideration. He trusted that they would approach the subject in the best and most conciliatory spirit, and with a desire to arrive at the most just and correct conclusion. He would observe, in the first place, that according to the Constitution Act, under which they exercised the powers delegated to them, it did not appear that the Tonnage Dues Repeal Bill could be considered a money Bill. The Act expressly said that all Bills which appropriated public money should be recommended by the Governor. It would be recollected that at the first meeting of the House of Assembly the Treasurer laid that Bill on the table, and did not state that he did so by command of his Excellency. Therefore, according to the Constitution Act they had no right to consider the Bill a money Bill. Admitting, for the sake of argument, that it was a money Bill, the Commissioner of Public Works said that they, as a distinct branch of the Legislature, had no right to alter or interfere with the provisions of a money Bill. He opposed and denied that assertion, on the faith of the Constitution Act. He confessed that he thought they had all the argument on their side. It was perhaps natural that he should think so, but he thought the same must be the opinion of any candid or impartial mind, and that they would, on consideration, arrive at the same conclusion. He need not go into a consideration of the various clauses—that had been done in the previous discussion—but he thought it could not be denied that they had all the right which the former Legislature possessed, and the Commissioner of Public Works would not deny that the former Council could deal with money Bills and with the Estimates with the most minute and scrutinising particularity. Since the question had been last before the House he had paid more attention to it, with a view of arriving at a just conclusion upon the point in debate between the two Houses. He would call attention to the powers of a similarly-constituted Council submitted to her Majesty by the Board of Trade, a body that exercises supervision over colonial laws, and everything which affects trade and plantations. When Her Majesty proposed to give a new Constitution to the Cape of Good Hope, she referred the matter to the Board of Trade and Plantations, and they furnished a report from which he would read an extract.—“The elective character we have proposed to give to the Legislative Council would also, we think, render it expedient to vary in another respect the ordinary rules for the transaction of public business in a Legislature composed of three estates, and we would recommend that it should be expressly provided that the Legislative Council should be entitled to amend, if it should so think fit, money Bills sent up to it from the Assembly, by increasing or diminishing the amount of the taxation to be imposed, or of the appropriation of the revenue to be made by the Bills proposed to it.

These amendments would, of course, like any others, require the concurrence of the Assembly before the Bills in which they were introduced could be presented for the assent of the Governor. We feel it to be our duty to express to your Majesty our strong opinion that the course we have suggested is the only one which can with prudence be adopted.” That was the opinion of the Board of Trade and Plantations, and when the House considered the power that Board was invested with, he thought it would be considered a good authority. He would also refer to the Votes and Proceedings of the Cape Legislature in 1854, when the Governor, in addressing the Legislative Council, said—“Power to amend money Bills in any way which the Council might deem useful and expedient is also conveyed to that body.” A like power was conveyed to the Governor of the Cape, and a like power had been conferred on the Governor of South Australia. The Governor-in-Chief can return a money Bill to Parliament for such amendments as he may think fit, and the Governor at the Cape alluded to the possibility which to some slight extent had shown itself between that House and the other branch of the Legislature. He thought a glance at the Constitution Act would be sufficient to show that the members of the House of Assembly had, unguardedly perhaps, sought to exercise overstrained privileges, and that the Legislative Council would not be doing justice to their constituents, the whole colony, in not asserting their constitutional rights and in asking the House of Assembly to agree to the amendments in the Bill which they thought necessary for the public good. He would move—“That on the reassembling of the House of Assembly, the ‘Tonnage Duties Repeal Bill’ be sent to that House, with a copy of the resolution moved by Mr Morpheit, and passed by the Council, on Wednesday, the 17th inst., together with a Message from the Council to the House of Assembly, desiring its concurrence in the amendments made in the said Bill by the Legislative Council.”

The COMMISSIONER OF PUBLIC WORKS, before the question was put, would say, that he did not propose to take the course pursued by the hon mover. He would not re-open a subject already fully gone into, and by a resolution of that House decided. He would simply remark on the authority cited in support of the view taken by the hon mover. He submitted that the words in the quotation went to show that it was an exceptional case, and that the rule must be looked for in an opposite direction. That in fact only confirmed the quotation which he had read a few days ago from Mr Mills, that Legislative Councils should have no power to effect more than verbal alterations in money Bills.

The SURVEYOR-GENERAL thought that the persistence of that House in the course it had adopted might be attended with most disastrous consequences. They were setting themselves up in direct opposition to another legislative body. The issue of such a contest he apprehended was likely to be destructive to the interests of the country, and with that feeling he again addressed himself to the subject. They were asked to send back a Bill with a copy of a resolution desiring that the House of Assembly “will concur in the amendments made by the Council, but this Council regrets that the House of Assembly had not adopted the more Parliamentary course of requesting a conference between the two Houses on the point in question.” They were thus, not only asserting certain privileges which that House declared it possessed, but they were dictating to the other House what their course should be. They scolded them for not pursuing a Parliamentary course (No, no.) Well, the words were to the effect, that we regret that they have not adopted a more Parliamentary course. They had a right to take what course they pleased, but that Council ventured to point

out to them a more Parliamentary course, and that it would be wiser to retrace their steps, if possible, and in some other way arrive at a settlement of the question. He had previously pointed out that the last paragraph in the resolution agreed to on a former occasion was not calculated to bring the matter in dispute to an amicable solution. He would, therefore, propose, instead of the present motion, the following — That on the reassembling of the House of Assembly a conference with that House be requested for the purpose of taking into consideration the adverse opinions arrived at by the two Houses of Legislature on the subject of the power of the said Houses with regard to money Bills, and with a view to the introduction of an Act for the settlement of such adverse opinions. If they were right, they could afford to hold out the hand of good fellowship to the other House, and invite its members to a conference which would establish their respective rights on a clear and firm basis. So long as one House held one opinion and the other House another opinion, they could not get on with the business of the country, and they could only settle the matter by a conference. The Constitution Act pointed out the proper course to be taken. Why should they not take that proper course, and more especially as they said it would be the right course for the other House to pursue? Should such be decided on, and their efforts be successful in settling the question, he would most sincerely rejoice; otherwise he apprehended that hon members would bring that House into a most unenviable position.

The COMMISSIONER of PUBLIC WORKS rose to second the amendment, but was met by cries of "Spoke, spoke."

The PRESIDENT said it was out of the power of the hon gentleman to second the amendment, as he had already spoken.

Mr BAKER thought the position in which the Commissioner of Public Works had found himself placed, convinced him of the necessity of maintaining order both in carrying on the business of that House, and in all communications between the two Houses. The hon the Surveyor General had admitted that the Assembly had not done right in not asking for a conference—

The SURVEYOR-GENERAL had not said so, although he admitted that it might be a question.

Mr. BAKER well, then, while the question existed, and while the hon gentleman made use of such arguments as they had heard, the conclusion to be drawn was, that the House of Assembly did wrong in that regard. It was the duty of the House of Assembly to demand a conference, and there the difference could be amicably arranged. As they did not do so, that Council was bound to give them another opportunity to retrace their steps, and place the matter in the same position it was in when the dispute arose. It was imperatively necessary for them to be guided by rules which would prevent collision between the two Houses, and therefore he supposed, that, even had the amendment been seconded, it would be impolitic to carry an amendment that would subvert the resolution of a full House, carried with but one dissentient—he might say of the whole House, for, with the one exception, the members who were absent had intimated their support of the resolution. The people of this colony were quite competent to judge for themselves, and they would, he was convinced, hold that House as entitled to all the powers which it sought to have. The Bill was not returned by them as a money Bill, but because it was passed contrary to the Standing Orders under which they sat, and to those which were in course of preparation, and, also, so far as he knew, to the Standing Orders of every

legislative body in existence (Hear, hear) It was opposed to all legislative order to pass one measure embracing two dissimilar subjects. The object of that was to prevent the joining of matters together which could not be dealt with by two Houses. The Commissioner of Public Works had stated that the quotation read by the hon mover was conclusive against the power assumed by that House. He really thought the hon Commissioner of Public Works must have misunderstood the words as he heard them read, and when he perused them for himself he must come to a different conclusion, unless predetermined to put a wrong construction upon them. It was impossible not to see by a candid reading of the passage, that it was a case precisely in point. He was sorry that the discussion had been re-opened, but he would ask those who opposed the privileges of that House to consider the fact that the Governor had power to recommend money Bills. He could, on their being passed, give or withhold his assent, or send them back with amendments; therefore, if that power was given over the people's money to the representative of the Crown, it could not be denied to that House, which represented the people (Hear, hear.) He thought the members of the other House would be glad of the opportunity to retrace their steps, but if, carried away by the Government, they refused to do so, he was satisfied that the verdict of the country would justify that House, and that the Government would be held responsible for any disasters that might ensue, as apprehended by the hon the Surveyor-General.

Mr MORPHETT replied

The PRESIDENT then put the question and declared it carried.

PARLIAMENT HOUSE AND GROUNDS

Captain HALL asked the Commissioner of Public Works whether it was true that the Government did not propose to erect any other Parliament Houses during the continuation of the present Parliament; and if so, whether it was their intention to cause a vote to be initiated in the House of Assembly, for the purpose of erecting the Printing-Office in the immediate vicinity of the present Chamber, also, whether the grounds in the neighbourhood of the Council Chamber were to remain in their present rough and unseemly state.

The COMMISSIONER of PUBLIC WORKS was happy to be able to inform the House that plans for a new Parliament House had been prepared, and were open to the inspection of hon members. There was a notice on the paper of the other House on the subject, and, in any event, the Government intended to enclose the land (Hear, hear)

REGULATION OF WASTE LANDS BILL

The COMMISSIONER of PUBLIC WORKS moved the second reading of this Bill. He remarked that it was second to none in importance as affecting the material welfare of the province, and as it so slightly modified the regulations approved by experience, he had no anticipation of opposition to the second reading. The principal alteration was, that, instead of a moiety of the Land Fund being as heretofore appropriated to immigration, the whole proceeds of the public land would be paid into the Treasury, the Parliament annually deciding on the extent and quality of the immigration to be sustained out of the General Revenue.

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

IN COMMITTEE

A verbal alteration was made in the 1st clause, on the motion of the Commissioner of Public Works.

On the reading of the second clause,

Mr MORRHETT wished, before the Bill was proceeded with, to hear the opinion of the hon Commissioner of Public Works, whether this were a money Bill or not. He conceived it was as much or more so than the Tonnage Duties Bill, as the 11th and 19th clauses provided for the raising and appropriation of revenue. It appeared to him that, according to the hon gentleman's dictum, the House could do nothing with the Bill beyond passing or rejecting it.

The COMMISSIONER OF PUBLIC WORKS thought they could arrive at no other conclusion under the Constitution Act than that it was a money Bill, as it provided for raising and appropriating a revenue. That, at least, was his individual opinion.

Mr MORRHETT had brought the question forward in order to show under what difficulty the House was placed by the course pursued by the Ministry. He could only take the hon member's opinion as that of the Ministry.

The COMMISSIONER OF PUBLIC WORKS could not admit of any such conclusion. He was not always ready to reply at the moment as to what might be the ministerial view of the question, but if, in such cases, the hon member would give notice, he should be able to supply the desired information.

After some further discussion, clauses 2 to 5 were agreed to.

Clause 6 was amended and agreed to.

Clause 7 was agreed to.

Clauses 8 and 9 amended and agreed to.

Clause 10 was agreed to.

Clause 11 amended and agreed to.

Clause 12 amended and postponed.

The Committee then adjourned, the House resumed, the Chairman reported progress, and obtained leave to sit again the next day.

MARRIAGE LAW AMENDMENT BILL.

Mr. Forster moved the third reading of the Bill.—Mr. Baker asked what was to be done about the additional clause which had been laid upon the table.—The President said it had dropped.—Mr. Baker thought that a great pity.—The Surveyor-General agreed. It was a most excellent clause, and he moved that it be read a second time.—Mr. Baker seconded the motion, which was lost.—Mr. Forster moved that the title of the Bill be altered, and stand thus.—“A Bill to Legalize the Marriage of a Man with the Sister of his Deceased Wife.”—This having been carried, the Bill was read a third time and passed.

MURRAY RIVER DUTIES BILL.

Read a third time and passed, and the House adjourned till Wednesday.

LEGISLATIVE COUNCIL.

WEDNESDAY, JUNE 24.

REGULATION OF WASTE LANDS BILL.

IN COMMITTEE

The 13th clause, relating to mineral leases, was verbally amended and agreed to.

The 14th clause, empowering the Governor to make regulations, was verbally amended and agreed to.

The 12th clause was then considered, and

Mr. BAKER thought the land, when the demise terminated, should be relet, rather than the lease resold.

The COMMISSIONER OF PUBLIC WORKS said such was the intention of the Government, and he was willing to adopt any language that would carry out that intention. A minimum or upset rent would be fixed, and the auctioneer would accept the highest rent offered.

The clause was amended so as to express that meaning, and agreed to.

The 15th clause, “Regulations to be laid before Parliament,” was agreed to.

The 16th clause, “Mineral and timber licenses,” amended and agreed to.

The 17th clause, “Definition of the term ‘Waste Lands,’” was verbally amended and agreed to.

On the 18th clause, “Rights under contracts saved,” being read,

Mr. BAKER said most of the leases would fall in at one time, and the uncertainty that would occasion among stockholders would be so great, that it would restrict their operations, to the detriment of the colony. Some provision should be made to save the interests of leaseholders in the event of their being outbid when the lease was put up for sale. He thought the sale should take place at least twelve months before the expiration of the existing lease.

The COMMISSIONER OF PUBLIC WORKS said the matter had been under the consideration of the Government, and it was proposed to offer the reletting twelve months previous to the expiration of the leases.

Mr. BAKER thought the Bill should confer power on the Government to make a regulation to that effect.

Mr. YOUNGHUSBAND said the 14th clause did so.

Verbally amended and agreed to.

The 19th clause, “Appropriation of proceeds of waste lands,” was verbally amended.

Mr. FORSTER then enquired whether it was intended to reserve the whole or part of the proceeds of the waste lands for special purposes, such as public works and immigration, or was any part of that fund likely, by being paid into the General Revenue, to be applied in the payment of departmental expenses.

The COMMISSIONER OF PUBLIC WORKS said the subject had been considered, and it was determined to leave in the hands of Parliament the right of voting annually what proportion of the General Revenue should be applied to internal improvements, and what should be expended in introducing immigrants.

Mr. BAKER thought it desirable to hold the whole proceeds of the waste lands intact for public works and immigration, the Legislature to determine the proportions to which it should be applied annually to either purpose, otherwise the great object would be lost of using that fund as capital for the improvement of the colony. It might be found desirable to expend a considerable amount in opening up means of internal communication by locomotives, or some other schemes of public improvement, to which that fund, as public capital, should be applied. The Legislature could fix every year the proportions in which that fund should be expended, and if the hon Mr. Forster would move an amendment to that effect, he would support it.

Mr. FORSTER said a great many amendments had been made in the Bill at the instance of the Commissioner of Public Works. He would ask that gentleman whether it was competent to that House to introduce a proviso to the following effect.—“Provided that no part of the proceeds of the waste lands of the Crown

shall be applied to the payment of departmental expenses."

The COMMISSIONER of PUBLIC WORKS said that opened up a question set at rest, at least for the present, by a resolution of that House. The House had decided that it was competent to deal with money matters, and until the question was otherwise settled, he must not be obstructive to the business of the House.

Mr FORSTER was happy to hear that opinion, and moved the proviso, but subsequently withdrew it for want of a seconder.

The clause was then put and agreed to.

Mr BAKER moved the insertion of an additional clause as No 20, enacting that the short title of the Bill be "The Waste Lands Act," which was agreed to.

The preamble was passed with several verbal amendments, Council resumed; the Bill as amended was reported, and its third reading made an Order of the Day for July 21.

MAIN ROADS.

The Commissioner of Public Works said, in reply to a former question put by the hon Mr Baker, that the road near Bailey's garden had been metalled only in the centre, and obstructions were placed on the sides in order to force traffic on to the new metal, and prevent the cutting up of the water-tables. This was a necessary course, and a common one in England—Mr Baker had only referred to a bridge which, had been built near Bailey's garden encroaching on the road. He had also mentioned the steepness of the centre on the Magill-road. The footpath there was being rapidly converted into a large ravine and the space for traffic on the roadside was being materially reduced.—The Commissioner of Public Works had not understood the hon member to have referred to the Magill-road, but he would make further enquiries.

LAND GRANTS.

Mr Baker said that, since last calling attention to the subject, he had heard many complaints of the delay which took place in the issue of grants for land purchased of the Government.—The Commissioner of Public Works replied that, since the hon gentleman's former notice greater dispatch had been used in issuing the grants, and he had not heard of any subsequent complaints.

RAILWAY COMMITTEE.

The time for the bringing up of the Select Committee's report was extended to July 21.

RETROSPECTIVE EFFECT OF ACTS

Mr Morphett's notice of motion on the above subject, standing for the 30th instant was postponed to July 21.

ADJOURNMENT OF THE HOUSE.

The Commissioner of Public Works moved that the House do adjourn to Tuesday, July 21—Mr. Baker expressed his regret that there should be any necessity for a long adjournment. Little attention was paid to the convenience of members, who had been meeting for some time, and had scarcely any business brought before them.—The Commissioner of Public Works had desired to consult the convenience of members in moving an adjournment. He had understood that they wished to adjourn—Mr Baker remarked that they only wished to adjourn because they had nothing to do.—The Commissioner of Public Works said their having nothing to do arose from the House having ruled that it was not in order to receive the messages from the

House of Assembly, which would have placed some Bills before them for consideration—Mr Morphett observed that the obstruction did not arise in that House. It was laid down in the authorities that a message from the other House could not be received except when both Speakers were in their chairs—Major O'Halloran must say it would have been far better to have received the message under protest. They had themselves given occasion for strife and discord by the rejection of the messages, and he thought the whole blame ought not to be thrown upon the Ministry. They had some part of it to bear themselves.—The President said that, as a point of order, the Chinese Bill could not have been passed. It must have been sent down to the other House, and that could not have been done till the other House was in session.

Adjourned to Tuesday, July 21.

LEGISLATIVE COUNCIL.

TUESDAY, JULY 21.

THE SWALLOW

The Commissioner of Public Works laid on the table the report of an enquiry made into the brig Swallow, asked for by the hon Dr. Davies—Read, and ordered to be printed.

POWDER MAGAZINE.

The Commissioner of Public Works laid on the table copies of correspondence relating to the Powder House, asked for by the hon Mr. Scott.

IMPORTATIONS VIA PORTLAND.

The Commissioner of Public Works laid on the table an approximate return of the goods likely to be introduced by way of Portland for consumption in this colony, and said he would, in laying this document on the table, mention that it was found that the authorities at Portland had but very little knowledge of the quantity of goods thus introduced, and he could only get an approximate return by directing the police in the South-eastern district to get all the information they could from the settlers on the subject. From those enquiries it appeared that commodities to the value of about £25,000 per annum were introduced into the colony by way of Portland at the present time.

RETURNED CONVICTS.

The Commissioner of Public Works said that he would take the present opportunity to give some explanation in reference to a question asked for by the hon Dr. Davies concerning the reported return of convicts to this colony from Victoria. When, some time since, he (the Commissioner) replied that no such cases as those referred to had occurred, the hon gentleman stated that the Commissioner of Police had told him there had been such a case. After this other enquiries were made, and he still found there had been no such case, though there were circumstances which had given rise to the report, and those were, that in June, 1856, the Chief Officer of Police at Melbourne sent two holders of tickets-of-leave illegally at large to this colony, although they had escaped from Western Australia. They were seized in Melbourne, and sent here, the judgment against them being that they be sent to the colony from whence they came.

FORM OF MESSAGE TO THE HOUSE OF ASSEMBLY.

Mr Baker said some time ago a message was sent from the Council to the House of Assembly on the subject of consolidating the laws of the colony, but no action had been taken upon that message, because, as it now appeared, it was not in accordance with the form required. He wished to know what course the Council should adopt—whether they should send a

fresh message, or in what way they should bring the subject under the attention of the House of Assembly.—The President said the Council was not aware in what way the message sent was informal, therefore, he could not say what step they should take. The hon gentleman had better give notice of motion on the subject.—Mr Baker would move the consideration of the subject on Thursday next.

REGULATION OF WASTE LANDS BILL.

The Commissioner of Public Works moved the third reading of this Bill.—Mr Forster seconded.—Dr Davies enquired whether it would be in order, at that stage of the measure, to propose an amendment of the 10th clause.—The President said that none other than a printed clause, of which due notice had been given, could be considered then.—The Bill was read a third time and passed, a verbal alteration having been made in the title, and it was ordered to be transmitted to the House of Assembly for their concurrence in the amendments made.

MURRAY CUSTOMS BILL.

Ordered to be transmitted to the House of Assembly

MARRIAGE BILL

Ordered to be transmitted to the House of Assembly

TONNAGE DUTIES BILL.

The Clerk of the House stated that he had delivered a message to the House of Assembly on the subject of the Tonnage Duties Bill

COMMITTEE ON RAILWAYS AND TRAMWAYS

Mr Baker asked for an extension of time for this Committee until that day week.—Granted

THE PASSING OF ACTS OF PARLIAMENT

Mr Morphett moved for leave to bring in a Bill to prevent Acts of the Parliament of South Australia from taking effect from a time prior to the passing thereof. This was a very simple matter, and his reason for introducing the motion was that in England the custom which used to prevail had been found highly inconvenient. That custom was, that all Acts passed during a session should be held to be in force from the beginning of the session, and on account of the inconvenience which resulted from that, the Imperial Legislature passed a Bill similar in effect to that which he now proposed for this province. He thought such a measure was highly desirable, and, if introduced, at its second reading he would explain it fully, at present he would confine himself to stating that its objects were to specify a time at which Acts should begin to operate, and to shorten the language of those Acts.—Mr Baker did not see anything about shortening the language of Acts in the notice of motion before the Council.—Mr Morphett said that was accidentally omitted, but there was a clause in the proposed Bill which would have the effect of shortening the language of Acts. He would, therefore, ask leave to amend the motion by putting in the words "and for shortening the language to be used in such Acts"—The amendment was agreed to, and leave granted.—The Bill was then read a first time and the second reading made an Order of the Day for Thursday next.

The Council then adjourned till Thursday next.

HOUSE OF ASSEMBLY.

TUESDAY, JULY 21.

The SPEAKER stated that he had presented the address with reference to the steam snagboat to his Excellency the Governor-in-Chief. He also handed to the Clerk the judgment of the Court for the Trial of Disputed Returns in the matter of the Barossa election

NEW MEMBER.

Mr W Bakewell took the usual oath and his seat as a member for Barossa.

MESSAGES TO THE LEGISLATIVE COUNCIL

The Speaker read a statement with reference to the refusal of the Legislative Council to receive messages from that House during the recess.—The Chief Secretary said a most important question was raised by this statement, and he would suggest the propriety of considering it after the disposal of the business on the notice paper (Hear, hear)

PETITION

Mr. Waterhouse presented a petition from Mr. Alexander Tolmer, setting forth his long and arduous services in the Police Force, and praying that his case might be considered and His Excellency addressed with a view to such provision as might be thought meet.—Received and read

GREENHILL-ROAD.

Mr Waterhouse presented a petition from a number of ratepayers in the District of Burnside, praying for a vote for the completion of urgent works on the Greenhill-road.—Received, read, and ordered to be printed

IMMIGRATION AGENT.

The Commissioner of Crown Lands laid on the table a Bill to provide for the appointment of an Immigration Agent.—Read a first time, and the second reading made an Order of the Day for that day week

FINES AND PENALTIES

The Attorney-General laid on the table a return of fines and penalties enforced under the Licensed Victualer's Act.—Ordered to be printed

PARLIAMENTARY PAPERS

Laid on the table.—West Adelaide Building Society's Balance-sheet, Correspondence with Central Road Board respecting road over Sellick's Hill; Return of Expenses of Surveys of Main Roads, Immigration Bill; Public Works Bill, Statement relative to Survey of Main Lines of Roads, and sums paid for land for same.—Ordered to be printed

POSTAL COMMUNICATION.

The Chief Secretary laid on the table a despatch on this subject, which was read by the Clerk.—Ordered to be printed

PUBLIC WORKS BILL

The Chief Secretary laid on the table a Bill to place the control of public works in the hands of the Commissioner.—Read a first time.

REPORTING.

Mr Blyth asked the Chief Secretary whether the Government had made any arrangement to secure a full report of the debate on the question of privilege. He did so because, when that matter was considered in that House, it was not fully reported, but when it came before the other House, the debate was most fully, correctly, and faithfully reported (Hear, hear, from the Ministers)—The Chief Secretary had to inform the House that, during the recess, enquiries had been made as to the cost of reporting the debates of that House generally, which was, in fact, the substance of a resolution passed by the House. It had been ascertained that it would be necessary to subsidize one of the local papers to the extent of £2,500 per year, and that to be guaranteed for three years. Under these circumstances, the Government had taken no steps, and there were no means available to secure a faithful record of what passed upon any debate that might arise on privilege in that House.—Mr Blyth would then move to-morrow that it is advisable to preserve an accurate report of

any debate upon privilege that may take place in that House.

MESSAGES.

The **CHIEF SECRETARY** moved that this House having been informed that its Messenger, on presenting himself at the bar of the Legislative Council on the 16th of June last, with messages to the Council, was not allowed to deliver them, request to be informed by the Legislative Council of the grounds upon which those messages were refused. They had indeed heard of a conversation between the President of the Legislative Council and the Clerk of that House but they could not receive any report of a conversation of that kind from a person whose sole duty it was to deliver a message. The only recognised communications between the two Houses must be in writing. He was willing to assume that great, weighty, and sufficient reasons existed for the refusal, and it was only by written communication they could ascertain those reasons. They wished to know plainly and unmistakably why their messages were not received. If there was a Standing Order or a Parliamentary custom which forbade the reception of a message unless both the Speakers were in their chairs, it was a very inconvenient arrangement, and one that was likely to impede the public business. There was one Bill in particular which that refusal tended to delay. The Chinese Bill, it was known, was passed with haste by that House to meet a great colonial and social difficulty, and it should not have been delayed from becoming law upon any slight grounds. Recent events proved the importance of such a law, and could have been fully discussed in the Legislative Council during the recess of the House of Assembly. They looked to the Legislative Council as their seniors, and were willing to have their measures discussed and amended by men so competent to restrain the sallies of less experienced legislators.

Mr. WATERHOUSE thought it much better to ask simply for information as to why the messages were not received, and then if they could consistently with their own dignity send the messages again, they should do so. He complimented the Chief Secretary on the conciliatory style in which he moved his resolution, and expressed a hope that nothing would be said by any hon. member to widen the breach which unhappily existed between the two Houses.

The **TREASURER** remarked that time was an all-important matter in the Chinese question. The delay that had taken place might have the effect of postponing the time for the Act to come into operation. He hoped such would not be the case, and that those who had to advise residents in the Chinese ports would delay sending their notices until the information now sought for was obtained from the Legislative Council.

Mr. HUGHES hoped the Chief Secretary would take the sense of the House on his resolution. He was glad to notice the tone in which the subject was now discussed.

Mr. BLYTH agreed in all that had been said as to moderation of language, but thought it was useless to attempt to proceed with the Bill until the privilege question was settled. He was in favour of the suggestion of the hon. member (Mr. Waterhouse) for East Torrens.

Mr. REYNOLDS agreed also in that suggestion, but thought it was all-important to know on what terms they could carry on the legislation of the country in conjunction with the other House. He not only approved of the tone assumed by the Chief Secretary on that occasion, but also of the tone he had assumed on a former occasion.

The **ATTORNEY-GENERAL**, as the seconder of the resolution, consented to a suggested alteration. With regard to what had been said of the tone of the former discussion, he thought it might well be excused by the importance of the subject, and the duty of the members of that House to maintain their privileges as the representatives of the people.

Mr. BABBAGE denied that the other House was the cause of the delay. It was the adjournment of that House which had led to it (Mr. Blyth—No, no), Hon. members might not regard the matter as he did, but he repeated, that, on the adjournment of that House, in opposition to the wishes of a large number of its members, at least some portion of the onus of the blame of delay must rest.

Mr. MILDRED would not have spoken had he not heard a member of that House say that some portion of the blame of the delay rested on that House. It was no matter whether they were in session or not, the Legislative Council should have received the Chinese Bill and dealt with it. The campaign was now opened and it behoved every man to speak out. Everything had been done in a proper and gentlemanly manner in that House, but instead of the Legislative Council sending for an explanation of anything which was not within the compass of their understanding, how did they act? Did they perform their duty? He maintained that they did not. They seemed to set at naught the claim of that House to the power of the purse. They ought, in fact, to dip their hands into it, and to dispose of it as they pleased. (Hear, from the Chief Secretary.)

Mr. BAGOT confessed that he was greatly struck with some of the remarks which fell from the hon. Mr. Babbage, and probably the effect would have been greater did he not know the habitual opposition of that hon. gentleman to the Government. He thought that hon. gentleman was, perhaps, with the exception of the hon. Mr. Hughes, more in the confidence of the Legislative Council than any member of that House. (A laugh.) He hoped, however, that the amended resolution would be agreed to.

Mr. BURROD considered that the House had acted promptly in the matter of the Chinese Bill, but carefully, and it was not correct to say that the House passed the measure hurriedly.

Question put and carried.

The **CHIEF SECRETARY** moved that it be transmitted as a message to the Legislative Council.
Agreed to.

TONNAGE DUTIES BILL.

A message was presented from the Legislative Council returning the Tonnage Duties Bill, with the following resolution of the Council thereon—"That the Council having received a message from the House of Assembly, stating that the Council has committed a breach of privilege in returning to the House of Assembly the 'Tonnage Duties Repeal Bill' which was passed by that House, with certain amendments made by the Council, and having given the fullest consideration to the message of the House of Assembly, resolves, that in the opinion of this Council it has not committed a breach of privilege in making the amendments to the Bill in question, it being the undoubted right of this Council to make amendments in all Bills whatever sent up to the Council by the House of Assembly, and that it being bound in justice to the people by whom it is elected to maintain their rights and to exercise the powers given to it by the Constitution Act, it is the imperative duty of this Council to

send the 'Tonnage Duties Repeal Bill' again to the House of Assembly, and to desire that the House will concur in the amendments made by the Council, but this House regrets that the House of Assembly had not adopted the more Parliamentary course of requesting a conference between the two Houses on the point in question."

The CHIEF SECRETARY gave notice that this message be considered next day in a Committee of the whole House (Hear, hear)

STEAM POSTAL BILL

The CHIEF SECRETARY moved the the second reading of this Bill

Mr WATERHOUSE asked, as that was an adjourned debate, and Mr Mildred was the mover of the adjournment, should not the person who was in possession of the House resume the debate, or should they begin *de novo*

The SPEAKER said the motion was not an adjournment, but that the second reading be an Order of the Day for that day

The CHIEF SECRETARY said he was quite in order The despatch, read that day bore out the correctness of the private communication from Mr R Hill, which he had read on on a former occasion It was still, however, not too late to give in their adherence to the contract The instructions from the Home Government to the Victorian Government were to suspend arrangements as to the branch service until the final decision of South Australia was known If there were hon gentlemen waiting for the arrival of a despatch conveying the sentiments of the Home Government, they had that information now, and could determine whether they would accede to the contract or pay the actual cost of transmitting their letters They might probably be compelled by that arrangement to pay a larger sum than their proportion of the subsidy He was not in a position to say what amount they would have to pay, but it was clear that they would be in an unfavourable position as compared with what they would be under the contract Merchants having correspondents in Melbourne might not suffer, but the public generally could not have such advantages They would not enjoy the privilege of quick intercommunication, held to be so essential of late years A refusal to accede to the Bill would be to say that a quick intercourse with the mother country was not desirable He was for rapid intercourse both by letters and printed papers A hope also, it should be observed, was held out to them that they might arrange to have their letters sent by the steamers passing on the homeward voyage by Kangaroo Island That he thought might be effected by an additional subsidy, but before they could do that they must join in the general scheme Then they might negotiate, by an additional payment, for the calling of the steamers at Kangaroo Island He hoped the Assembly would place the Government in a position to negotiate the matter In asking the House to agree to the Bill he did not ask them to agree to the measure as introduced, with a limitation to twelve months, but to pass it without limitation, except such as might render it definite With that explanation, he would ask the House to consent to the second reading of the Bill He had laboured to shew that if they concurred in that plan the Home Government and the other colonies would participate in the expense of the branch service That was reiterated by him in that House, but never made known to the public The Government had done all in their power to effect an arrangement which they thought would be beneficial to the public

Mr. HUGHES felt called upon to maintain the same position as before with respect to the Bill. The despatch

satisfied him that the Government had not acted so earnestly in the matter as the interests of the colony required They did not explain to the Home Government the reasons which influenced the Legislature in declining to agree to the scheme as altered by Victoria They did not explain either the short delay necessary to deliver the mails at Kangaroo Island, or the great objection which the Legislature had to the steamers passing without leaving their mails. The despatch dwelt on the delay of the steamers in entering Port Adelaide, but he was not aware that such was looked for, and certainly it would not have been insisted on. He was the more opposed to the Bill on finding that the despatch intimated the very alternative he had himself suggested of a proportionate charge on South Australian letters He saw now no necessity for legislating on the subject, but simply to acquiesce in the proposed alternative He thought the true plan would be to charter superior vessels for immigration purposes, and to connect postal communication with immigration. Hon members must feel that it was very impolitic to enhance by 1,200 or 2,300 miles the voyage of passengers to or from England He disregarded a taunt thrown out of attending to £ s d, in a matter which was purely £ s d He trusted that the report of the Harbour Master had been sent home, and if so he felt assured that it would have due weight in removing objections to calling at Kangaroo Island He would vote against the second reading of the Bill.

The ATTORNEY-GENERAL considered the last speaker misapprehended one point The Home Government did not intend to refuse their letters in the event of their refusal to accede to the contract, but that they must pay a proportionate charge on them. It was, however, a matter of importance to the great mass of correspondents to send their letters cheaply and expeditiously Some hon members, and even he himself, having slight correspondence, did not regard the enhanced charge on letters, but that was a matter more interesting than any other to the colony, and should not be dealt with in a pettifoggery or tradesman like spirit. (Hear, and a laugh) There was no tax more unequal, oppressive, or injurious than one on postal communication Some remarks had been made on the neglect of Government, but that was a mistake, as communications between the Crown and its dependencies were conducted by the Governors, and they were responsible, he imagined, to the Crown, and not to the Legislature, but in any case the Government were not to blame He confessed that he was not experienced in those matters, but Captain Hart, a member of that House, and experienced in such things, had stated that the delay would be as great to the other colonies by the steamer calling at Adelaide as it would be to Adelaide by the steamer proceeding in the first instance to Melbourne.

Mr WATERHOUSE regretted that having heard the despatch, he could not support, as he intended on entering the House, the second reading of the Bill. He thought it better to adopt the alternative, as that would give them time to open up a direct postal communication, a matter not so impossible as the members of Government seemed to imagine There was a rupture between the P. & O Company and the European Company, which were now running in competition with each other. It was therefore reasonable to suppose that the P & O Company, to maintain its position, might be willing to run a line to South Australia. To secure such an advantage, he would be willing to pay a much larger sum than was contemplated by that Bill. (Hear, hear) He should like the Government to introduce a Bill empowering them to make and carry out such arrangement He was rather surprised to see the hon Attorney-General adopt what he must call a time-serving policy. That persons might gain a temporary

advantage, he would sacrifice the permanent interests of the colony. For the sake of a fancied cheap postage, he would ignore the geographical position and commercial standing of the colony. (Hear, hear.) He reminded him (Mr. Waterhouse) of one of old, who was willing to sell his birthright for a mess of pottage (Hear, and a laugh.) Then with regard to the Government and the despatches, he could not imagine that any Governor would hesitate to communicate any information which the Ministry thought the Secretary of State for the Colonies should be acquainted with. Did the Governor refuse to do so, the Ministry would be bound to throw up the trust which they could not carry out. Believing such to be the case, he confessed he was surprised to find no indignant protest recorded in despatches at the injustice of carrying our mails past our doors and expecting us to become subordinate to a neighbouring colony. (Hear, hear.)

Mr. BAKEWELL supported the Bill because he thought it was the only chance they had to get a boon which they had been demanding for years. He thought the terms were most reasonable, and it was most unjust to expect the steamers to call at King George's Sound, and equally so to call out of the direct course at Adelaide. He believed that the P. & O. Company had a disinclination to send their vessels to Port Adelaide, and it would be a most disreputable thing to attempt to evade the subsidy and smuggle letters by the way of Melbourne. He believed that the alternative would amount to a prohibition, as it would impose, he imagined, a charge of pounds instead of shillings on each letter.

Mr. BLYTH referred to the price which Mr. B. Hill had stated would be charged, which was he thought 1s. 8d. each letter. They had been in the habit of sending letters by the P. & O. Company's steamers, and they had as much voice in the settlement of the route as they had in the present arrangement. He maintained that the bulk of the people were not interested, as stated, in the matter, and would rather have the £12,000 expended in internal improvements. He thought the object of the Executive was to make the colony subservient to Victoria. They were not alone in their objections to the contract, for it was now found that Western Australia was not included in the route, and New Zealand, which had assented to it, cried off. They had been told that Melbourne was the nearest point to Ceylon on the great circle system of sailing, but what was the fact? The contract compelled the vessel on one voyage to call at King George's Sound, and two out of the three steamers had called there on the return voyage. He maintained the necessity of asserting their right to have their geographical position recognised, otherwise they would sink into a secondary town to Melbourne. The Ministers were acting, he thought, unwisely in refusing to yield to the wishes of two majorities, and he would move the previous question.

The TREASURER maintained that it was the duty of Ministers to hold out against the opinions of hon. members and not to yield to majorities. (Hear, hear.) They should make up their minds to what they thought right, and support that at all hazards. Some remarks had been made by the last speaker on the speech of the hon. Attorney-General, but he had hoped that that speech would have removed the objections of the hon. gentleman. The arguments of another hon. gentleman went to support the payment of £25,000 per annum to get letters a month later than we can get them for £12,000 per annum.

Mr. WATERHOUSE had referred to an arrangement with the P. & O. Company.

The TREASURER might here observe, that, instead of 20d. the postage on each letter was likely to be 2s. 6d. for gentlemen seemed to forget that in addition to the postage we should have to pay the cost of the branch service. Then, under that arrangement, newspapers would have to be sent in parcels, as the charge otherwise would be excessive. The P. & O. Company had declined the contract, and there was no reason to suppose that they might be disposed to reconsider it. It was a fact that easterly winds prevailed to such an extent, that vessels had to keep so far to the south that Melbourne was as near a point to them as Adelaide. It was a different case in the return voyage, where the route lay by Kangaroo Island, and there was a direct hope held out that if they paid the extra expense the steamer would call there for their passengers and mails. The advantages of geographical position was a delusion when the winds and currents that could not be overlooked in practice were taken into account. Mercantile men might, by having agents at Melbourne, or by placing Melbourne stamps on their letters, succeed in defrauding Victoria, but the people at large, even if they were disposed, and he thought they were not, could not do so. The hon. member for the Port betrayed gross ignorance of the contents of all the papers and despatches on the table. He said that the Home Government was never urged on the subject of the steamers calling at Port Adelaide. So far from that being correct, a petition had been published in the papers, and it had been sent to the Home Government. Then as to the report of the Harbour-Master, the Home Government knew well enough without that that the steamers could call at Kangaroo Island. The Bill contained the only tangible plan before the country, and it was in his own experience, that it would be impossible to combine immigration with the postal service. He trusted that hon. members, who very properly delayed to hear the opinions of the Home Government, would now see the necessity of supporting the Bill.

Mr. BABBAGE must, at the risk of being charged with opposing the Ministers at every step, vote against the Bill. They were now told that there was no other tangible plan before the country, but why was that? More than twelve months had elapsed since the Legislature recorded its dissatisfaction at the system which would carry their letters past their doors. The Home Government evidently expected further communications from the colony, and the hon. member for the Port (Mr. Hughes) very properly called attention to the remissness of the colonial Government in that respect. They had been told that if they did not agree to the Bill that their letters would be sent by sailing vessels. Now they found that there was an alternative, which he was satisfied would fully meet the requirements of the country generally. It was only the mercantile body who were interested in the extremely rapid delivery of letters. That delivery was all they could get from the contract, but it would be a very different thing with direct communication. A vast amount of benefit would result from direct communication. Then he did not see the insuperable difficulties in continuing immigration with the mail service. It might happen, indeed, that the vessel would have on some occasions to sail without its full complement of emigrants, but the advantage of superior vessels would operate as an inducement to emigrants to be prompt in securing passages. He knew a little of the theory of great circle sailing, and something practically, for in the vessel in which he came out they would have deposited the captain had he not abandoned the great circle principle, and consented to adopt a modified course. It might be said by the great circle, Melbourne was the nearest point, but no one would say so where the circle was laid to Adelaide. (Hear, hear.) The improvements rapidly making in steam communication convinced him that long before the expiration of the contract much

shorter voyages would be made by the much-abused Cape route. After hearing the despatch read, he would have supported the original or limited Bill, but as that was not the measure which Ministers wished to pass, he must oppose it.

Mr MARKS supported the second reading of the Bill for the reasons he had before so fully advanced. He would prefer to have the time limited, but if the Government would not consent to limit it, he would still support it.

Mr REYNOLDS said the Bill had been thrown out twice by the House. The Treasurer did not think that to be beaten twice was a reason to retire from the contest ("Hear," from the Treasurer.) He hoped that in a more important matter the hon gentleman would exhibit equal courage and determination. (Cheers.) He (Mr Reynolds) could not see that the cost of the letters appeared in the despatch, for he understood that it proposed to have an account kept, and he really did not think the colony was likely to suffer by that arrangement. The existing law on the subject should be repealed before they passed that Bill; but apart from that, he could see no advantage from it. It was a mere whim, and would give no advantage over the alternate offer, while they would escape by that the indignity of having part of their branch service expenditure paid by Victoria. He thought it would be very unwise to consent to the Bill.

Mr SMEDLEY thought it strange that gentlemen who really possessed intelligence and good common sense should maintain opinions so opposed to all the arguments they had heard against them. There had been nothing brought forward which, even if accomplished, would be better than the plan proposed. He asserted that the country settlers were anxious to have rapid postal communication, and if the postage was enhanced two-thirds, they would think the House of Assembly beside themselves. He admired the tenacity of the Government in persisting with the Bill, notwithstanding the previous question had been twice moved and seconded. Although in a minority on a former occasion, he was convinced that there would be a majority that day ("No, no.") There would if hon members would give way. (Laughter.)

Mr PEAKE would rather pay £9,000 for their letters than £25,000. The question had been before the House for some time, and all the objections now raised had been heard before. It was possible that some of the schemes referred to might come into operation about the time the present contract expired, but the Bill proposed to meet a present want. He saw no other plan by which the desired steam postal communication could be secured.

Mr MILDRED rose to a point of order. He had on a former occasion moved that the Bill be read a second time that day, and he thought he was entitled to ask, without further discussion, for the second reading. His object in asking for the delay was, to gain information as to the facilities for the accommodation of steamers in Nepean Bay. That information had not been given, but still he would ask to have the Bill read a second time.

The SPEAKER said such was the case, and he would proceed to call on the Clerk to read the Bill.

Mr WATERHOUSE reminded the Speaker that he had called attention to that matter at the outset of the debate.

The SPEAKER said his attention had not been called to the words of the resolution.

The Bill was then read a second time.

The CHIEF SECRETARY said, in reply to Mr BAGOT that they asked to join the subsidy unconditionally, but they would be willing to negotiate for the steamers calling at Kangaroo Island in consideration of an additional subsidy.

Mr BAGOT would vote against the Bill going into Committee, as it had been read a second time by a sidewind.

Mr MILDRED denied that the Bill had been read a second time by a sidewind of the Government. It had been brought to his knowledge that his motion, when the question was adjourned, was, that the Bill be read a second time that day, and he had called on the House to carry out the motion.

Mr BAGOT then it was read by a sidewind raised by the hon. member for Noarlunga (Hear, hear.) He saw no reason to alter his opinion, and thought that any one who read the despatches would see that the Home Government thought it but fair that the steamers should call at South Australia, and it was now certain that, notwithstanding the opposition of the Victorian Government, their letters would be sent. He would oppose the Bill going into Committee.

The CHIEF SECRETARY moved that the Bill be committed.

Mr REYNOLDS called the attention of the Speaker to the fact, that the House had in reality given no opinion on the question of the second reading, and asked what would have been the effect if the second reading had been postponed six months instead of two months.

The SPEAKER said that was the usual mode of throwing out a Bill. In reply to Mr Bagot, he said the motion to go into Committee could be opposed by an amendment.

Mr BURFORD said he was misled altogether by this mode of proceeding. He expected the Bill would have been passed regularly through the usual stages.

Mr DUFFIELD said he was, like others, taken by a side wind. They had the assurance upon a former occasion that the Bill laid before the House was intended to subsist only for twelve months. The Chief Secretary had stated that that was not the Bill he would bring forward that day (Mr Mildred—"Question.") He maintained that the Bill now stated to have been read a second time was not the Bill which the House had discussed on a former occasion.

Mr DUTTON—Divide

Mr BURFORD—You have nothing to divide on.

The SPEAKER put the question twice. He said the noes had it.

A division was called for, which resulted as follows—

AYES, 16	NOES, 13.
The Chief Secretary	Mr Babbage
The Attorney-General	Mr Bagot
The Treasurer	Mr Blyth
Commissioner of Crown Lands	Mr Burford
Mr. Bakewell	Mr Cole
Mr. Dutton	Mr Duffield
Mr. Hallett	Mr. Dunn
Mr. Andrews	Mr Hay
Mr Harvey	Mr Hughes
Mr. Macdermott	Mr Neales
Mr Marks	Mr Reynolds
Mr Mildred	Mr Waterhouse
Mr. Milne	Mr Young
Mr. Peake	
Mr Scammell,	
Mr Smedley	

The Bill was then committed, the report brought up, and leave given to the Committee to sit again on Friday.

House adjourned until 1 o'clock next day

MESSAGE FROM THE LEGISLATIVE COUNCIL

The Clerk of the Legislative Council brought up the Murray Duties Bill, the Waste Lands Bill, and the Marriage Law Amendment Bill, with messages requesting the concurrence of the House of Assembly in the amendments

MESSAGES FROM THE GOVERNOR

During the day the following messages from his Excellency the Governor-in-Chief were received in the House of Assembly—

No 6 The Governor-in-Chief informs the House of Assembly that in compliance with the wish of the House, as expressed in Address No 7, the sum of £10,000 will be placed on the Supplementary Estimates of the current year, to be applied to settle the claim of Messrs Borrow and Goodier

No 7 In reply to Address No 8, of the 11th May, the Governor-in-Chief informs the House of Assembly that an estimate will be made of the cost of sinking a well between Triuro and Blanche, and a sufficient sum placed on the Supplementary Estimates of 1857 to cover the cost, in accordance with the wish of the House

No 8 The Governor-in-Chief informs the House of Assembly, in reply to Address No 9, that the sum of \$3,000 will, as requested by the House, be placed upon the Supplementary Estimates, and the necessary steps be taken to give effect to the wishes of the House in respect to the construction and working of a snagboat on the Murray,

HOUSE OF ASSEMBLY.

WEDNESDAY, JULY 22.

SPECIAL REPORTS.

The SPEAKER was understood to say that arrangements had been made to have the debates on the Privilege Question fully reported

PETITIONS.

Mr. Bakewell presented petitions from the District Councils of Talunga, Tungkillo, and Mount Crawford West, praying that those districts might be surveyed with a view to ascertain the practicability of forming a tramway thence—The petition was read and ordered to be printed—Mr. Waterhouse moved that the petition presented on the 12th June from the inhabitants of Magill be printed—Agreed to—Mr. Waterhouse also moved that the petition of Mr. Alexander Tolmer be printed—Agreed to—Mr. Waterhouse moved that the petition of the ratepayers of East Toirens and Burnside be printed—Agreed to.

AMENDED LAW OF MARRIAGE BILL.

Mr Blyth moved for leave to introduce a Bill intitled "An Act to Provide for the Celebration and Registration of Marriages in the Province of South Australia." His plan was simply by the Registry Office. He had endeavoured to avoid dealing with the question in a religious point of view. The measure he proposed would render the ceremony of marriage merely a civil contract, as viewed by the law—Mr Bagot seconded. He hoped the Bill would remove certain inequalities, under which certain sects now laboured in this colony. If not, he would at an early day introduce a measure to meet that evil. In every case of marriage, he considered the ceremony should be registered as a civil contract by some party appointed

by the Government—Mr Hughes hoped the proposed Act would simplify the law of marriage by repealing the existing Acts—the Attorney-General understood the object of the measure to be to make the only ceremony of marriage recognised by the law, that of the civil contract, that being an essential part in connection with its subsequent celebration by the religious ceremony. He thought it would be better to define somewhat more clearly at the present time the law of marriage, in order to determine what marriages shall or shall not be legal. He merely mentioned that for the consideration of the hon member who introduced the Bill. He would be very glad to support the measure if it would prove to be of the nature he imagined—Mr Burford thought the absurdities connected with the prohibited degrees of affinity as to marriage should be uprooted. That it was a civil ordinance he firmly maintained—Mr Blyth mentioned that he had included a list of prohibited degrees of relationship, leaving out two which had proved to be so obnoxious to many members of society—The Bill was received, and read a first time, and ordered to be printed

RETURNS

The Chief Secretary laid on the table returns as to resolutions passed in that House relative to the amount of assessment of District Councils, and with reference to the electric telegraph.

SYDNEY COINAGE

Mr Blyth asked the hon the Treasurer if any steps had been taken to legalise the Sydney coinage—The Treasurer said that, as soon as they had received official information from the neighbouring colonies, that the Sydney coinage had been adopted as a legal tender, Government would issue a proclamation to the same effect. Reports had appeared in the newspapers that the Sydney coinage had been proclaimed a legal tender, but the Government had not received any authentic information thereof.

The House then proceeded to the consideration of the Chief Secretary's motion (Privilege).

THE PRIVILEGE QUESTION

The CHIEF SECRETARY (Hon B T Finnis), in reference to the message which had been received by the House of Assembly from the Legislative Council on the 21st July, called the attention of the House to the motion standing in his name on the notice paper of the day. He said—After a very careful consideration of this message, I have prepared a resolution which I will read to the House, and which will be found to embody my views upon the subject, and, I believe, also those of most of the members now present, if not all. Sir, as a question of this kind had better be discussed by a Committee of the whole House, as important questions generally are, I beg leave to move the motion of which I gave notice yesterday, viz, that this House go into a Committee of the whole upon the message to which reference has been made

The motion was seconded by Mr Bagot, and the Speaker declared that the Ayes had it.

The House having resolved itself into Committee,

The CHIEF SECRETARY rose and addressed the House as follows—Mr Chairman—I will begin by reading the resolution which I intend to propose with regard to the message of the Legislative Council, dated June 17th ult, viz "that the amendments proposed in the Tonnage Duties Repeal Bill by the Legislative Council be not agreed to by this House, and that the Bill remain on the table pending the further pleasure of the House, with a note thereon of this decision, to be made and

signed by the Clerk That by the Constitution Act, the sole power to originate any Bill for appropriating any part of the revenue, or for imposing, altering, or repealing any rate, duty, or impost, is vested in the House of Assembly. That the right so conferred of originating all money Bills for these purposes necessarily includes the whole right to direct, limit and appoint in such Bills the ends, purposes, consideration, conditions, limitations, and qualifications of the tax or appropriation by such Bill imposed, altered, repealed, or directed, free from all change or alteration on the part of any other House That, when this House transmitted to the Legislative Council its message of the 10th June, 1857, it had no reason to suppose that any conference with the Legislative Council could be required, since the power with regard to money Bills claimed in the message now under consideration had not then been asserted.—The resolution which I have just read, takes up the question which is submitted to us in as concise a mode as possible It avoids all argumentation on the subject, whilst, at the same time, it expresses somewhat fully a declaration of the rights which we possess This was contained in the former message which I moved on the same subject. I proceed to endeavour to convince this House, and, I hope, Sir, the Legislative Council also that the averments and allegations contained in these resolutions cannot be gainsaid—they are part and parcel of the Constitution under which we live Sir, there are various grounds upon which the question at issue should be argued There is the legal ground of the question—the dry precise meaning of the legal terms embodied and used in the Constitution Act There is the constitutional ground, which applies to this colony as well as to England There is also the question of expediency I shall address myself to each of these points (Hear, hear) We have had, Sir, in the course of the debates which have taken place on this subject, the advantage of the legal opinions of some gentlemen who are members of the Legislative Council, and, therefore, we know, to a considerable extent, the reasons which have influenced the Council in coming, as they have done, to the conclusion that they are entitled to the excessive power to which they lay claim Sir, I shall not go into all the personal matter which might be introduced into this question, and which has been introduced into this question in another House I shall not commit what I consider to be an invasion of the privileges of the other House, by dragging all their previous views before you—by quoting their speeches, or making comment upon those speeches (Hear, hear.) I shall confine myself strictly to the interpretation of the powers conferred upon this House and the Legislative Council, and furnish arguments by which I desire to justify the conclusions I have arrived at. We find, Sir, in the Constitution Act, which was reserved on the 4th January, 1856, and which is the basis of the Constitution now governing the country, that the powers which were possessed by one House (the old Legislative Council), were resolved into two Houses In that Bill we find two important clauses, namely, the 1st and the 40th, where special powers are expressly given to the House of Assembly with regard to the appropriation and expenditure of the public revenue Thus, a great difference was made in the relative powers of the two Houses That difference is clearly expressed in the words of our Constitution Act, and I cannot understand how it is capable of the interpretation which is attempted to be placed upon it by those in the other House who have put forward their elaborate arguments in support of the legal meaning they attach to it (Hear, hear) I hold, Sir, that the only meaning of the words which I will now read, is the one at which this House has arrived The first enacting clause of the Constitution Act says, that the “Legislative Council and House of Assembly shall have and exercise all the powers and functions of the existing Legislative

Council Provided that all Bills for appropriating any part of the revenue of the said province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly” I hold, Sir, that these words express all the powers which are necessary to assign to this House the complete control of the public purse (Loud cries of “Hear, hear”) It is clear to me that the other House has not the power of altering or amending any Bill connected with the appropriation or expenditure of the public moneys which we may introduce Sir, it may be considered presumptuous in me, not being connected with the legal profession, to attempt to criticise the legal opinion of one so eminent and learned in the law as the President of the Legislative Council Nevertheless, as I must either do so, or submit to bow to that hon. gentleman’s dictum, it becomes necessary that I should explain the reasons why I differ from him Sir, I am not one of those who hold that members of the legal profession can alone enable us to give the true and proper interpretation to an Act of Council (Laughter, and “Hear, hear”) I think we are able to interpret the laws we frame and pass, without the aid of a lawyer (Hear, hear) I therefore, although it may be considered presumptuous, feel bound to notice, and to answer, the President of the Legislative Council on this question The President, in giving his opinion, says —“Now, the powers vested in the one House, or former Legislature, were, ‘To make laws for the peace, order, and good government of the colony, provided that no such law shall be repugnant to the law of England’ And those powers are transferred in identical terms to the present Parliament, consisting of the two Houses, without any restriction or distinction as to either in reference to the other, or any exception, giving to the one any greater or less power or authority than the other, further than as regards the limitation of the right of initiating Bills for the appropriation of the revenue, or other objects before mentioned” In this legal argument, the whole legal question appears to me to be assumed The legal gentleman who delivers this dictum, informs us that the two Houses possess equal powers except where those powers are specially excepted. That is the point we have come to—the real point of dispute—the right of the House of Assembly to have complete control over the public purse.—The worthy and learned President proceeds to state:—“The powers of each House are, therefore, with the single limitation first mentioned, co-extensive and co-equal” Now, I don’t wish to question this assertion I admit the limitation to which the hon. the President alludes, but if his view of that limitation is to be accepted, the limitation will resolve itself into nothing The President treats this subject in a much lighter manner than I am inclined to do—(hear, hear)—th in this House is inclined to do—(hear, hear)—than this country is inclined to do—(hear, hear) Then he says:—“Such being the case, it appears to me that the Council had as much control over the Bill referred to in the resolution, after it was transmitted to them, as the House of Assembly had after it had been originated by that House, and previous to its transmission, so far as the right to modify or otherwise alter such Bill is concerned To maintain the contrary, it must be shown, that the Constitution Act contains some exception or provision in favour of the House of Assembly to the exclusion of the Council, and extending the limited right of originating money Bills to the unlimited right of dealing exclusively with them after they are originated, without any controul whatever on the part of the Council, not even the power of rejecting them—a power which is not distinctly or separately inherent in the Council more than any other of the general powers invested by the Constitution Act in the Council and House of Assembly” Now upon that part of the “opinion” which I have quoted I would say, that the power of rejecting Bills, is expressly given to the other House in the Constitu-

tion Act; I have never denied it. I also admit that no Appropriation Bill can be passed without the assent and concurrence of the Legislative Council. It is clear, then, that if they can pass a law, they can reject a law, but, while power is given to reject, power is not given to alter or amend a money Bill. The Legislative Council cannot, therefore, possess a power by implication greater than is expressed in the Constitution Act, and which would be the case were we to admit the ruling of the President. Then, Sir, in another part of his opinion, the President states—"While admitting it as a maxim that effect ought to be given to the intention and object of the framers of an Act, I, nevertheless, hold it to be an established doctrine, that, in order to give such rule its full signification, it must be such an intention as the Legislature have used fit words to express." The maxim contained in this paragraph completely bears out the legal view I am now arguing, for it was, undoubtedly, the intention of the Legislature to give the entire control of the purse to the House of Assembly (Hear, hear) That being the case, the Constitution Act will be inoperative altogether, unless this power is admitted. The 40th clause of the Act settles the question; and, therefore, the very maxim quoted by the President tells against himself. It is upon this ground we place our right—(claim it we do not, we possess it indubitably)—to deal with money Bills (Loud cries of hear, hear) I regret, Sir, that my sight is not sufficiently good to allow me to continue to read the small type in which the President's opinion is printed. I must, therefore, for the present, give up that part of the argument which refers to law. But, I think, Sir, I have said enough to show that, by the legal interpretation of the Act, we possess the full power which had been denied to us by the other House (Hear, hear) If the Constitution Act gives us no power over Money Bills, beyond *originating* them, such a power amounts to nothing at all (Hear, hear, hear) It is the shadow without the substance (Hear, hear, hear) But, leaving other honorable members to complete the explanation of the legal point of view, which I have commenced, I pass on now to consider the question constitutionally. I find that, from time immemorial, the House of Commons have claimed and exercised their right to initiate all Money Bills, and, possessing that right, they must of necessity have always had the power of preventing another House from altering or changing those Bills. Without this power, the right to introduce Money Bills becomes a nullity (Hear, hear) So that it is an established constitutional rule at home, that the power of originating Money Bills carries with it, as a necessary consequence, the denial of the right of a termination in any other House (Hear, hear) Sir, it may be said that this is not the Law of England—that it is merely the operation of a right by the House of Commons—but, I maintain, that it is the Law of England. The Laws of England are not exclusively confined to the Statute Laws, because there is the Common Law, which is made up of usage and customs, and which, with the Statute Laws, is equally a portion of the Law of England. This power of solely dealing with Money Bills has been repeatedly asserted in various declarations of right, and acknowledged and assented to by various Sovereigns of Great Britain, therefore, I maintain that it is the Law of England that the House of Commons possesses the sole right of originating Money Bills, which carries with it, as a necessary consequence, the sole control of the purse, and the denial of the power of any other House to interfere in the matter. That, Sir, is the interpretation of the word *originate* according to the Law of England. I shall appeal to another law, the Law of the United States of America (Hear, hear) I shall show what is the meaning put upon the word "originate" in that Country. Not only with regard to the General Congress, but also in each separate State, with scarcely an exception (there are

two or three States in which this power of originating is not confined to the Lower House) but, in the great majority of instances, the exclusive power of originating Money Bills in the United States of America, rests with the House of Representatives, with a power of amendment in the Senate, and this power is conveyed in every instance in almost the same identical words. The words used are these—"All Bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as in other Bills." Now, if it had not been the opinion of those great men who had studied the rights and privileges bestowed upon their country by the Constitutional Law, which they had struggled and contended for through years of oppression and misrule, and who sealed their opinion with their blood at last—(cheers)—I say, Sir, if it had not been the opinion of those great statesmen of that day, when constitutional liberty was the theme of every tongue, and the subject of every speech in Parliament, that these words, "originate supplies in the House of Representatives," did not necessarily exclude the other House from dealing with Money Bills, they would not, by the use of express words, have given the Upper House power to amend those Bills (Hear, hear) This is the reason why the words I have quoted were inserted in their Constitution. The same words are copied into the Acts of the separate States, even down to the recent one of California. It is clear to my mind, then, that the meaning of "originating Money Bills" is, as I have stated it. I say, Sir, that the statesmen who prepared the Constitution peculiar to the several States of America were of opinion that, unless they expressly gave power to the Upper House to amend Money Bills, that power could not have been exercised by the Upper House at all (Hear, hear) And there is a very good reason why that power should have been given in America. We find in that country both Houses represent the people—both are directly elected by the people, and both again, at different intervals, resolve themselves into the body of the people. They are both elected, too, by the same constituency, and a very short interval is allowed to elapse, ranging from one to three years, before they are again made directly responsible to the country. In no case that I can discover, is there a different constituency for the two Houses. They are identical in all respects. The people are represented in one House as well as in the other, and therefore it was held that, in some of the States, the Upper House might possess the power of amending Money Bills. I will now inquire what was the intention of the Legislature in passing the Constitution Act. To do so, I must go back as far as 1853, when we first discussed the Parliament Bill. We then proposed that the Upper House should consist of nominees of the Crown. That being the case, it was strongly maintained that they should have no interference with the public purse (Hear, hear) At all events, it was expressly provided that all Money Bills should originate in the Lower House. The terms then used were almost identical with those which are inserted in our present Constitution Act. There can be no doubt that the words used expressed the full power which they were designed to convey. (Hear, hear) The same words are used in the Constitution Bill of 1855, and in our present Constitution Act, and they were supposed to carry, as far as language could carry, the full power which was then claimed, as necessary for the Lower House—(hear, hear)—the power which we now assert, and maintain we possess. (Hear, hear) Sir, the only argument which is at all relied upon, and somewhat triumphantly quoted by the gentleman who has argued the question on the opposite side, is, that in Victoria, they have expressly, in their Constitution Act, denied to the Upper House the right of amending Money Bills. To this I would answer, that, even if the Act had not contained such a denial, the other House would

not have had the power to interfere with matters of supply. We know that sometimes persons in their arguments, in order to remove all cause for doubt or dispute, introduce words which amount to mere surplusage, and that is the case with the Constitution Act of Victoria. Before concluding this part of the argument, let me advert to the state of public opinion during the time our present Constitution Act was under consideration. And where am I to look for public opinion, if it is not in the columns of the *Register*? The *Register* professes to be the sole indicator of the popular will in this country. It professes, too, to understand the wants and wishes of the people better than the Legislature; and, therefore, it cannot be denied that this journal is the most proper source to which we can apply for information respecting public opinion, prior to, during, and after the passing of the Constitution Act. Now, in a leading article in the *Register* of November 28, during the discussion of the Parliament Bill, I find these words — "Hon. members found themselves discussing whether they should allow the Upper House to initiate Money Bills before they had decided what sort of an Upper House it was to be, before they knew of what proportion of the Legislature it was to consist, or how it was to be elected. Obviously the proper course would have been to have determined the character of the Upper House first, and then to have assigned it its duties afterwards. Privileges which might be conceded to a Senate constituted in one manner, it might be inexpedient to allow a Senate constituted in a different manner. The House felt so much in the dark, that Mr. Kingston's amendment would have inevitably been postponed if it had not been for an admission on the part of the Colonial Treasurer." A little lower down the article goes on to say, — "It is determined, therefore, that all money Bills shall be originated in the Lower House, though it is left open for discussion whether the Upper House should have power to modify these Bills. We think the decision of the House a wise one. No doubt it can be said, and with reason that if both Houses are equally elective, both are equally entitled to deal with money votes, and an elective Senate cannot be deprived of the privilege on the same ground as it is denied to the House of Lords or to a nominated Senate. But, though there may be no abstract propriety in making a distinction between the two elective Houses, expediency strongly advises it. The difficulty of always ensuring agreement between the two Houses would make it very critical to delay the passing of the Estimates, or hinder the raising of the necessary revenue by fresh taxation till both branches of the Legislature could be brought into harmony on the subject. The motto 'No taxation without representation' does not imply its converse, that there should be no representation without the power of taxation. The nation will be subjected to no disadvantage, and the process of legislation will be rendered simpler by confining the power of taxation to the Lower House. Expediency gains, and not at the expense, of justice" (Hear, hear, hear). There, Sir, the *Register* is arguing in favour of the power of taxation being confined to the Lower House. (Hear, hear.) Now, in the *Register* of Friday, May 1st, I find the subject again taken up in a leading article in these words. — "The clause from the Constitution Act above quoted prohibits on the part of the Upper House any 'appropriation of the revenue.' But in enacting that a certain contingent penalty shall be paid to the credit of the revenue, the House would not, we presume, be appropriating the revenue. To appropriate the revenue is, surely, to spend it; but a mere enactment ordering a fine to go to the Queen, or to go to the general revenue of the country, is quite distinct from 'appropriation.' The Upper House is forbidden to appropriate the revenue, but until it is paid into or due to the Treasury it is not 'revenue,' and cannot be appropriated. In the same

clause the Upper House is forbidden to initiate a Bill for imposing, altering, or repealing any rate, tax, duty, or impost. We have already expressed our opinion that the Bills vetoed by this clause are those, the primary object of which is so to modify or affect the taxation of the country, and not those which have another primary object, altogether irrespective of the revenue." Then comes the following quotation from May — "The legal right of the Commons to originate grants cannot be more distinctly recognized than by their various proceedings, and to this right alone their claim appears to have been confined for nearly 300 years. The Lords were not originally precluded from amending Bills of supply, for there are numerous cases in the journals in which Lords' amendments to such Bills were agreed to. But in 1671 the Commons advanced their claim somewhat further, by resolving nem. con. — 'That in all aids given to the King by the Commons, the rate or tax ought not to be altered.' And in 1678, their claim was urged so far as to exclude the Lords from all power of amending Bills of supply. On the 3rd of July in that year, they resolved — '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.'" This, Sir, was published after the elections. (Hear, hear.) I will now read a quotation from the same journal previous to the elections — (hear, hear) — because it is important to know what opinion was expressed then by this influential and extensively-circulated journal. It is contained in the leading article of January 5, as follows — "We have been requested to state what will be the exact position of the Upper House of Parliament with regard to money questions, and whether it will be competent to that House to reduce or to increase the amounts voted by the Lower House for the public service. In reference to this matter, we have to state that the Upper Chamber will have a veto on Money Bills, and nothing more. (Loud cries of "Hear, hear," from all sides of the House.) The Upper House will not consider the Estimates in detail, but the Appropriation Bill must pass the Upper House, or the votes of the Lower cannot be legally applied. In connection with the functions of the Upper House, it may be as well to republish the first enacting clause of the new Constitution." Now, there are many more quotations which I might take from that paper, to show that the opinion of the public during the discussion of the Parliament Bill — our present Constitution Act — was that that the sole power of the purse should rest in the Lower House. (Hear, hear.) During the elections, the same public opinion declared to the same effect, and the same tone was held by the journal to which I have referred. (Hear, hear.) But after the elections the *Register* changed its opinions. Why that should have occurred, I am at a loss to discover. But, that it did gradually come round to the opposite opinion, is apparent to us all — (hear, hear) — although I cannot believe that the public voice has undergone any change. (Hear, hear.) It must be the *Register* which has thus become changed, and not the public voice, which has always been unmistakably expressed on this subject, and I have no doubt always will be expressed in the same way. (Hear) — as we shall find to be the case at the close of the debate which has now commenced. (Hear, hear.) Sir, I would allude to another subject connected with the discussion, namely, the possibility of a dissolution of this House on this question. I allude to it because a sort of threat has been held out by the Hon. Mr. Baker, who, in his place in the Legislative Council stated, that an appeal might be made to the country, which, if made, would be more inconvenient to this

than to the other House. Now, Sir, I think I need scarcely say that the House has little to fear on this account. I need not say, on the part of every hon member of this House, that no consideration of inconvenience will ever deter him from voting on the question which I have introduced to-day. This House has nothing whatever to fear from the threat which has been held out. (Hear, hear) I believe that hon members may continue to sit in their places until the return of the writs, without stirring from them, except to take refreshments. (Hear, and laughter) They need not trouble themselves upon this matter because I am sure they will all be again returned by their constituencies. (Hear, hear, "No, no," from Mr Babbage, and loud laughter) But, Sir, while there would be no inconvenience experienced by members of this House, a dissolution would involve great inconvenience to the country. (Hear, hear) Should it take place, there can be no doubt but that the country will put that inconvenience to the account of the Legislative Council, by whose conduct it will have been brought about. (Hear, hear, "No, no," from Mr Babbage, and loud laughter) The question of a dissolution is a very serious one, and it is one which ought not to be resorted to, except under the most pressing emergency. When a Legislative Assembly ceases to exist, as this does, after three years, there can scarcely be any necessity, or any motive, to justify a dissolution. In all constitutional countries dissolutions have been held to be highly to be deprecated, and if carried to excess, highly unconstitutional, because it has ever been the method which tyrants, in our own country, have always had recourse to, when they wished to oppose and suppress the will of the people. (Cheers) Sir, we know that frequent dissolution caused the discontent in the American colonies which ultimately led to their disruption from the mother country. It was one of their grievances that Parliament was continually being dissolved whenever a troublesome question arose. The people of South Australia will take note of this, and if they are made to suffer the great inconvenience arising out of another general election, their displeasure will not fall upon those who plainly and unmistakably do their duty to the Constitution. (Hear, hear) Before I sit down, I will say a few words upon the question of analogy. We have been told that there is no analogy between the Legislative Council and the House of Assembly, and the English House of Lords and the English House of Commons. That is one of the strongholds which the worthy and learned President of the Legislative Council has taken and relied on. Sir, with all due deference again to that hon gentleman, I must say that the argument he uses is, to my mind, quite inconclusive. In fact, it demonstrates the very reverse of what he has asserted. (Hear, hear) It is contended by this hon gentleman, as well as by others, that the members of the Legislative Council, not being nominees of the Crown, but having been elected by the people, are representatives of the people, and, therefore, are not in any respect analogous to the House of Lords. Now, upon that point I deny to the Upper House that they are virtually representatives of the people. I deny that that House does represent the people. (Hear, hear) In the first place, they are elected by a limited constituency—they represent only a class—they represent a moried class—the moried class of South Australia—a special interest—("Hear, hear" from all sides of the House)—and in that respect, Sir, they are not analogous to the House of Commons, and they are analogous to the House of Lords. I deny their right to represent the people, and for this very good reason—they are not directly responsible to the people. (Cheers) Their House has a permanent existence—it never ceases to exist. There are vacancies occurring from time to time, but that House always exists. Its existence is as permanent as the House of Lords. ("No, no," from Mr Babbage, and Hear, hear) I repeat it, they are a

permanent body, and permanence is a great point with those who aspire to a seat in the Upper House—and being thus constituted, they are virtually independent of the people, and, therefore, not directly responsible to the people. Their power is never resolved into that of the people. But this House, which is only elected for three years, can at this moment be dissolved by the Governor, when it thereby would cease to exist. There is the fact which constitutes the members of this House the representatives of the people, and which creates the immense difference between the two Houses. It is to this body alone, so directly connected with, and immediately responsible to, the people, that the power of the purse is entrusted by our Constitution. (Hear, hear) I then, Sir, in furtherance of this analogy, I find that Her Majesty upholds it by the title of "Honourable," which she confers upon one Chamber, and not upon another. The analogy is also upheld by the Secretary of State, who calls one Chamber the "Upper House," and the other Chamber the "House of Assembly." I find also that the Governor recognizes this difference. When the Parliament is summoned, his Excellency proceeds to the Upper House, when the Lower House is called to attend. Then, again, the speeches which are made, the messages which are sent, and the forms which are observed, all go to prove the analogy for which I am contending. Again, it is admitted by the people of this country, in the expressions which they use when speaking of the Upper House and the House of Assembly, and it is difficult for them now to turn their tongues to speak of the Legislative Council in any other way, so strongly is the idea fixed in their minds. They will always have this idea of the analogy between the Upper House and the House of Lords, call it by what name you please. It is really an Upper House. Most Bills originate in the Lower House, and are sent up for the consideration of the Legislative Council. It is distinguished by the Sovereign as a superior House of Legislation. There can, then, be no doubt of the complete analogy which exists between the Parliament of this colony and the Parliament of the mother country, and, as if to resolve all dispute, the Legislature itself steps in, and says, "We will claim to be called a Parliament. We claim to be considered a Parliament resembling that of the mother country, and, as far as possible, considering the difference of our circumstances, to be placed in an analogous position altogether with the Legislature of the mother country." The two Houses combined are the Parliament of South Australia. Therefore, we are the Parliament of South Australia, and the analogy is complete. I think, Sir, I will not detain the House longer upon this question. I would merely conclude by saying, that every member of this House must consider that he is speaking words which will be recorded, and which will declare to the people of this country what are their rights, and what opinions we hold upon this great constitutional question. For, although we are the representatives of the country, we are not altogether the mouthpieces of the country. We sit in this House, because we represent the opinions of the people. They know that our views are in accordance with theirs, and they accordingly sent us here. But, notwithstanding this, we can instruct them upon this great question. Therefore, Sir, hon members should remember that they are not only addressing you, but that through you they are addressing the country. (Hear, hear) I cannot close my remarks upon this subject without making one more observation, and it is this. We have been told that we possess no powers, but what are contained within the four corners of an Act of Parliament. Now, I deny that. I say we have powers of legislation which are inherent to us as British born subjects—powers which, without our own consent, can never be taken from us—powers which are necessary to the exercise of legislative functions—powers which are not included in the Constitution Act.

But we do not lose these powers because they are not inserted in express words in that Act. These powers are inherent in us, and we cannot, even if we so willed it, take it from ourselves. We cannot give power to the Governor to levy taxes, to spend the public money at his pleasure, or to do anything which is repugnant to the Constitutional Law of England. But even if we were to deprive ourselves of any of our rights and privileges, still our children would claim those rights and privileges again. We may disenfranchise ourselves, but we cannot disenfranchise our children. The love of independence will run in their blood, and they will claim the privileges to legislate for their own good and benefit. With these remarks, Sir, I shall move the adoption of the resolution. (Cheers)

The TREASURER: Mr Chairman, I rise to second the resolution which has been proposed by my hon. colleague, the Chief Secretary, and, Sir, it is not without feelings of some diffidence that I approach the subject, seeing the very serious responsibility that devolves upon any member addressing the House upon it. We are in a very different position from the previous Legislature, which had to frame the Constitution under which we now live. At that time there was but one Legislative Chamber, and whatever differences of opinion might arise in that House, nothing could result from those differences calculated to impede the course of legislation, or stop the business of the country. But the case is altered now, for, if the present collision between the two Houses is maintained and persisted in, the consequences must be, at this crisis of our history, disastrous to the country, by impeding the progress of public works and checking the machinery of Government. A great responsibility will, therefore, rest with those by whose instrumentality such a state of things is brought about. (Hear, hear) Therefore, I say it is with great diffidence I approach the discussion of this question, lest anything should fall from me of an irritating character, calculated in any way to prevent an amicable settlement of this question. I think I may derive a lesson from one hon. member of the Upper House as to the frame of mind and temper in which I should approach this question, and, therefore, with the leave of the House, I will read a very brief extract from the speech of the hon. gentleman to whom I have referred. The hon. Dr. Davies "hoped that all would uphold their rights, but that they would do it in a conciliatory spirit, for he felt certain that the members of the House of Assembly did not want to quarrel with them." That, Sir, is the spirit which I would desire to assume in addressing the House upon this important matter, and I feel it will be necessary for me to go at some length into observations which have been made in the other House. I differ in one respect from my hon. colleague, the Chief Secretary, as to the advisability of addressing ourselves solely to the merits of the question at issue, without alluding to the remarks which have been made upon it in another place, whilst I agree that when a question of this importance is under discussion, to depart from the main argument for the purpose of personal justification or recrimination, would be most unworthy and unbecoming. Yet, Sir, I must maintain that when, as has been the case, great weight and importance is attached to the assertion so frequently and so confidently reiterated elsewhere, that certain members of this House did not really in their consciences entertain the sentiments which they have avowed and supported, there is immense force in the argument, and we must not overlook or avoid it. The *argumentum ad hominem* cannot be altogether ignored. I will proceed, therefore, in the first instance, to take up that part of the question, not, as I said before, with any desire to justify myself in the slightest degree, or to recriminate upon others. The members of the Administration in this House have been charged with speaking words and

uttering sentiments which they did not themselves believe in. One hon. member of the Upper House, Mr. Baker, has stated.—"The present conduct of the Government was clearly unconstitutional, and it was also inconsistent, for they were now attempting to break down that which they had helped to build up." Another hon. member states.—"He would appeal to hon. members to say what would, in the Imperial Parliament, be the opinions of men who held high office, and who jumped round suddenly and expressed opinions diametrically opposite to opinions expressed but a short time before. (Hear, hear) Such men would lose, as they deserved, all credit with the country, and he would not apply the language to them which they deserved, for the simple reason that it would not be parliamentary." And again, the same hon. member (Captain Bagot), confining his observations, in a very lengthy speech, to an attempt to fix upon us this charge of inconsistency, states—"The defence attempted to be set up by the Surveyor-General was, that at the time they adopted a certain line of policy the Bill bore different features to those imparted to it during its discussion, that it was, in fact, so completely altered as to destroy its identity. But, he would ask, was there any alteration in its principle? Was it not the intention to form a Constitution upon the two estates—the House of Assembly and the Legislative Council, and was there, in the alterations made, any departure from that principle? The Ministers advocated certain powers for the Upper House, those they set forth fully and explicitly in their speeches; and they were greater than the then existing Council thought fit to grant. The Ministers exerted all their energies and talent to secure larger powers for the Upper Chamber, and what were the alterations carried against them? Nothing but a wise and proper provision, which they should not have opposed, namely, that Money Bills should be initiated in the House of Assembly. Was that alteration sufficient to render the Bill undistinguishable, and not to be recognised by its friends and supporters? The Ministers had taken, he would not say a disgraceful, for that was not parliamentary—(a laugh)—but they had taken a course with regard to the Upper Chamber which was diametrically opposed to their former course, and one which could not be accounted for by any obviously creditable motives." Another hon. member, Mr. Forster, according to the report of his speech in the paper, of which he is the editor, has stated—"But he would show that the members of the Government who had contended for that analogy did not believe it. (Hear, hear) They did not, he repeated, believe it, and, if permitted, he would repeat what they had said. However strong the argument might be with others, not one of the present Ministry had a right to come forward with that argument, simply because they had put forward arguments upon the occasion referred to by the hon. mover opposed to that position which they now assumed. They did not argue by inference, but asserted clearly and plainly that they were opposed to it. They contended that that House had a right to deal with Money Bills, to alter and amend them. The Chief Secretary contended that His Excellency had a right to initiate Money Bills in either House. (Hear, hear) Upon the second reading of the Constitution Bill (20th November) the hon. Colonial Secretary said—"They next came to the two Chambers. These formed a part of the Bill, the only difference being that the Upper House was made to consist of more members than were specified in the resolutions. This was to make it substance instead of shadow, and to give its decisions due weight with the colony. If they reduced the number of the Upper House in the way proposed in the resolutions, it would become a mere Court of Revision, and would never be able to exercise those high powers which were essential to its usefulness. It ought to possess real power—the power even to resist if necessary." (Hear,

hear.) That was the intention of the Government in introducing the Bill." It is not often that a person making a charge of this nature supplies in the same breath the refutation of that charge, but the Hon. Mr. Forster does so most effectually in the passages quoted from speeches delivered in the former Legislature by myself and by my colleagues, which he adduces as the sole grounds of his accusation. That gentleman, on the occasion referred to, read from the report in his own paper, as follows:—"The Hon. the Colonial Secretary said, in discussing clause 2, 'The Upper House was not elected by a body separate or distinct from the Lower House—not elected by a patrician body representing a different degree of wealth or education. Consequently, their working must be identical. The principle they contended for was that both Houses alike represented the people. Elected by the same constituencies, they had the same right to control the public purse. That was one of the dilemmas that resulted from having two elective Houses from the same constituency. He saw no reason in that case to depart from the principle—no representation, no taxation. There might, he admitted, be reasons, but he had heard none yet, that would induce him to change his opinion as to the soundness of the principle in the Bill, namely, that both Houses should have the power to initiate money measures.' In the same discussion, the Advocate-General said—'One of the difficulties to be overcome in respect to the Bill, was to provide for the harmonious action of the two Houses. Their powers must necessarily be as nearly as possible equal, because, being both elected by constituencies, they had no right to expect that either of them should give way. The functions of one of the Houses ought not to be greater than those of the other. But it was also necessary to provide against a difficulty which might arise from the effects of a provision which would give to the Governor the power of initiating Money Bills in either House.' Such was the opinion of the Advocate-General. What was the opinion of the Hon. the Colonial Treasurer? He said, 'A matter of great importance was brought forward in an earlier stage than was intended. They were now to discuss a matter which was one of the most important features of the Bill. It did not only affect the introduction of Money Bills, but also all Bills which impose rates or taxes, and which would greatly restrict the action of the Upper House. It appeared to him, that to strike a blow at the utility, and limit the sphere of action of a body, or of an individual, would be to limit the weight and influence of that body or that individual. Such limitation had no warranty or precedent in the British Constitution. The proposed Upper House was a representation of the people. The House of Lords represented hereditary right. Therefore, it was a constitutional right for money votes to be discussed by the people's representatives, and here it was determined that the members of the Upper House should be no less the people's representative than the members of the Lower House. Consequently, there was no reason why their sphere of action should be limited. He would maintain their power.'" Here, in every instance, the identity of the constituencies, the equality and coextensiveness of the franchise is pointed out and dwelt upon by my colleagues as well as by myself, as the express ground upon which we claimed equal powers and privileges for the Upper Chamber as then proposed to be constituted. I have read to the House the expressions made use of in reference to the Ministry in another place. In discussing this question I abstain from retaliation. (Hear, hear.) I may observe, that the hon. the President of that House falls into the same error which originates in—if I may use the word—a quibble. I speak in the sense in which the words is employed by schoolmen, and not offensively. I say, then, that in a simple logical point of view, the arguments used by the President, and by those gentlemen from whose speeches I have quoted, amount to

nothing but a quibble. It is the application to one thing of that which is asserted truly of another and an essentially different thing. The whole fallacy lies in the application of the article "the." They—that is, the President and other members of the Upper House—have applied the word "the" to the Constitution under which we live, and also to the Bill as introduced originally by the Government. Now, these Bills are, in many respects, wholly and totally dissimilar. The measure introduced originally by the Government contains, amongst other provisions, that, for the election of members of the Upper House, the country should be parcelled out into electoral divisions, and, Sir, I, for one, recollect very distinctly opposing the alteration of that system, and the substitution of the principle that the Upper House should be returned by the country acting as one constituency. The ground on which I opposed that alteration was, that, whilst the constituency of each district might very well be able to name two, or perhaps six representatives, I could not point to any one constituency which would be in a position to name the entire number of eighteen members required to constitute the Upper House. And, therefore, whilst the Government accorded the power of vote by ballot and universal suffrage, we felt that the country would find the exercise of that unbiassed discretion intended to be insured by those measures, impossible, inasmuch as they would not, of their own personal knowledge and judgment, be able to nominate eighteen candidates to represent them. (Hear, hear.) Therefore, I contended that the power would necessarily fall into the hands of the press, to dictate the names of the candidates for the Upper House, because it would be impossible for the country to do so. And, Sir, I may say with great truth that I myself, although a very old colonist, should find very great difficulty in selecting, from my own knowledge, a sufficient number of names required by the Constitution. I feel satisfied that that was the case with nine persons out of ten. Therefore it was that I felt that the press had it in its power to elect the Upper House. I admit that the press did not exercise that power. Had it done so, the consequences of its interference would have been most injurious, but it had the power to do so, nevertheless. Again, there was another distinction between the Government measure and the existing Bill. In the former Bill, it was proposed that there should be one suffrage for both Houses, so that they might both equally represent the people. But that proposition was altered, and in our present Constitution Act we have the House of Assembly, elected by universal suffrage, and we have the Legislative Council, elected by a high property qualification. There was another important distinction between the two Bills. It was proposed by the Government that Ministers should have the privilege of sitting in both Houses, and proceeding from one House to another, not for the purpose of voting in both Houses, but to afford them an opportunity of supporting and explaining the several provisions of their Bills. Now, Sir, I could argue for the Legislative Council, as it was attempted to be constituted by the Government measure, that it should have equal legal right with the other branch of the Legislature to initiate and deal with Money Bills, and yet at the same time, with perfect consistency, deny any such right to the Legislative Council as at present constituted. The reason is plain—there is no similarity between them. Sir, I might consistently seek to confer this power upon a Legislative Council whose Members would be returned by constituencies in electoral districts of moderate area, and deny it to a House elected at the will and dictation of the press—elected in a manner in which, I contend, the judgment of the country could not be exercised. I might, I repeat, consistently offer the power to a Legislative Chamber constructed as it was intended to be constructed by the Government measure, that is to say elected almost

by universal suffrage—by a constituency equal and co-extensive with that which returns members to this House—and yet, with perfect consistency, refuse to accord the power of dealing with Money Bills to a Legislative Council elected by a high property qualification. And, Sir, I could still further consistently grant the privilege to a Legislative Council into which that Minister could not follow his measures after carrying them through the Lower Chamber, and in which there was no Minister in a position to undertake the duties of the Finance Minister. I use these words advisedly, for I hold it to be impossible for one member of the administration in that House—that member of the administration not being a Finance Minister—to explain the financial measures of the Government. I saw no inconsistency in arguing that, under the Constitution proposed in the Government measure, the Upper House should have co-equal and co-extensive powers with the Lower House as regards Money Bills, and in denying them to a Legislative Council as at present constituted. So much for the charge of inconsistency; I think I have now completely answered and disposed of it. Now, Sir, I would refer to arguments advanced in the Upper House in defence of the line of conduct there pursued. One argument very much dwelt upon, was, that the Bill to repeal the Tonnage Duties on Shipping, which was sent up to them, was not a Money Bill, because it had not been initiated in the House of Assembly by the express recommendation of the Governor, or, at least, that words to that effect were not used by me in introducing that Bill. This argument is founded on a fallacy similar to the one I have already referred to. It is very true, Sir, that this House does not possess the privilege of appropriating the proceeds of any tax, rate, duty, or any portion of the public revenue, unless that particular appropriation be initiated by expressed recommendation of his Excellency the Governor. In the 40th clause of the Constitution Act, it is stated, "It shall not be lawful for either House of the said Parliament to pass any vote, resolution, or Bill, for the appropriation of any part of the revenue, or of any tax, rate, duty, or impost, for any purpose, which shall not have been first recommended by the Governor to the said House of Assembly during the Session, in which such vote, resolution, or Bill shall be passed." Now, Sir, that clause refers to the appropriation of the revenue, not to the levying of any rate, tax, or duty, and I deny that it can be shown, in any part of the Constitution Act, that there is any clause restricting either the members of the Administration, or any other members of this House, from bringing forward a resolution, or an Act for imposing or reducing any rates, taxes, or duties. Why, we have only to look at the notice paper of to-day as an illustration of the fact stated. Here, Sir, is a resolution affecting taxes which did not come from his Excellency the Governor—which did not come from any member of the Administration—but which stands in the name of a private member of this House. I refer to the notice on the paper for assimilating the tariff of South Australia to the tariff of New South Wales. There is nothing in this notice requiring a message from the Governor previous to its being discussed here. The application, then, which has been attempted to be made, and so much relied upon by the Upper House, with respect to this clause, involves the fallacy which I have felt it my duty to expose. Another argument has been made use of, and one which should be considered very seriously, because I believe it gives the clue to the whole position which has been taken by the Upper House. I call special attention to what took place on the second reading, in the Legislative Council, of the Tonnage Duties Bill, and which has originated the present discussion. I find, Sir, that the hon. Mr. Baker brought forward the following argument against the second reading of the Bill.—"He begged to remind

the House of the message they had sent to the House of Assembly on the subject of legislation by reference. It would certainly be very inconsistent with that resolution to pass the present Bill." I believe, Sir, that that contains the key to the whole of the course of proceedings which has been adopted by the Upper House with regard to this Bill. It is true that that resolution came down from the Legislative Council, but why it was not noticed or taken up by this House I cannot say, but I can say that it was no part of the duty of the Ministry to notice it. The Ministry is only bound to take up such messages and recommendations as they themselves have initiated in this House, and of such others as they desire to bring forward and give effect to for the good of the country. The Ministry are not bound to take up every message originated by private members, of which they do not generally approve. If a member of the Upper House wishes to bring matters of this kind under the consideration of the House of Assembly, he should endeavour to excite the interest of some private member, who would be willing to take them up in the ordinary and usual way. It is not the duty of the Ministry to interfere until such matters are brought under discussion. But, Sir, if this subject had been brought forward for discussion, I should have felt it my duty to oppose it by every means in my power, because to give effect to such a resolution as that, would be absolutely to obstruct the progress of legislation, and virtually to put a stop to the business of the country. I would, in illustration of this, instance that a measure now lies on the table of the House to consolidate the several functions now performed by various Boards, under the control of a responsible Minister. To carry that into effect one brief clause suffices, but if we adopt this resolution, and legislation by reference is no longer to be observed, we should be obliged to repeal three long Acts, and then re-enact them, clause by clause, instead of passing this one short clause. That is only one instance of the confusion that would occur. It is clear to my mind that if this resolution were carried, this House, supposing it remained in sesh on throughout the year, could not get through the business of the country. Therefore, the attempt made by the Legislative Council to coerce this House into adopting this peculiar method in conducting the business of legislation, is as useless as it is unwise. I will now refer to the manner in which the question of privilege has been dealt with in another place. Sir, an hon. member of the Legislative Council has stated, that the message sent up from this House, conveying the assertion of our privilege to deal exclusively with money Bills, did not, in reality, express the opinion of this House, but was a measure emanating solely from the Ministry, and at the same time, and in the same breath, he deprecates as unparliamentary the addition to that message of the words which appear at foot thereof, intimating that it had been carried unanimously by this House. The same hon. member, speaking contemptuously of this House, as being under management of the Ministers, asserts that we have failed in our attempts to manage the House of which he is a member. I will read his words—"He would draw a distinction between the House of Assembly and the Ministry. The offensive movement of which they complained had come from the Ministers and not from the House. The Government that had once deemed it necessary for the conduct of the public business to be able to command a majority in both branches of the Legislature now found that though they could manage—that was the word—though they could 'manage' the House or Assembly, but they could not manage the Legislative Council. They had therefore changed their policy, and now endeavoured to attack the Council and bring it down. Having no policy which they could put forward to have support in that House, they were now determined to weaken its influence and destroy its power. The distinction he had drawn

would show that there was no danger of the collision which had been talked of between the two Houses of Parliament. The resolution which they had received was not the act of the Assembly, but the premeditated act of the Ministry." Sir, I fear that it would be in vain for this Ministry to attempt the hopeless task to which the hon. gentleman alludes (Laughter) When I saw that a certain clause in the Tonnage Duties Repeal Bill—the one which originated this discussion—was carried one day, in the absence of that hon. gentleman, by a majority of four, and that the next time it came on for consideration that the same clause was rescinded by a majority of four, under the dictation and management of that hon. gentleman—(loud laughter)—I fear the Ministry would not succeed in taking the management of the Upper House out of such able hands. (Laughter) Whilst the Legislative Council remains so perfectly under Mr Baker's management, I dread that we shall have some difficulty in bringing about that amicable adjustment of the question which the interests of the country so loudly demand. I dread that power of "management" possessed by that hon. gentleman in this essential point; but I trust some course may be devised which will enable the business of the country to go on without interrupt on. We, however, are in this position—we hold deputed rights directly and immediately from the people—rights which we may not, which we cannot give away (Loud cheers) We may not, we dare not sacrifice those rights and privileges which are the birthright of the people, and which the people have sent us here to uphold and maintain (Renewed cheers) We cannot abandon them. But, whatever may be the result, I trust that our negotiations and discussions may be conducted with temperance, for I believe that, notwithstanding the "management" of the Hon. Mr. Baker, the great body of the members of the Legislative Council are most anxious and desirous to adopt any course consistent with their own rights, which they consider will best promote the interests of the country. I will now address myself to a most important document, which is now on the table of the House, emanating from a gentleman whom I highly esteem, and I must say I do feel considerable diffidence in attempting to argue against the opinion of a constitutional lawyer whose powers and abilities are so universally acknowledged and respected as those of the Hon. President of the Upper House. I trust, Sir, that that hon. gentleman will do me the justice to believe that I have no desire to say anything disagreeable to his feelings when I say I feel myself compelled to lay before the House and the country what I consider to be a full and complete refutation of the arguments upon which he has based his opinion with respect to the powers and privileges of the Upper House. I must say for this document that the reasoning is so clear and conclusive that, if we but admit the truth of these premises, on which the whole chain of the reasoning hangs, we cannot avoid admitting the conclusion. And, Sir, this reasoning looks so clear and conclusive to persons examining the document for the first time, that they are very apt to be led away by such reasoning without investigating the premises or which the reasoning is founded. The whole of this argument is based upon the assumption contained in the paragraph of the "Opinion" of the President, which I will now read to the House. "This question must, in my opinion, be governed by the terms of the Constitution Act, from which both the Council and the Assembly derive their legislative powers, and by which those powers are defined and controlled. By the Constitution Act the present Parliament, consisting of two Houses of Legislature, is substituted for that which previously existed, consisting of one House only, and such two Houses are expressly invested with the same powers as attached to the one House, excepting that it is provided that all Bills for appropriating any part of the revenue of the

province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly. Now, the powers vested in the one House or former Legislature were 'to make laws for the peace, order, and good government of the colony, provided that no such law should be repugnant to the law of England;' and those powers are transferred in identical terms to the present Parliament, consisting of the two Houses, without any restriction or distinction as to either in reference to the other, or any exception, giving to the one any greater or less power or authority than the other, further than as regards the limitation of the right of initiating Bills for the appropriation of the revenue or the other objects before mentioned. The powers of each House are therefore co-extensive and co-equal." Again, Sir, to the same effect he states:—"It cannot be pretended here that the Legislative Council have the privileges of the House of Lords, as such privileges would not be consistent with the constitution of the Legislative Council, because their privileges are expressly restricted by the 35th section of the Constitution Act to the privileges of the House of Commons, showing a continuous and obvious intention, by express terms, to place the privileges of the Legislative Council and House of Assembly upon the same footing and equality. The Commons are the third estate as the representatives of the people. Both Houses here represent the people, being elected by them. To the Commons the people have delegated the power of framing laws, to both Houses here the people have delegated the same power; and herein exists the real distinction between this and the Imperial Parliament. The Lords, as the second estate, have a distinct interest from the Commons, and are in no way the representatives of the people, while here neither House have a distinct interest from the people, both Houses being equally bound to protect the interest of the people, each being the elected representatives of the people, and each possessing, by consequence, the same authority and control over the finances of the colony." The whole argument is based upon the assumption that the Bill confers upon each branch of the Legislature the same powers which were possessed by the original Council, consisting of a single Chamber; and, secondly, upon the assumption that each branch of the present Legislature "is equally the elected representatives of the people." The fallacy of the whole argument is contained in these premises; to them, therefore, I will now direct my attention. It is true the Constitution Act does delegate to the Parliament of South Australia all the powers which were originally possessed by the old Council, which was dissolved by that measure. But, Sir, it does not from that follow that it gave equal powers to each branch of the present Legislature, or that it gave to either branch of the Legislature the same power as the single Chamber possessed before, in that distinction rests the fallacy. It is true that the two branches of the present Legislature jointly exercises all the powers and privileges enjoyed by the old Council; but it by no means follows that either branch of the Legislature can exercise them. Again, I must deny the other premise which forms the basis of the learned President's argument. The Legislative Council does not equally with this House represent the people; because, whilst the House of Assembly is returned by universal suffrage, and bound every three years to return to the constituencies for re-election, the other House is not elected by the people at large, but only by a small section of the community, holders of property, and a few of whose members are only returned periodically to be re-elected. Thus, Sir, I contend that the premises of the hon. the President are false—there is no equality in the position of the two Houses, and therefore no argument—no reasoning to show that the same power, as regards money Bills, should be entrusted to both Houses. Then, Sir, the hon. and learned President, at great

length, attempts to disprove the existence of any analogy between the position relatively occupied by the English House of Lords and Commons, and the Legislative Council and House of Assembly of this province. There is a long argument and much reasoning upon this subject. But I cannot admit that it is just or reasonable, or that it can be allowed that this important point of analogy may be used or set aside as it suits his argument, this, however, is just the course that has been pursued. I find, at one time, members of the Upper House denying in the most positive and absolute manner that there is any analogy between our Parliament and the Parliament of England. This is the line of conduct adopted when they require to justify the position they have assumed with respect to money bills. But when it is required that they should justify their own demeanour and conduct towards this House, then, Sir, strange to say, they discover that there is the strongest, the closest analogy between the Parliament of England and the Parliament of South Australia. I find that the very last message which we received, only yesterday, from the Upper House, is based upon the assumption of this analogy. We are told in that message, which I hold in my hand, that "this Council regrets that the House of Assembly has not adopted the more Parliamentary mode of requesting a conference." Sir, what is the meaning of that "more Parliamentary course?" If there be no analogy between the position of this House and the Legislative Council, and the position of the English House of Lords and Commons—what is the meaning implied in the last sentence of the message before me? What is meant by Parliamentary usage? It can have no previous existence in this colony because this is the first session of the present Parliament. Usage, Sir, takes time to be established. There exists no usage in this colony, that last sentence is, therefore, clearly an acknowledgement that analogy does exist. Again, an hon and learned member of the Legislative Council, Mr Gwynne, a constitutional lawyer of high repute, complains of the Tonnage Duties Bill as, what is technically called a "tacking" of measures, an objection which can only lie, when, as in the British Parliament, one House has the exclusive right of dealing with money Bills, and the other is left no alternative but to accept without alteration, or to reject such measures. Either the language of that hon and learned gentleman is destitute of all sense and meaning, or it applies or alludes to the usage and analogy of the House of Lords and the House of Commons. And so, even in such minute points as the manner in which the messages of this House are to be received, the analogy is recognized as so stringent that the "usages of Parliament" must be followed at no matter what inconvenience and obstruction to business. It is not the usage of the House of Lords to receive messages "when the Speaker of the Commons is not in the chair," and so the President of the Council refuses to receive our messages when he understands that this House has adjourned. Again, Sir, the President remarks, "At the foot of the copy of the above resolution as sent to the Council were the following words, viz—'Question put and carried unanimously.' I advert primarily to this latter fact, with a view to draw the attention of the Council to what appears to me to be an irregularity in a matter of form, which, if allowed to pass without notice or objection might establish a precedent which hereafter might be quoted as justifying a continuance of the system. It is not according to the usual practice of Parliament, in transmitting Bills between the two Houses, that either House should acquaint the other by what number any Bill or resolution before them passes." And again—"Before I proceed to the consideration of that part of the resolution in question which refers to the modification of a money Bill by the Council, I must observe that I am unable to find any recorded instance of a Bill being sent back by one House to the other for reconsideration, or any preced-

ent which warrants such a course as that adopted in this instance." And so throughout the document, instances abound in which the analogy is recognized as binding and governing the actions of the Legislative Council, yet this analogy which is so binding on one part of the question, that it must be observed in the most minute details, has, when found to be inimical to the views of the Upper House, no existence at all. (Much laughter.) Sir, there is a dilemma here. Either there is an analogy, or there is not. If it has an existence, then it is clear that this House alone can deal with money bills, because that is the exclusive privilege of the Commons; and the Council, like the House of Lords, is restricted from altering or amending money Bills. But if there be no analogy, then I am compelled to say that the line of conduct pursued by the President of the other House, as well as by the members of that House, not alone with reference to the Tonnage Duties Bill, but on subsequent occasions, is a course of wanton aggression, injurious and offensive to this House, and obstructive to the dispatch of important business affecting the best interests of the country. (Hear, hear.) For, Sir, it is only on the plea of a governing analogy that that line of conduct is attempted to be palliated. If there be no analogy, then the conduct of the Legislative Council towards this House exhibits one of the most wanton and insulting cases of aggression it has ever been my lot to witness (Loud cheers from all sides of the House.) But, Sir, I cannot believe that I will not believe that the President and members of the Council would thus act towards this House, and therefore I am compelled to conclude that a strong sense of this analogy was present in the minds throughout governing and guiding their course of action. (Hear, hear.) If the first and fortieth clauses do not, in set phrase, deny to the Upper House the privilege of altering money Bills, yet I unhesitatingly affirm, that that sense, and that sense alone, is distinctly to be gathered from the language used, for, to maintain the contrary, involves an absurdity, a contradiction in terms. The President lays down an admirable rule of interpretation in the following sentence—"I apprehend that any presumed meaning or intention of an Act cannot prevail over the expressed sense, but that effect can only be given to the intention whenever such intention can be indubitably ascertained by permitted legal means, and that, while admitting it as a maxim, that effect ought to be given to the intention and object of the framers of an Act, I nevertheless hold it to be an established doctrine that, in order to give such rule its full signification, it must be such an intention as the Legislature have used fit words to express. Although the spirit of an Act is to be regarded no less than its letter, yet the spirit is to be collected from the letter." Applying this rule to the question at issue, we cannot put upon the clauses referred to, an interpretation that is absurd and contradictory, and to maintain that the framers of the Act, when denying to the Upper House the power of initiation, intended to leave with the Upper House the privilege of dealing with the money Bills, would be both, and, therefore, notwithstanding the opinion of the Hon the President, I shall continue to hold that doctrine. (Hear, hear.) Now, Sir, culling the spirit from the letter, it is impossible to avoid the conclusion that the Legislative Council in this colony are excluded from the privilege of dealing with money Bills—(hear, hear)—because what would be the use of restricting to this House the privilege of bringing forward Estimates, and apportioning the funds of the colony to the different parts of the service, if that appropriation so decided by this House, is to be set aside in another place? (Hear, hear.) What would be the use of this House apportioning a certain amount of the revenue for the payment of salaries, for railways, for loans, for immigration, for public works, if, in another place hon.

members are to deal with these matters as they please? What is the use of this privilege of initiating money Bills, if the money we appropriate to immigration can be taken away and devoted to Public Works—if the money appropriated to Public Works can be taken away and devoted to immigration—if the sums appropriated to the different establishments can be taken away and devoted to some other purpose, say, for example, to paying the salaries of members of District Councils?—Will any one contend for a single moment that such alterations would not constitute a new Bill altogether?—(hear, hear)—a fresh initiation in reality in disguised terms? If the power of alteration be once admitted, it will be found impossible to limit it. It is in vain to argue that the Legislative Council could not exceed the amount sent up from this House, because it would still be a new Bill if the appropriation were altered, though the total was not exceeded. It follows, then, that the interpretation which has been attempted to be given to the word "initiate" amounts to an absurdity. Taking, once more, the excellent rule which has been laid down by the President—namely, that we should gather the meaning of an Act from its spirit—I arrive at the conclusion that the initiation of a money Bill includes the entire dealing with it, for I cannot conceive that the framers of the Act ever intended to enunciate an absurdity. (Hear, hear) It may now, perhaps, be not out of place to review the circumstances which brought about the Constitution Act under which we are now governed. A measure was originally introduced by the Government which was ultimately deprived of one of its principal clauses, and replaced by provision for universal suffrage, vote by ballot, triennial Parliaments, a high property qualification for the election of members of the Upper House, and a scheme for converting the whole colony into one constituency. During the discussion which took place the opposition was divided into two parties. There were various meetings of the members of Council, but it does not appear that the parties composing these meetings were for some time able to agree upon any one point. Hence a compromise took place. The two parties united, and thus succeeded in throwing out the Government Bill. But I am well aware, that whatever views might have been entertained by these parties, that the majority never would have purchased vote by ballot and universal suffrage at the price of surrendering the control of the public purse. I very well remember at the time that several individuals who were in favour of the high property qualification insisted that the power of the purse should not pass into the hands of the Upper House. (Hear, hear) Had the understanding been different, I am quite certain that the great majority who constituted the other section of the opposition would never have consented to buy universal suffrage and vote by ballot for the House of Assembly at such a price as that. (Hear, hear) The intention was, that the clause should receive the interpretation which was put upon it at the time of its passing. (Hear, hear) I don't wish to trouble the House further—(go on, go on)—but the deep interest I take in this subject induces me to call attention to a radical defect in our Constitution—a defect which I foresaw from the commencement. It provides no means of arranging any misunderstanding which may unhappily arise between the two Houses. In the position we are now in, the Legislative Council has only to stand fast, and there is no way by which the will of the country can be impressed upon them. No matter how that will is expressed—no matter what resolutions this House may pass—no matter what inconvenience may be experienced—the members of the Upper House have only to stand fast, and, under the circumstances in which we are placed, there is no means of sending them back to the country, or of making them bow to the will of the people, which may be set at naught. This is the radical defect of our Constitution. Origin-

nally, when a nominated Upper House was proposed, it was intended that power should be given to create new members; but that Constitution never became law. Any temporary arrangement that may now be arrived at will only patch up the wound that has been made, without effecting any radical cure. But whatever may take place, of one thing I am morally certain—the will of the people must ultimately prevail. I will ever maintain that the Constitution should contain such a provision as will enable both Houses to work harmoniously together. I wish to see the Upper House invested with stability, and I wish to see its deliberations respected. But if the attitude assumed by the Legislative Council has the effect of stopping those public improvements which are absolutely necessary for the progress of the colony and the welfare of the people, then, Sir, I think it will be the duty of every member of this House to reflect upon the best means that can be devised for remedying the great and palpable defect to which I have referred. I would suggest that when a measure has passed this House on two successive sessions by a majority of not less than two-thirds of the entire number, the Governor should have power to send both Chambers back to their constituencies, by dissolution, if the Upper House persist in its rejection, such dissolution to be in substitution of the periodical retirement prescribed under the existing Constitution Act. Though we should come to an understanding as regards money Bills, collisions may arise on other questions quite as important; and it behoves us in due time to provide for such a contingency. One word more. It is indeed true, as has been asserted, that the resolution which has been assented to by this House is only the work of the Ministry, and they, and they only, are responsible for it, I say, Sir, that the position of the Ministry may not for a moment be considered. (Cheers) If, after the unanimous decision of this House in favour of that resolution, it is thought that the Ministers were and are in error, let, I say, the whole weight of the responsibility for that error fall upon the Ministry. (Cheers.) If it is thought that they stand obstructively in the way of a reconciliation between the two Houses, I pray again, that the Ministry may not be considered for a single instant. Sacrifice us if you will, but do not obstruct the business of the country. (Cheers) But if this House is unanimous in the feeling which it has already expressed, then, Sir, I trust that the attitude it has assumed will be maintained, maintained, not in a spirit of obstinacy—(hear, hear)—or hostility—(hear, hear)—or angry feeling—(hear, hear)—but in a manner calculated to afford irrefragable proof to the world that we have done nothing derogatory to the settlement of the great question which is of such vital importance to the country. (Cheers) In conclusion, Sir, I hope that this House will stand fast to the resolution, and maintain in the rights of the people which they are sent here to represent. I second the resolution.

Mr BURFORD—Mr Chairman if it were not for the great importance of this subject, I should have been diffident thus early to address the House. I feel, however, that we have now really and truly to contend for the Constitution of South Australia, as it was originally intended to be. We are, in fact, fighting the battle of the Constitution. It is true that we have universal suffrage and vote by ballot; but these are matters of little importance as compared with the question now before the House—namely, whether it should have the power of the purse? This, Sir, is the vital principle in all constitutions of a liberal character. It was found in ancient monarchies that just in proportion as the people received this power, and exercised it, so the peace and prosperity of communities increased and were established, and *vice versa*. The consequence is, that we see in the histories of nations that all the strong contests which have ever been maintained

between the various portions of the legislatures in any of the monarchies have been on this question—the raising and disposition of the moneys of the State. Facts are not only stubborn things, but they are of vital importance—they cannot be altered in their nature. The same principles must apply to us at the present moment, as apply to other countries and other Governments, under different names. We are told—certainly not very flatteringly—by the gentlemen of another Council, that we, in expressing the opinions we have done on this matter, have not expressed our own opinions, but have been led by the Ministry—a very genteel way of stating, I take it, that we are a set of nominees. I must confess that the thought was, in a moment called into my mind, when the venerated opinion of the President was read in that honourable assembly—when they all, with one accord, gave way, that they were led like a set of babies. If we have been led by the Ministry, I cannot see the difference between us, we are not worse than they are. But, Sir, I would rather test this opinion by those who take an independent judgment, let us be judged by our reasoning, and by our conduct resulting from it. I am glad to hear from the Hon. Chief Secretary and the Hon. the Treasurer the clear statements they have made in connection with the Constitution Act, and I would take the liberty to add, that they have not only learned their lesson quickly, but they have learned it well. The people for a long time have agitated this subject, and their opinions have been, to a great extent, adopted by them, and I am pleased to find that it is the determination of the Ministry to stand by the Constitution Act as originally framed. I had previously considered, in reference to the first clause of the Bill, that the term “origination” includes all after-dealing with money bills, and unless we give this meaning to it, it can mean nothing at all. With regard to the meaning which the President of the other House, from his mode of interpretation, would put upon the first clause, I would say that, if it applies to that clause, it will also apply to the 40th clause. In the first clause we find that the originating of a money Bill is confined to the House of Assembly. In the 40th clause we find that the term “a appropriation” is applied to each House indiscriminately—to both Houses alike. Now, if we are to reason, that because, in the first clause, the only word used is “originate,” and it does not include anything beyond it, we may clearly argue that “appropriation” must mean only “appropriation,” and, therefore, they cannot interfere with or modify a money Bill. But we know, Sir, what the spirit and meaning of the Act is from the verbiage, and from the expressions which were used while this Act was being framed. One thing is observable, during the whole time in which the question of the power this House was to enjoy was before the public, it was not introduced as a matter of discussion, that I can recollect, at any public meeting which was held, and the reason was, that it was everywhere taken for granted that this would be the particular power given to this House, in other words, that the Legislative Council would not be allowed to intermeddle in the matter of a money Bill. I must endeavour to give my opinion with regard to the point of analogy, though it is presumed by that honourable House, that, because we have not here precisely the same material they have in England, we can have nothing here analogous, so as to be able to form a Council which can correspond with the House of Lords. Now I conceive this to be sophistry, neither more nor less. We received a power, by the Imperial Act, to do what we liked constitutionally, to create, in fact, what we thought best for our condition. If we choose, therefore, out of one element in the community, to constitute one House different from another, we can call it what we like, and invest it with what functions we choose. It is upon this point that the analogy may be ascertained and maintained. The analogy lies in the functions of the

two Houses, and these are of a mediative kind, it stands between the people and the Crown. It was intended that the Legislative Council should occupy this position and no other. There is another view that I might take in connection with that House. I am sorry to see them losing the idea of their dignity; they have lost their dignity, which ought to be upheld. When they stoop to meddle with money it is derogatory to them, and they ought to have “a soul above buttons.” They ought to have too high an idea of their position to interfere with money Bills—the people can manage them through their representatives—but they can maintain their position with regard to every other political and social question. Many questions will arise which will require mature judgment, and steady judgment is supposed to exist in that House, if they once lose consciousness of that, they derogate from their dignity and lower themselves in the opinion of the community. Whilst on the subject of the mediative character, I cannot but be mindful that history confirms this view very completely. On very important occasions, even individuals, by standing between conflicting parties, have been the means of saving nations. I allude to historical subjects now, and it does not matter whether I quote from sacred or profane history. Take Moses, for instance, he saved the nation of which my friend on my left is a remarkable monument—he was a voluntary mediator. (Laughter) There was a mediator who was equally successful. We can take Baalam’s ass, there was a mediator again—(laughter)—a though he was an involuntary one; and there is the difference in the two cases. Here is where analogy is apparent. These gentlemen are voluntary mediators, and if they depart from their province they become involuntary mediators, and they depart from their dignity. Look again at Leonidas, of whom we have been reminded by an hon. member, his mediation was the means of protecting his country, and led to a course of events which finally overthrew the Asiatic Empire. If these things are true concerning matters of that character, are they not equally true as affecting the internal welfare of a Province? Now, I maintain that they are. The balance of power—a favourite subject mentioned by the gentlemen who have spoken of the British Constitution—can be maintained equally by the Constitution under which we live as under that which prevails in Great Britain. If the Honourable Upper House would but confine itself to its legitimate duties, I say the powers are equally balanced, but if he does not, the balance will be destroyed. I would ask honorable members how a responsible Ministry can ultimately exist if the two Houses are to have equal powers affecting money matters? It appears to me that, on this point, the balance will be utterly destroyed. If the Ministry wished to force on the country some peculiar crotchet, of their own, and if, at the same time, the two Houses, had antagonistic views, the Ministry would keep their seats in spite of our will—and I should blame them if they did not. Such a contingency could not happen if the power were confined to the Lower House, for where the power of the purse rests, there is the power of the people. Many subjects must arise in which the occurrence I allude to may manifest itself, if the distinct privileges of both Houses are not marked and recognised, and if the Constitution Act is not sufficiently clear to enable this to be done, let it be made so—but I believe it is. I take the word “originate” to include all that the Chief Secretary has stated, and, therefore, I think the Act sufficiently clear, but, if the majority think it is not, let it be made so, for this Parliament has full power to define the privileges and powers to be enjoyed by each House respectively. But with regard to the first step, shall I call it the quarter from which the overturn should come?—that is another point. In a paper laid on the table this day, allusion is made to the House of Assembly adopting the more parliamentary means of a conference, but, I would say, by no means

Let us ask for a conference—let that overture come from the Legislative Council. We have done our duty—we stand on our own right—and we will not ask for a conference. If they require it, I say, let them ask for it. We are all liable to error, and if the Legislative Council have mistaken their way, let them reconsider the step they have taken, but we will not give way one iota on this vital point of a liberal constitution. It cannot be too frequently called to mind that there is a marked distinction between the character of that House and this, that being returned by a property qualification, and we by a no-property qualification. They are then the representatives of property, and they ought to be more willing to recognise the confidence reposed in them. They are the picked men of the community, they are men of high standing, and large landowners. The people have shown great confidence in returning them, that they might see, as this House was intended to be radical, that it might not, by hasty legislation, interfere with the fundamental constitution of the country. They have shown, in returning them, that their function is different from ours. They represent property alone, but we represent persons and all combined. I, therefore, speak in support of the resolution which has been submitted to the House, and I trust that the equanimity which was manifested on the previous occasion will be repeated now. It is true I have heard occasionally a “no, no” on the present question, but I trust that the gentleman who says so will see, after he has had an opportunity of hearing what is said, that this is the only safe position for this House to take, and for the country to allow it to take, and, therefore, we cannot admit that we have gone so wrong as to ask for a conference.

Mr HUGHES—Mr Chairman, in addressing myself to the question before the House, I shall endeavour to be as brief as possible. I entered fully into this question, when it was before this House, on a recent occasion, and I shall endeavour to avoid a repetition of my sentiments, as then expressed. Sir, although I may, and I believe I shall, stand in a very small minority, I say that I cannot agree with the arguments and reasoning of the hon. the Chief Secretary, and the hon. the Treasurer. Sir, the Chief Secretary states that the Constitution Act is so clear that any person can understand it. I believe that I understand it. I believe I also understand the motives and the opinions expressed by the members of the late Legislature, by whom this Constitution Act was framed. I have a distinct recollection of the arguments used on the introduction of the first clause in the Constitution Act—the clause on which this discussion turns. Sir, when that Act was first submitted to the Legislature, the first clause did not contain the proviso that money Bills should originate only in the House of Assembly, but the 35th clause provided that money Bills might be originated in either House, provided they should first have been recommended by the Governor to the House of Assembly, and, when that clause was read, the hon. gentleman who represented the Burra in the late Legislature, the present Speaker, moved an amendment to the effect that all Bills involving money votes should be originated in the House of Assembly. On this matter I will at once go to the fountain head, and inform the House what were the sentiments expressed by that hon. member, when he introduced his amendment to the House. Sir, he said—“He (Mr Kingston) would have no objection to the Upper House dealing with rates and taxes, he only desired to restrict them from increasing them (Hear, hear). He had no desire to unfairly restrict the power of the Upper House; in fact he wished to increase its prestige, and he thought that could be best effected by making it as much in accordance with the House of Lords as possible. (Hear, hear). If it were attempted to retain the principle of originating money votes in either House, they would in

all probability have a collision between them, but if they made it imperative to introduce such measures in the Lower House only, it would go far to secure that respectability so much desired for the Upper House.” Sir, having been a member of the late Legislature when the Constitution Act was framed I do not hesitate to say that the views expressed by the introducer of the proviso were those entertained by the majority of that Legislature, and that the views then expressed by the hon. the Treasurer, and by the members of the Government were, that, as both Houses were to be elected by popular constituencies, there was no reason why they should not have equal powers. It is all very well for the Treasurer to say that, because there is the slight difference in the qualification of the voters, the Legislative Council should not have the powers they now claim. If the Ministry now thought so, they should have introduced a Bill to amend the Constitution Act, and so let the country judge of their intentions. We are now asked to affirm that all Bills which affect money—such as rates and taxes—should not be “dealt with,” but should only be accepted or rejected by the Legislative Council. In the course taken by the Legislative Council, with regard to the Bill to repeal the Tonnage Dues, I maintain that they have acted strictly in a constitutional manner. A Bill was sent to them, from this House, to repeal an impost that had been levied specially to meet the interest on a sum of money which was borrowed for the deepening of Port Adelaide. There was no complaint made against those dues, but the Treasurer proposed to abolish them, and to provide funds to replace them by leasing wharftages at the North-parade. The Legislative Council did not believe that sufficient funds would be raised from the source proposed by the Treasurer, so they passed a Bill authorising the leasing of the wharf frontages. They did not go so far as to say they would object to the repeal of the tonnage dues, but simply requested that two important principles, which should not have been included in one Bill, should be separated. It is all very well for gentlemen to say, that, in consequence of the alteration in the franchise, the first clause of the Constitution Act has not the meaning it had when it was agreed to. It was well known to the government, at that time, that a certain set of resolutions had been assented to by a majority of the House, which would alter the franchise proposed by the Government. The Chief Secretary has gone at some length into the question of the Constitution of the Upper Houses in the United States, and in Melbourne. I cannot understand how he bases his present argument upon the Constitutions of the United States. There, two Houses exist, both elected by the people of the State; and, although all Bills for raising money originate in the House of Representatives, the Senate may propose or concur with amendments, as in other Bills. The hon. gentleman states, that in Melbourne it has been necessary to introduce an Act restricting the Upper House, and yet he contends that it is not necessary to do so here—

The CHIEF SECRETARY—Mr Chairman, I beg to state that I have not used the arguments the hon. member imputes to me, I did not say that it was necessary to pass an Act; I said that it was unnecessary.

Mr HUGHES—Then, Sir, I must have misunderstood the hon. gentleman. I am glad, however, that the resolution proposed by the hon. gentleman does not go further, for it is most important that the business of the country should not be interrupted or impeded. It is most important that the public works proposed and contemplated by the Ministry should be taken into consideration and their financial measures laid before the country. When this present motion is disposed of, I hope we shall go on with our legislation, for it cannot

be supposed that the Legislative Council will throw any vexatious opposition in the way of the business of the country. I agree with what has been stated by the hon. member for the City, Mr. Burford, that the Legislative Council is composed of men who have the votes and the confidence of the great majority, not only of the men of property, but of the people at large, for for there can be no question that the majority of our colonists are landowners and entitled to the franchise. It is true that the Legislative Council is weaker in that respect than I wished it to be. I wished to see the franchise the same for both Houses and I was in a minority on that question, but the Constitution Act having become the law of the land, we must take it as it exists and endeavour to work it amicably. If we do so we shall have no cause to fear those deadlocks which some hon. members seem to apprehend. In framing the Constitution Act, the first step had been to adopt the proposition of the Home Government that there should be two Houses. The next was to place the Legislative Council in such a position that they should not be under the influence of the Ministry of the day. To place them so independently that they might calmly and dispassionately consider and deliberate upon any measure brought before them, whether it related to money matters or to any other topic affecting the prosperity of the colony. That was the purpose for which the people elected the present members of the Legislative Council. If, indeed, they were constituted of nominees as the Upper House in New South Wales, I could understand and agree with the propriety of the limitation of their power now contended for, but no such limitation is needed here. The members of the Legislative Council can have no class interests to represent. And as to the word honorable prefixed to their names, that was a title bestowed on them unsought. They have no interest in opposition to the true interests of the country as is represented in this House. There is no class interest to be fought against by this House as is feared by some hon. members of this House. I agree with so much of the resolution as proposes to lay aside the Tonnage Duties Repeal Bill, and am satisfied that no harm will arise either to the commercial or general interests from adopting that course, and I trust that in future no Bill will be agreed to in this House which embodies discordant principles. I trust, Sir, that whatever future reference may be made by hon. members opposite, to the Legislative Council, such reference as has to-day been made by the Treasurer to one individual member of that Council will not be resorted to. It seems as if they had been so accustomed to be in antagonism to the gentleman he alluded to, that, although they no longer sat in the same Chamber, he cannot now refrain from it. It does not seem to me to be fair or right to select one individual and accuse him of being the cause of the other House taking the position they have taken. We must take the position of the Upper House as a whole, and not say that one man willed all that that House affirmed. It would have been far more decorous on the part of the Ministry not to have so referred to that gentleman.

The TREASURER.—Sir, I did not wish in the course of the observations I made to impute the course taken by the Upper House, as the hon. member has asserted, to any one individual. But the gentleman referred to stated that the resolution passed by this House was the resolution of the Ministry and not of this House, and that the Ministry sought to manage the Upper House. I thought it necessary to refute his arguments by stating the contrary of what he had stated, and that the Ministry did not manage the Upper House, because that one individual had the management of the Upper House in his own hands.

Mr. HUGHES.—Why, Sir, that is precisely what I said and what I objected to. I think still that it is not

desirable to pick out one individual member and accuse him of being the cause of any course that the Legislative Council has pursued. I do not think it necessary to move any amendment to the resolution before the House. I do trust, Sir, that the Ministry will proceed with the real business of the country; that they will produce those measures and those financial statements which are kept back by the present proceedings, and that the public works to which the Ministry have alluded will be brought before us for consideration.

Mr. BAGOT.—Sir, in rising to make a few remarks on this important subject, I hope to follow the course taken by the last speaker—that of being short. I think however that it is the duty of each member of this House to address some remarks to this question in order to show their constituents what their opinions are, for we may perceive from the statement of members of the Government that we may have to go to our constituents on this question; and it will be well to go before them knowing what our opinions are. In speaking on this subject, I require to say but a few words, especially after the speech made by the hon. the Treasurer. It is, perhaps, the first time in this House that I have had an opportunity of complimenting him on his address, but on this occasion I am glad to compliment him on the speech he has made—and he shall always find, when he delivers sentiments like those he has uttered to-day, that I will give to him my fullest support. I had intended to speak on the legal bearing of the question, but the hon. the Chief Secretary and the hon. the Treasurer have taken the wind out of my sails. I had intended also to remark on the decision of the President, but the observations of the Ministers have been so clear and forcible that I will not take up the time of the House in repeating the arguments that have been made use of by them. The Treasurer has, perhaps, put the arguments in a clearer light to those who will hereafter read the debate, than a lawyer could do. I cannot, however, help saying that the observations of the hon. the President—than whom there is no gentleman for whom I have a higher esteem—in preparing this very elaborate document which is placed before the House, has allowed that judgment, which we all look up to so much in legal matters, to be warped by the prejudices which surround the position in which he is placed. I fear much, that the hon. the President in giving his opinion on this question has allowed his prejudices to warp that judgment otherwise seen so full and vigorous—for to argue that there are only two estates in this colony—that because the Legislative Council and the House of Assembly have between them the same powers as the old Assembly—they should, therefore, each exercise these powers in an equal degree—compels me to think that the judgment which leads to this conclusion must have been, very much warped indeed. With respect to observations made by some gentlemen in the Legislative Council, there was one which struck me very forcibly. It showed what was the temper of that House more than any other thing said in the Council. The observation fell from an hon. member of the Legislative Council who at some time hereafter might, perhaps, aspire to a high station in the country. It struck me very forcibly because I thought he was one who leaned to the liberal party in this House. That gentleman, Mr. Younghusband, stated that “it appeared to him that the debate as to whether the House had a right to alter Money Bills, was a waste of time, as to question it would be an attempt to set aside one part of the Constitution. Therefore, he thought the debate was a mere fighting with a shadow. He was induced to believe that the Ministers who initiated that movement did so in the hope of gaining an ephemeral popularity in what he might call the radical section of the House of Assembly.” Now, Sir, what that hon. member means by the radical section of this House I do not know; he

cause he will find that the majority will support the Ministers in the constitutional course they have taken, and if they are radicals, the country will support a radical administration. With regard to what a radical is, it appears to me, that, led by the sophistry of some hon gentlemen, the Upper House is mistaken in saying that the course now taken by this House is radical, in the usual signification of the term. In the time of King John, the barons forced Magna Charter from their sovereign, they were the radicals of that day. In the time of Cromwell, there was a king who would not govern according to the Constitution. He cut that king's head off, and he was the radical of that day. We find that, in 1688, William drove James out of the country, because he would not govern according to the Constitution, he was also the radical of his day. We recollect the celebrated radical Daniel O'Connell, who, by moral force, carried great concessions for those who held the same belief as he did, and he forced Catholic Emancipation from an unwilling Government; he was the radical of his day. In our own time, we may remember when Sir Robert Peel abolished the Corn Laws, in spite of the most determined opposition, he was the radical of his day. But let us come back to our own Constitution. We have adopted, or we thought we had adopted, Constitutional and Responsible Government. We placed, as we thought, the power of governing the country in the hands of the people of the country. We thought we had a Ministry responsible to the people. We were represented as the radicals of that day. But when the Ministers have to fight for that which was carried by the radicals, they are now taunted with giving way to the radicals of the House. The Government must be carried on by the will of the people, and not by an oligarchy, whether appointed by the people or the Governor. We must not be governed by a body having a fixed power, whom there are no means of sending to the country. I always looked on Responsible Government as consisting in the power the elect of the people had in controlling those who carried on the Government. If, then, the Ministry gave way on this question, I would ask the House and the country to say, where is this Responsible Government? Because if gentlemen of the other House say we will defeat a financial measure, they may control this House, for we know that no Ministry can hold office if they are defeated in their financial policy. If they are defeated in the House of Assembly, or in the Legislative Council, if it obtains this privilege, they must certainly retire and give way to those who brought about the defeat. Suppose these gentlemen are forced to resign in consequence of defeat in the Legislative Council, the House of Assembly is dissolved—the country supports the Ministry, they are returned again, well, they renew their Legislation, and the Upper House can reject it. What responsibility then is there in the Ministry if the Legislative Council has this power? This is the great question I would like to see discussed—whether we are to have Responsible Government or not. Everything is secondary to that; vote by ballot and universal suffrage are secondary to that, because, with Responsible Government, the people could force the concessions from any Ministry. Therefore, I take my stand upon this point, and, as far as I know, the opinion of the country coincides with mine. These are the opinions of those gentlemen who sent me to represent their interests here, and if hereafter a dissolution takes place, I will throw myself on the country on this point alone, and if they do not want Responsible Government, I shall say to them "Do not return me again to this House." I do not like to criticise too closely the Message sent by the Legislative Council to this House, but I must say if that body of gentlemen were endeavouring, as I hope they were not, to bring about a collision they could not have adopted a form of words more calculated to do it than those I read here in the latter part of the

message.—"Being bound in justice to the people by whom it is elected to maintain their rights and to exercise the powers given to it by the Constitution Act, it is the imperative duty of this Council to send the 'Tonnage Duties Repeal Bill' again to the House of Assembly, and to desire that the House will concur in the amendments made by the Council, but this House regrets that the House of Assembly had not adopted the more Parliamentary course of requesting a conference between the two Houses on the point in question." That appears to me to be studied, though I hope it is not, but from some remarks I have seen published in the public prints, it was proposed to make an alteration in the wording, though it was not done, and the message was sent in this particular form. With regard to the position the Legislative Council holds in this country, it is a strong and powerful one, and it is rendered more so by the misfortune to the country that the most energetic and respectable portion of the press of South Australia has taken its stand in supporting the Legislative Council, and in opposing the very principle of responsible Government. I say this with regret, because on more than one occasion I have defended it in the House when attacks were made upon it, but when I see it turning back, as it were, from the high position it used to take—when I see it is no longer a faithful guardian of the public interests, no matter what contumely I may be held in for saying so, I will say that it has lost my confidence for ever. At public meetings, and on the hustings, I have stood beside the gentleman who manages that paper, and I have listened with pleasure and satisfaction to the liberal sentiments to which he gave utterance. If, Sir, at that time such a speech as that hon gentleman has recently delivered were put into his hands, he would have cast it from him with indignation, and stated that he was in favour of responsible government, vote by ballot, and the power of the purse being in the people. It is with deep regret I see the course followed by that paper. I do not blame a paper for changing its opinions—I do not blame it for doing its best to advance its commercial interests—but if we see, on a sudden, a change taking place, we must guard, as much as we can, that the country shall not be guided by it, as it used to be before that paper changed from those sentiments it formerly upheld. Therefore, I think the Government ought to be thanked for having that gentleman sitting there now, that the country may know what we say. I do not believe that there would be any intentional misreporting on the part of that journal, but there might be such curtailments, and such remarks in the leading articles on a curtailed report, as would prevent what the hon Chief Secretary and the hon. Treasurer said from being fully understood, and would take away the force and effect of the speeches. I do not complain of this as regards my own speeches, for perhaps I speak too frequently and at too great length. It is with great regret I have made these remarks, but I feel it is due to my constituents and myself to make them, although it really gives me pain to do so. I regret, Sir, that the hon. member for the Port is not now in his place, because I cannot but compliment him on the consistency he has displayed. When I first entered into political life in this colony, there was a great question at stake as to whether we should have a nominated or an elected Upper House. The hon. member for the Port then stood forth, and on his banner was the word "Nominism." I must say that he has been consistent in the course he has taken, for he now defends the Legislative Council, and he wishes to place the power in the hands of those who are wholly irresponsible. It struck me forcibly while he was speaking that he might apply to himself some of the remarks of the hon. member for the city (Mr. Burford) which referred to mediators, not, Sir, that I would venture to apply my remarks to him, when a mediator was compared to Balaam's ass. I would not dare to do

such a thing as to compare him to Balaam's ass, when he stood up in defence of the Legislative Council, but still, Sir, though Balaam's ass was a mediator, it must be a mistake to call a mediator an ass, or to say that the hon. member was such a mediator as Balaam's ass was. It has been said that there are no class interests in the Upper House, but if the property of the country is not a class interest, I do not know what is. It is not worth while to take up time in discussing the remarks of the hon. member for the Port, they are weak, and, in fact, just what I should have expected from him. I hope, Sir, the House will be unanimous, and that the hon. member will not stand alone in his opinion before the country, indeed, I am glad that he has left the House before the division, or he would have stood alone. (No, no, from Mr. Babbage.) I regret, Sir, that I did not know that the hon. member for Encounter Bay was about to take the same stand, or I should not have made the remarks I did with regard to mediators. I do hope the House will be unanimous on this question; and if the time soon comes when we must stand before our constituents, and the hon. member for the Port sits on the Treasury benches, I hope we shall be able to tell them that the constitution of the country is such as you, Sir, and the Ministry, have studied to make it—that it is such as the Treasurer is now willing to carry out. But it appears that there are gentlemen who will oppose the House on this question. I do not think, Sir, it was fair for the hon. member for the Port to quote the expressions you used on the occasions referred to; I think if he had looked a little further back, or a little further forward, he would have seen that you were a consistent liberal. He should not pick out words which the hon. Chairman is, from his position, unable to answer by referring him to further evidence. I have made these remarks, Sir, because I considered it due to you; and I will now conclude by expressing a hope that the resolution proposed by the Chief Secretary will be carried almost unanimously. The wishes of the country are with them, and I feel confident that the support they will get in this House is but the echo of the voice of the country which, if necessary, will be uttered in tones sufficiently loud to overwhelm all opposition that may arise against it.

Mr. BABBAGE—I beg to move, Sir, that this debate be now adjourned. (No, no)

The motion was not seconded.

Mr. MACDERMOTT—Mr. Chairman, seeing the probability that I may soon have to render an account of my stewardship, I think it right to let my constituents know my views on this subject. This appears to me to be a great constitutional question, and we must view it in that light. I recollect well the circumstances which occurred during the discussion on this Bill in the late Council; and I am perfectly satisfied that it was the intention of the great majority of the House, that all money Bills should be exclusively dealt with by the House of Assembly; and with a view of rendering the other House as independent as possible, considering that they were not to have control of the money department, with a view to make them as independent as possible of popular pressure, their tenure of office was made nearly permanent, and any changes which were to take place in that House were to be very slow and very gradual. I think, Sir, seeing the ambiguity which prevails in our Acts, that we should secure the services of a parliamentary draftsman, whose duty it will be to compare the amendments made in our Acts with the other clauses, to see that they are consistent, and expressed in the way that the House intends. I believe, Sir, that I shall not be accused of belonging to any ultra section in this House, and, therefore, I can with the more confidence declare my opinion that it would be unsafe to confer on any

body which is completely independent of the opinion of the public the control of the purse. I am glad to observe the temperate manner in which this discussion has been carried on, and I do expect that the good sense of the gentlemen who compose the Legislative Council will lead them to see that they have fallen into error, and that they will be induced, for the benefit of the country, to abate somewhat from the claims they have put forward. I think that the possibility of the two Houses coming into direct collision should be provided against without loss of time, for, as was well pointed out by the Treasurer, it is an event very possible to occur on other matters besides money Bills. I think it should be guarded against without loss of time. There is a difficulty also in defining money Bills. The Chinese Bill, for instance, imposes a poll-tax. It may be considered a money Bill, but it is a proper Bill to be dealt with by the Legislative Council, and I trust, Sir, they will deal with it in a constitutional manner.

Mr. BABBAGE moved the adjournment of the debate.

The motion was agreed to. The House then resumed, and the Chairman having reported progress, the Committee obtained leave to sit again on the following day.

Adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, JULY 23.

PETITION

Dr. Ezerard presented a petition from certain owners and occupiers of land in the district of Myponga, approving the course pursued by the House on the subject of money Bills.—Received, read, and ordered to be printed.

MESSAGES BETWEEN THE HOUSES.

The following message was delivered from the House of Assembly:—

"The House of Assembly having been informed that its messenger, on presenting himself at the bar of the Legislative Council, on the 16th of June last, with messages to the Council, was not allowed to deliver them, request to be informed by the Legislative Council of the grounds upon which those messages were refused."

Mr. Baker thought it desirable that the message should be taken into consideration at once, so that an answer might be returned by the same messenger. He moved the following answer:—

"In answer to the message received this day from the House of Assembly the Legislative Council begs to inform the House that the grounds upon which the Legislative Council declined to receive the messages therein referred to were as follows:—The Standing Orders of both Houses of Legislature declare that the rules, forms, and usages of Parliament, so far as the same are applicable, shall be followed in all cases therein provided for. No provision has been made by the Legislature of the province, and it is contrary to the usage and practice of the Imperial Parliament, that a message be sent from one House to the other, but whilst both Houses are sitting, the Speakers of each House being in the chair. The messages in question were brought to the Legislative Council on the 16th of June, the House of Assembly not being then sitting, having adjourned on the 12th of that month till the 21st of July following, as then appeared by the official record of the Votes and Proceedings of that House." He thought it important that the usual forms should be observed in all communications between the two Houses, as any breach of them might

lead to irregularities likely to occasion ill-feeling. He should, therefore, at all times, support, in such matters, a strict adherence to the Standing Orders

Mr FOSTER seconded the motion, which was carried without a division.

Mr. BAKER then moved that the answer be returned to the House of Assembly by its own messenger—Mr Avera seconded this—Major O'Halloran thought it might be more courteous to send the reply by an officer of the Legislative Council—Mr Baker remarked that the messenger of the House of Assembly was waiting for an answer, and it would certainly seem uncourteous to send him back without one, and say they would forward it by an officer of their own—The motion was carried, and the President transmitted the answer by the hands of the messenger of the House of Assembly

COUNCIL PAPERS.

Major O'Halloran moved, that copies of all Bills initiated in this House be transmitted to the Clerk of the House of Assembly for distribution amongst its members, and that the President be pleased to request that the hon the Speaker will favour the members of this House in return, with copies of all Bills initiated in the House of Assembly. At present the members of one House had no means of knowing what Bills were brought forward in the other, except through the public press.—Seconded by Mr. Morphett, and carried.

CONSOLIDATION OF THE LAWS.

The President called upon Mr Baker, in whose name the following notice of motion was standing:—"That the message forwarded by the Council to the House of Assembly on the 14th of May last, upon the consolidation of the laws in force in the province, be considered, in order to determine if any further action by the Council is necessary, to bring the subject under the consideration of the House of Assembly"—Mr. Baker said that, with the permission of the House, he would allow the motion to lapse, as he saw, from the printed proceedings of the other House, that an hon member had given notice there of a motion having for its object the consolidation of the laws—Motion allowed to lapse.

DATE OF ACTS BILL.

Mr Morphett moved the second reading of this Bill. Its object was very simple, and might be very concisely stated. Great evils were found to arise in England from the decisions of the courts of law—both the Queen's Bench and the House of Lords—in several cases, that all Acts of Parliament, in which no special provision to the contrary was made, must be considered to come into operation on the first day of the session—Captain Bagot seconded the motion, which was carried, and the Bill was read a second time—The committal of the Bill was made an Order of the Day for Thursday next

House adjourned till Tuesday.

HOUSE OF ASSEMBLY.

THURSDAY, JULY 23.

PETITIONS.

Mr. Bagot presented a petition from William Francis, master and sole owner of the cutter Lapwing, which was lost at Port Elliot. The petitioner prayed to be allowed to bring the matter before the House for enquiry, as he believed that the vessel was lost by an error of the Harbour Master.—The petition was read.

The adjourned debate on the privilege question was then proceeded with.

THE PRIVILEGE QUESTION.

ADJOURNED DEBATE.

Mr BARRAGE—Sir, it is with considerable diffidence that I rise to speak on this vexed question of privilege, upon which so much has been already said I am not one of those who think the question of the great importance which is really attached to it by hon members of this House This, together with another reason, adds to my reluctance in speaking on the present occasion As the mover of the adjournment, however, it falls to my lot to open the debate—a course which is not very desirable when there are so many hon members holding different views to myself who will follow me I should, I confess, like to have heard the Attorney-General on this subject before venturing to express my opinion, because it is just possible that I may be found floundering beyond my depth (Hear, hear, and laughter) I should also have felt greater confidence in coming after him, because I should not then have been exposed to that smashing demolition of my argument, which is sure to fall like a sledgehammer from that honourable and learned gentleman. (Laughter) The jackals that prowl about the Treasury benches will, doubtless, raise their howl at the r master's bidding, and follow close upon the prey to pick up such fragments of argument as the lion's jaws may leave them I feel I shall be hounded on by those who differ from me, and that my arguments will again be called silly and foolish, in the same way as I have heard those of far abler men than myself, but I must not allow considerations like these to interfere with my sense of public duty If, Sir, I could have foreseen, when the electors of Encounter Bay invited me to come forward as a candidate for their suffrages, that I should have stood almost alone in this House upon a question which has assumed such importance as the one which is now under discussion, I should have hesitated, and, probably, have shrunk from accepting the invitation with which I was honoured, but having accepted it, I ought not to shrink from the responsibility which that acceptance has entailed upon me. The knotty point of privilege resolves itself, in my mind, into three questions—what is legal, what is constitutional, and what is expedient to be done? First, then, with regard to the legal question. We have heard long and elaborate arguments from almost all the members who have directed their attention to this point; and if I were disposed to listen to them only, without investigating the matter for myself, I might perhaps agree in the conclusions which have been arrived at But, Sir, in a matter of this kind, so much disputed, I am not disposed to allow myself to be led away by the opinion of any legal gentleman, no matter how high his standing may be, nor to let him interfere with my putting what I understand to be the plain meaning upon an Act of Parliament. If I were only to take into consideration the arguments which have been advanced by the hon member for Light, I might perhaps be disposed to adopt his views, but I observe what I can only call a singular coincidence, viz—the legal interpretation put upon the Constitution Act in the Council Chamber by the President and the Hon Mr Gwynne, is just the reverse of that which is placed upon it by the legal authorities in this House. Such I apprehend to be the position of the question as far as legal opinions are concerned, and I have no doubt that this coincidence of differences will be made more apparent at the close of the debates when those legal members who have not yet spoken shall have expressed their opinion upon the subject. When, therefore, we see such a remarkable difference of opinion, it becomes the duty of every member of this House—indeed of every member of the community—to examine the matter for himself as far as circumstances will enable him to do so, and to judge for himself. (Hear, hear.) I say we cannot be bound down by legal autho-

rities in this matter, for the simple reason that the highest legal authorities in the colony are at issue upon the point before us. That being the case I have endeavoured to form my own idea upon the meaning of the Constitution Act which I hold in my hand. I find in this Constitution Act three clauses which relate to the subject before us. The first of these three clauses states that—"All Bills for appropriating any part of the revenue of the said Province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly." The 35th clause says—"It shall be lawful for the said Parliament, by any Act, to define the privileges, immunities, and powers to be held, enjoyed, and to be exercised by the said Legislative Council and House of Assembly, and by the members thereof respectively: Provided that no such privileges, immunities, or powers shall exceed those now held, enjoyed, and exercised by the Commons House of Parliament or the members thereof." Then the 40th clause states—"It shall not be lawful for either House of the said Parliament to pass any vote, resolution, or Bill for the appropriation of any part of the revenue, or of any tax, rate, duty, or impost, for any purpose, which shall not have been first recommended by the Governor to the said House of Assembly during the Session in which such vote, resolution, or Bill shall be passed." Now, Sir, it appears in my non-legal judgment, that the whole legal question turns upon the meaning of the word "originate," contained in the first clause. That I apprehend to be the point really at issue. The legislative power of the two Houses, as far as this Act goes, appears to me to be simply and clearly defined. Money Bills, or rather the objects of them, according to the Act, are to be first recommended by the Governor—(no, no)—and then originated in this House. Such a proceeding is required by the 40th clause (No, no). Let us follow these money Bills to the Upper House. If the correct interpretation of the word "originate" precludes any interference in the Upper House beyond passing their veto upon such Bills, then, all those who think with me in this matter must at once give up the point. But, Sir, I do not find that such is the usual interpretation of the word "originate" by legal authorities; and I find, moreover, that there exists a great diversity of opinion upon this point amongst the first legal authorities of the Province. In this difference of opinion, May, who has been often quoted, may give us some idea or clue to the real meaning of the word "originate." At page 427 in May, I find it stated—"In Bills not confined to matters of aid or taxation, but in which pecuniary burdens are imposed upon the people, the Lords may make amendments, provided they do not alter the intention of the Commons with regard to the amount of rate or charge—(hear, hear)—&c, but all Bills of this class must originate in the Commons." Now, if in Bills of this class, the other House have no power to alter or amend, as would be the case, supposing the interpretation attempting to be placed upon the word "originate," that it precludes all alteration by the other House, to be correct, May, undoubted authority as he is, has made a great mistake when he says—"All Bills must originate in the Commons, but that the House of Lords could make alterations and amendments in these Bills, except in certain instances." (Hear, hear, and laughter.) If the meaning of the word "originate" be what the House wish to make it "not be altered," then it follows, as a matter of course, that the Lords could have no power to make any alteration whatever in a money Bill. I cannot take that view of the subject, because it appears to me perfectly plain, that in the quotation I have given, money Bills may be altered in certain points by the Lords, notwithstanding they originate in the Commons. I argue, therefore, that May uses the word "originate" in the same sense that I do. I wish hon members would look into this point carefully, in order

to ascertain in what sense May really does use the word "originate." For my own part, looking at it from the point of view I have indicated, it is quite clear, at least it is quite clear to my mind—(hear, hear) that May uses "originate" in the sense in which the Legislative Council have construed that word. (Oh, oh.) I repeat emphatically, that the sense in which May uses the word "originate," is conclusive against the meaning attached to it by a majority of the members of this House. (Oh, oh.) Had May not intended to convey the idea that Bills might be initiated in one House, and altered in certain points in the other, he would have used some other word than "originate." If this view of the case be erroneous, then all I can say is, that the authority of May is useless, and may be set aside altogether. But I believe May to be a great authority, and I maintain May is on the side of the Legislative Council—(oh, oh)—and not upon the side of the majority of this House. (Laughter.) Thus I have shown that the interpretation attempted to be put upon the word "originate," as restricting amendments by another House, is a failure, and that being the case, there is nothing at all in our Constitution Act to prevent a Bill being originated in this House, and amended in the other House. I would remind hon members that I am speaking—and I wish it to be distinctly understood—not of the expediency of the question, but merely as to the legal interpretation of the Act of Parliament. Holding these views, I cannot see how the alterations proposed by the Legislative Council to be made in the Tonnage Duties Repeal Bill can be regarded as a contravention of the Constitution Act. Now, Sir, that is one point, but there is another point. Having attempted to show that, in my view of the case, at any rate, there is no legal rule by which the other House can be prevented from amending a money Bill, I will refer to another point of view in which it may be maintained that the Legislative Council ought to be deprived of the power of altering money Bills and that view is the constitutional view to which I will now address myself. It has been argued that the Legislative Council, in the course which it has pursued, has committed a breach of privilege. Now, although, if the view I have already taken be the correct one—as I maintain it is—it would follow that, in a legal, technical point of view, no breach of privilege had been committed. Still, exception might be taken on a constitutional ground; to which consideration I shall now address myself. It remains to be seen, then, whether altering a money Bill is not a breach of some inherent privilege of this House, which, though not embodied in the Constitution Act, still may be considered as attaching to this House, and not belonging to the Legislative Council. This part of the question appears to me to rest upon some analogy between the Legislative Council and the House of Lords. I have been accustomed from my very earliest days, to mix with parties holding liberal ideas in politics. (Laughter.) I have myself—it may appear strange—(renewed laughter)—I have myself—and I state the mere truth in saying so—always been, not only a liberal, but, Sir, I confess to being a radical. (Loud laughter.) Holding these opinions, I cannot, as a member of this House, assent for a moment to the analogy which has been attempted to be established between one branch of the Legislature of this colony and the House of Lords in England. I say that, to attempt to make out an analogy of that kind is repugnant to my opinions as a radical. (Loud laughter.) We ought, then, to examine carefully whether, by any unintentional slip or omission of the previous Legislative Council, some provision might not have been made by which one branch of the Legislature of this colony, contrary to the wishes of the majority, not only of the members of this House, but contrary to the wishes of the majority of the country, was to be considered as analogous to the House of Lords. Sir, if such an analogy

did exist, I should consider it a mistake—a blot on our constitution—and I should be one of the first to make a proposal for its immediate removal. I must, I fear, trespass a little more on your time for this part of the case, because I feel that, with perhaps the exception of the member for the Port, I shall stand alone in the debate, and, therefore, my points in the argument that I may omit to take up will not have the advantage of being brought before this House. It is upon this ground—it is from a consciousness of the responsibility that rests upon me—it is because I know that I stand almost alone in the midst of a large body of gentlemen whom I respect and esteem—it is because I properly estimate the importance of the question before us—it is, I say, under such circumstances that I regret the greatness of the responsibility which has fallen upon me, and which ought not to have devolved upon so humble a person as the member for Encounter Bay. Such responsibility would have rested more properly upon some older member of the House. I grieve—I am sorry that such is not the case, but, situated as I am, I must endeavour to do my best in the matter. Sir, we may learn something if we see how this question of privilege has arisen. And here I must again refer to May who tells us—“The legal right of the Commons to originate grants cannot be more distinctly recognised than by their various proceedings, and to this right alone their claim appears to have been confined for nearly three hundred years. The Lords were not originally precluded from amending Bills of Supply, for there are numerous cases in the journals in which Lords’ amendments to such Bills were agreed to. But in 1671, the Commons advanced their claims somewhat further, by resolving, *nam con.*, ‘That in all aids given to the King by the Commons, the rate or tax ought not to be altered,’ and in 1678, their claim was urged so far as to exclude the Lords from all power of amending Bills of Supply. On the 3rd of July, in that year, they resolved, ‘That all aid and supplies, and aids to his Majesty in Parliament, are the sole gift of 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, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the Lords.’” Now, with regard to this resolution, as applied to a permanent body, I may say “them’s my sentiments” (Laughter.) But, Sir, I would have you mark well what this resolution was, and against whom it was directed, and I refer to Blackstone, who styles the Lords “a permanent hereditary body, created by the Sovereign.” That was directed against an arbitrary Legislature. I ask, is that the case in this colony? Is the revenue the sole gift of this House? Do you give to the representative of Majesty all the rates and taxes? (Yes, yes.) No, Sir, I maintain that you do not. Hon. gentlemen appear to forget that there is another branch of the legislature of this colony who have their share in the gift. It must be admitted on all hands, that the Legislative Council represents more particularly the tax-paying portion of the community (No, no.) Well then, if it does not, the argument is still more in my favour. (Laughter.) But the point to which I wish particularly to attract attention is, that the resolution of the House of Commons, which I quoted, was directed against an arbitrary Legislature to prevent it from changing or altering a money Bill. Now, Sir, in George Bowyer’s Constitutional Law—I cannot say which page, for although I found the book in the library yesterday, it is now nowhere to be found, but I will quote from an extract I fortunately made—Bowyer—whom I presume is something of an authority, for he was a Doctor of Common Law, and whose book I presume would not be in the library of this House, unless he were regarded as an authority in these matters—Bowyer tells us—“That the Commons bestow the grant with the concurrent authority of the Com-

mons and Lords. The reason usually given for this is, that the supplies are raised upon the body of the people; but when we consider what a large amount of property is in the hands of the Lords, we cannot give much weight to such an argument. Blackstone very justly says, ‘that the true reason is, that the Lords being a permanent hereditary body, created by the Sovereign, are supposed to be more liable to the influences of the Crown, and when once influenced to continue so, than the Commons, who are a temporarily elected body, freely chosen by the people.’ Such was the opinion of Blackstone, whose authority would not be disputed. It was because the Lords were an hereditary body that the supplies were voted by the Commons, and the Lords had the power only to reject or receive them *in toto*.” I consider this is a very good and substantial reason why in England the right of voting supplies is limited to the House of Commons. But let us take the point raised with regard to the analogy of the House of Lords in England, and the Legislative Council of this colony. The House of Lords is a permanent body; but where is the permanency of the Legislative Council? At the end of every four years a third of the latter goes back to the people for re-election or rejection, and at the end of twelve years the whole body must necessarily have gone through that routine. This is a circumstance that has been completely overlooked, and the analogy in this point of view altogether fails. The House of Lords is a permanent body, the Legislative Council, as I have just said, undergoes a change every four years, and at the end of twelve years it can be changed altogether if the people so wish to change it. When, Sir, does the House of Lords go back to its constituency? Is it in four years? Is it in twelve years? Is it in a hundred years? No. (Laughter.) For this reason, I say that the people of England have done well not to allow a permanent and irresponsible body, like the House of Lords, to interfere in the legislation of money matters. But the House of Lords, besides being a permanent, is also an hereditary body. Not only does the principle hold good, “once a lord, always a lord,” but the sons succeed to the places of their fathers, and thus the existence of the Lords is always maintained. The House of Lords is always sitting, it is always in existence, it is supported by hereditary right, and can never be dissolved. How different to the constitution of the Legislative Council where vacancies, from time to time, are filled up by election, and where by resignation, or otherwise, changes are constantly taking place. Where then is the analogy between the Lords and the Council? Blackstone also calls attention to the fact that the Lords are created by the Sovereign. But who will tell me that members of the Upper House can be so created? I am a decided enemy of nominalism in every form; and it is because I would not see the thin edge of the wedge introduced here, that I feel myself bound to protest against any attempt to establish any analogy between the relation of the English House of Lords and the English House of Commons and that of the two branches of the Legislature in this colony. Another point alluded to by Blackstone is, that the Lords being created by the Sovereign are more liable to be influenced by the Crown than the House of Commons. Now, Sir, what influence can the representative of the Crown have upon the members of the Legislative Council? My opinion is, that its influence over that body would be even less than its influence over this House, because the former represents a comparatively independent portion of the country, whilst the latter represents the whole mass of the community. There is no reason, that I can see, why the Upper House should be more liable to undue influence of the Crown than we are. I can see but one way in which such a thing could occur, and that is by supposing the Crown to possess the power of creating a colonial peerage. Then the Crown

might indeed be said to exercise considerable influence. But, Sir, this colony would not stand it for one moment. The Crown would never dare to attempt such a system in this colony. The analogy then altogether fails. There is another point in which, I maintain, the analogy of the House of Lords to the Legislative Council equally fails, and it is this. The Legislative Council owes its existence to this paper which I hold in my hand—to our Constitution Act. The House of Lords owes its existence to the aggressions of former times, to spoliation, to the oppression of the poor and weak, robbing them and taking their possessions! Is the Legislative Council derived from spoliation, oppression, or robbery? No. It derives its existence from the Constitution Act, based on the free will of the people. The last point to consider is what is best to be done to heal the breach which has taken place. In clause 34 of the Constitution Act, I find this provision.—“The said Parliament shall have full power and authority from time to time, by any Act, to repeal, alter or vary all or any of the provisions of this Act, and to substitute others in lieu thereof. Provided that it shall not be lawful to present to the Governor, for Her Majesty's assent, any Bill by which an alteration in the Constitution of the said Legislative Council and the House of Assembly may be made, unless the second and third reading of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the Members of the said Legislative Council and of the House of Assembly respectively: Provided also, that every Bill which shall be so passed shall be reserved for the signification of Her Majesty's pleasure thereon.”—Here is abundant power of altering our Constitution Act. What can we do under that power? We may, if we like, sweep away the Legislative Council altogether; with the assent of the majority of the Members of both Houses, the present Parliament may be swept away altogether, the Council done away with, and one House of Assembly substituted in its place, better adapted, as I believe it would be, to the wants and requirement of the colony. (Hear, hear) At present we are not ripe for the establishment and harmonious working of two Houses. When we have a population like that of Victoria, of upwards of a third of a million, their perhaps we may be ripe for two Houses, but we are not ripe for them now. It was a mistake which we fell into—a mistake which the country now begins to understand—a mistake to which this very question of Privilege has opened the eyes of the country. (Hear, hear) The next consideration is, how best to remedy that mistake. (Hear, hear) I do not wish to blame those hon. members who passed the Constitution Bill, which provides for two Houses—it was Hobson's choice with them—and we got a *quid pro quo*. The Home Government, however, in a spirit of great liberality, which strongly indicates their progress in liberal opinions, gave us full permission to change our Constitution at a future time. In this respect also, the analogy between the Legislative Council and the House of Lords utterly fails. The House of Lords cannot be swept away—it cannot be abolished—its privileges cannot be taken away without such a revolution as would shake the whole social fabric of England to its base, and destroy her present position amongst the nations of the earth. That is the position of the House of Lords, whilst, with the Legislative Council here, there are Constitutional means by which it can be abolished and done away with altogether, if we like. I must again, therefore, maintain that the attempted analogy does not hold. It is plain to me, that this analogy, so much insisted on, does not exist. I cannot see my way to any other common sense view of the question than the one I have adopted, but it will be useful to examine a little further. Let us assume that there is some little analogy between the two cases, let us refer to the past, and see what has taken place in England upon this very question of

privilege which we are now debating. I find that in the year 1671, the Commons made a determined stand against the arbitrary power assumed by the House of Lords, and that they succeeded in gaining certain concessions which they had not before enjoyed. As the Constitution became more fixed the people gradually acquired more power—it being feared that the Lords would become Lords paramount by interfering too much with money matters, the people demanded and obtained further concessions—when, however, the rights and privileges of the House of Commons were established on a firm basis, as I maintain that the rights and privileges of this House equally with those of the people of this province have been by law established, a different course was pursued. The House of Commons then relaxed, in their exercise of its rights and privileges. New circumstances had arisen, which made their previous determined stand upon their privileges inconvenient. May bears the following testimony:—“A too strict enforcement of this rule in regard to penalties, was found to be attended with unnecessary inconvenience; and, in 1831, the Commons judiciously relaxed it; and again, in 1849, they introduced a further amendment of the rule by the adoption of the following Standing Orders, viz.—That, with respect to any Bill brought to this House from the House of Lords, or returned from the House of Lords to this House, with amendments, whereby any pecuniary penalty, forfeiture, or fee shall be authorised, imposed, appropriated, regulated, varied, or extinguished, this House will not insist on its ancient and undoubted privileges in the following cases.” The cases alluded to in this extract are there quoted, but it is not necessary to detain the House by reading them. They prove that the House of Commons had agreed to relax that strict interpretation of those rights and privileges which, certainly, they had acquired by force of resistance, but which it is strenuously sought to show, by a strained interpretation of the law, appertain to this House. I will now, again, quote from Bowyer's “Constitutional Law,” and see what he says in the matter. He observes that—“In the session of 1846 a Committee recommended that the Commons should acquiesce in the Lords passing money clauses in railway Bills, and that some of these Bills might commence in the Upper House!” Now here was a most remarkable instance of the relaxation, on the part of the Commons, of that which they had stood up for so long, as being part and parcel of their rights and privileges. A railway Bill is a money Bill, and it is therefore clear that the House of Commons is of opinion that a money Bill can, in certain cases, be dealt with by the House of Lords, without injuriously affecting their rights, nay, that it could be originated there. Now, that is the privilege which is accorded to the House of Lords, and goes far, I think, to prove the use in practice, of the right which this House denies to the Legislative Council (Private Bills). A railway Bill is, I repeat it a money Bill. (No, no) If it is not a money Bill, as I have stated it, what necessity was there for relaxing the rule? It clearly shows that the House of Commons did not think it necessary to be stubborn sticklers for ancient rights and privileges when they stood in the way of the progress of legislation. There is another question from May, to which I shall beg to draw your earnest attention, as it presents an expedient by which our immediate difficulties may be got over. It is as follows.—“In Bills not confined to matters of aid or taxation, but in which pecuniary burthens are inflicted upon the people, the Lords may make any amendments, provided they do not alter the intention of the Commons with regard to the amount of the rate or charge, its duration, its mode of assessment, levy, collection, appropriation, or management; or the person who shall pay, receive, manage, or control it, or the limits within which it is proposed to be levied. But all Bills of this class must originate in the Commons, as that House will not agree to any provi-

sions which impose a charge upon the people, if sent down from the Lords, but will order the Bills containing them to be set aside. Neither will they permit the Lords to insert any provision of that nature in Bills sent up from the Commons; but will disagree to the amendments, and insist in their disagreement, or, according to more recent usage, will lay the Bills aside at once. It is sometimes convenient that a Bill intended to contain provisions of that character should be first introduced into the House of Lords; in which case the Bill is presented and printed, with all the necessary provisions for giving full effect to its objects, and is considered and discussed in the House of Lords in that form. But on the third reading, any provisions which infringe upon the privileges of the Commons are struck out, and the Bill having been drawn so as to be intelligible after their omission, is sent to the Commons without them. These provisions, however, are printed by the Commons in italics, with a note that they 'are proposed to be inserted in Committee.' Now it occurs to me, that what is the practice in England in disputed or doubtful cases may be an equally useful practice in this province in similar cases. It is, as I have said, perfectly conclusive to my mind that the Legislative Council have a right, under the Constitution Act, to deal with such Bills as the Tonnage Duties Repeal Bill, and, if I am right in asserting that such Bills are dealt with by the Lords—nay, they are even occasionally originated by them—and that they go through their various stages in that House with the assent of the Commons—doubtful clauses being printed in italics—why, then, I say, let us appoint a conference, to see whether a similar course could not be adopted in this colony, at the present time, until the question of privilege is settled, by mutual consent, in the way pointed out in the constitution Act. This seems to me to be the most common-sense and business like way of looking at the matter, and I therefore regret that this question has not been discussed in free conference, and that attempts should be made to enlist the sympathies of the country in favour of one House, in opposition to the other, and that this spirit of antagonism between them should have sprang up—an antagonism which ought not to exist, seeing that the two Houses are, in different forms, both representatives of the people of the colony. The hon. the Chief Secretary, in introducing this question, referring to a work, which I think he called "The Constitution of the United States," stated that the rule was to preclude the Senates of the different States, according to the author, from making amendments in money Bills (No. no)

The CHIEF SECRETARY—No, Sir; it is precisely the reverse. The Senate of the United States, generally, has power to alter and amend these Bills. Allow me to explain. I argued in putting a particular interpretation upon the word "originate," that while in the United States of America these words are used—"All Bills for raising revenue shall originate in the House of Representatives, but the Senate may propose amendments, as in other Bills," that the meaning of the word "originate" in America by constitutional lawyers was, that it conveyed a denial of the power of altering a Money Bill on the part of the Senate, whilst it gave absolute power to do so to the Lower House. The Senate has no authority to amend unless such power is specially conferred. This power is always given in very express terms. It is not assumed or implied.

Mr BABBAGE—I am much obliged to the hon. the Chief Secretary for his explanation; but regarding this matter in a constitutional point of view, the hon. member's statement only strengthens my case (Laughter) If the framers of the American Constitution—those Statesmen, who "sealed their opinions with their blood," as the Chief Secretary has so eloquently expressed it, have so framed their Constitutions

as to give to their Senates, which corresponded generally with our Legislative Council, power to make alterations in Money Bills, then it is an additional reason why, in this colony, where we are all "young beginners," we should not withhold the exercise of a privilege which prevails throughout America. I should have very much liked to have heard it stated how the case stood in the three States who repudiated their just debts—or in the four other ones where the legislators refused to make arrangements for paying those debts. I am certain that whatever might happen, the Legislative Council of this province would never repudiate the just debts due to the national creditors. The question is of some importance, seeing that the course we are pursuing is calculated greatly to increase the number of our national creditors (Question, question) Sir, I am satisfied that if the shadow of an attempt were made to interfere in any way with the just claims of such creditors, the Legislative Council would not for one moment sanction such an attempt—(question, question)—and I think that it might so happen, that these creditors might be induced to exclaim, "Thank God, we have a Legislative Council." (Question) I have said that I cannot see the analogy which has been so strongly dwelt upon between the House of Lords and the Legislative Council of this colony. But I cannot therefore admit, with the hon. the Treasurer, that because in one case, as a matter of convenience, the precedents and forms of the House of Lords have been observed, therefore there is anything inconsistent in the attempt to show that there is no analogy in another point entirely different (Hear, hear, from the Treasurer) But, although I cannot see any analogy between the House of Lords and the Legislative Council, I see no reason why we should not follow the judicious example set by the Lords, and communicate with the other House by "conference." I may recommend that this course be pursued, and yet without any inconsistency, I may deny in *toto* that there is any analogy between the two bodies. I apprehend that the words "desire the concurrence" in the Message which has been sent to us by the other House, and which has been so very displeasing to the hon. member for the Light, is perfectly inoffensive. The word "desire," although I am willing to confess it grated somewhat harshly on my ear the first time I heard it, is not used in any coercive sense, but only in the way in which we employ it in writing and in conversation. We must regard it as used in its ancient meaning, *viz*—to desire, to request, to wish. In short, we must view it in its rational sense. (Hear, hear) I cannot conceive that the Legislative Council intended for one moment to offend this House by the use of such a term. According to my view of the matter, the legal and constitutional law of the question favours the Legislative Council. That being the case, the question we have now to consider is, what is the best practical course for us to pursue under the circumstances in which we are placed. We have got a Constitution, and we possess constitutional means of amending it. Let us see whether by the exercise of a little conciliation and mutual forbearance we cannot so arrange our differences that the business of the country may be carried on, and improvements in legislation continue, and that we may avoid the deadlock with which we are threatened. Let us follow the practice of the House of Commons, and insert all doubtful questions in the Bills sent from one House to the other relating to privilege, in italics, and so get rid of the difficulty we are now in until some constitutional mode of action can be decided upon. I shall, therefore, with a view of facilitating this matter, as far as I can—or at any rate, in order to let it appear on the journals of this House that such a step was attempted—move the following amendment to the motion of the Chief Secretary—

"That this House regrets that any misunderstanding with regard to their respective privileges should have

arisen between this House and the Legislative Council; and that, in order to adjust this difference and to arrange for carrying on the public business of the country pending this adjustment, the Legislative Council be invited to meet this House in free conference; and that the managers of this conference be the hon. Chief Secretary, the hon. Attorney-General, the hon. Treasurer, and Messrs. Milne and Bagot."

Before I sit down I wish only to allude to one other matter. Sir, a kind of threat has been held over this House. We have been told that the eyes of the community are upon us—that our constituencies are anxiously looking to see how this House upholds the just rights and privileges of the people (Hear, hear) For my part, I am happy to say that my sentiments are in unison, at any rate, with some of my constituents. I repeat it as a fact, for I was lately invited to a dinner at Myponga—(laughter)—and I found that those of my constituents who were there took the same view of the question that I took. I have heard it said that I should find nobody out of this House who would agree with me except the members of the Legislative Council. But the fact is, that when I went down to Myponga to dinner—(laughter)—

The TREASURER—I call attention to a point of order, and I would put it to the hon. member, whether he thinks he is in order in repeating after-dinner conversations in this House. (Loud laughter)

Mr. BABBAGE—Allow me to explain. It was not an after-dinner conversation—(renewed laughter)—the discussion on this question took place before dinner (Continued laughter.) My constituents and myself were in our sober senses (Roars of laughter) I went down there expecting, after what I had heard in this House, to be badgered. I went down there expecting to find that I should stand—as, unfortunately, with the exception of the hon. member for the Port, I do in this House—alone. What, then, was my pleasing surprise when I found that the most active politicians amongst my constituents took the same views as myself upon this question, and instead of badgering, applauded me (Laughter) I, for one, am not afraid of being sent back to my constituents. With the knowledge that the eyes of my constituents are upon me, I am not, after the words I have uttered this day, afraid to return to them. I fear that hon. members are rather overrating their own importance when they suppose that the deliberations which we carry on here are regarded with such very great anxiety by the whole country. Be that, however, as it may, I repeat, I shall, in case of a dissolution of this House, have no hesitation in going back to my constituency, after supporting the rights of a Council that represents the general interests of the whole community, as distinguished from local interests, because I am convinced I shall be re-elected. I shall come back triumphant at the head of the poll, as I did on a former occasion—aye, even if an hon. member from the Treasury bench were to go down to oppose me—I should come back triumphant at the head of the poll, with *excelsior* inscribed upon my banner, and my watchword "Justice to the South."

Mr. REYNOLDS—Sir, I am not all surprised at the very extraordinary course which the hon. member for Encounter Bay has thought proper to pursue upon this question, for it has been my lot, on every occasion when a subject has been brought forward by the Government, to find him on the opposition side. (A laugh) When the Ministry brought forward this question, I was, therefore, not surprised to find that hon. gentleman and the member for the Port on the opposite side. It matters not whether the question be right or wrong; so long as the question is brought forward by the Government, these gentlemen feel it to be their duty to oppose it. I am, therefore, I repeat, not

surprised at the course which those hon. gentlemen have taken. I am not surprised at the very extraordinary address we have listened to, but I am very much surprised at that part of the hon. member's address where he says, that if this House should be dissolved, and there should be a new election, that he should come back triumphant from his constituency, with the word *ex*—what does he call it?—[Mr. Babbage—"Justice to the South"]—inscribed upon his banner. Well, Sir, if he be the embodiment of "Justice to the South," all I can say is, I pity the South, because, Sir, if he stands here as an advocate to ignore the rights and privileges of this House, he is not fit to represent the north, or the south, the west, or the east (Laughter) On this occasion I expect to be with the Government, and I suppose I shall be looked upon by the hon. gentleman as one of its "jackalls." It matters not, however, what I am called, so long as I carry my constituents with me; and I have no doubt of receiving their commendations for the course I take this day. When the Chief Secretary referred yesterday to the probable dissolution of this House, the only voice I heard say "No, no," was that of the hon. member for Encounter Bay. When I heard that, I certainly thought that he was averse to a new election, on the ground that he had no idea of being sent back to this House. Conscience, I thought, told him that, as he was about to sacrifice the rights and privileges of this House, that there was very little prospect of his ever having a seat here again. After hearing that statement yesterday, and listening to what he had to say to-day, I really don't know what to make of him. (Laughter) That honourable gentleman has referred to the legal opinions of two very learned authorities, and he thinks it singular that two hon. members like Mr. Gwynne and the President should agree in their opinion. I may inform that hon. gentleman that this is not the first time they have agreed in opinion. I may also inform him that the opinions they hold now are very different to the opinions they held in 1853; and when I show the manner and extent in which they have departed from those opinions, I think that the House will agree with me in coming to the conclusion that no dependence can be placed on them. Now, Sir, the hon. gentleman has referred to the British House of Commons for the meaning of the word "originate," which, he contends, does not necessarily restrict the power of the Legislative Council with respect to Money Bills, but when he referred to May, I thought he was really defending the course adopted by the Government. Sir, we don't want to go back to so remote a period as 1871—we don't want to go back to bygone periods to look for precedents and Parliamentary usages—we come back to a more enlightened age, and a more enlightened House of Commons. The most important points arising out of this question of initiating Money Bills, I shall leave to the Attorney-General. Whatever may be the powers of the House of Lords to originate Money Bills in England, it is perfectly clear that the Legislative Council of this Province has no right to originate any Bill for appropriating or disposing of the public money. The hon. gentleman, if I understand him right, twits the Government with endeavouring to raise a feeling out of doors against the Legislative Council. Now, Sir, I put it to you—I put it to this House—I put it to the country—whether the Ministry, or any other member of the Assembly, has attempted or been guilty of anything of the sort. But the *Register*—that representative of the other branch of the Legislature—the *South Australian Register*—has been raising a cry against this House, in order that the Legislative Council might rise upon its ruins. If, Sir, the people of this country have been misled, they have been misled by the *Register*. (Hear, hear, hear) The *Register* has told the people that, although the Upper House cannot originate, it has full power to deal with Money Bills—(hear, hear)—a statement which is directly the contrary of what it

asserted on a former occasion. The tendency of this paper has, of late, certainly not been calculated to raise this House in the estimation of the country, but rather to depreciate its rights and privileges, and to increase the power and dignity of the other branch of the Legislature. (Hear, hear)

Mr. BABBAGE—Allow me to explain. My observations with respect to people out of doors, had reference only to the address of the Chief Secretary in this House. I had no idea of imputing the motive which has been suggested.

Mr. REYNOLDS—When I put the question, I put it in a way which would admit of the hon. gentleman setting me right, if I were wrong, and after what has been stated, I am quite willing to leave the impression which his words conveyed in the hands of the House. I did intend going a little further in my remarks with regard to the leading journal of the province, a paper, which—if its views for the last month be correct—I have no hesitation in saying, has been guilty of leading the people of South Australia astray. When the Constitution Act was discussed and passed, the *Register* took up the popular opinion. During all this time it was affirmed that the Legislative Council had no power to amend, or alter, or modify, any money Bill that had been introduced in this House. At that time, the *Register* had the popular idea—it took up the popular opinion—and embodied that opinion in a leading article, thus—“It is not in the power of the Upper House to alter, even in the smallest degree, any rate, tax, impost, or duty.” I say that that paper has grossly deceived the people of South Australia, inasmuch as we now find it asserting, on June 22nd last, that the power of altering, amending, or modifying money Bills, belongs to the Legislative Council equally with this House. It has been said, Sir, by one hon. gentleman, that this subject should be approached with careful deliberation, and in a proper state of mind. I am desirous of entering upon the discussion in that state. It might be considered presumptuous, on the part of any member of this House except a Minister, to express an opinion upon such an important and vital question; for, Sir, notwithstanding what has fallen from the hon. member for Encounter Bay, I view it as one of the most vital interest. (Hear, hear.) It is a question of life or death with us—(hear, hear.)—it is a struggle for the vital principle of the Constitution—for if we yield it to our opponents, this House will be ignored, its power lost, and its existence useless. (Hear, hear.) Sir, I have stated that it might appear presumptuous on the part of any member to touch upon and to deal with this question (“No, no,” from the Treasurer.) The hon. the Treasurer says “no, no,” but I make this remark because it has been said that the members of this House were taken by surprise when, in June last, the hon. the Chief Secretary jumped up so readily to defend the rights and privileges of this House. I was not taken by surprise. If the Ministry were so clever as to lay this trap for the House, I am candid enough to confess that I went into it with my eyes wide open, and I have no doubt other hon. members did the same. It appears that the members of the other House expressed surprise at our falling into this trap, and they very kindly made excuses for us, and intimated that it was plain that we had been under the “management” of the gentlemen who occupy the Treasury benches. This was the statement of Mr. John Baker. One hon. member, the member for the Port, thinks we ought not to refer to members of the Upper House, and is of opinion that the name of Mr. Baker has been rather freely dealt with. But, Sir, I view Mr. Baker as the leader of the Legislative Council, and I therefore consider that I have a right to deal with him, not only as a leader, but as a statesman. Mr. Baker states that the Ministry have managed this House. Now, I think that this term

“manage” is rather unfortunate for that hon. gentleman. Every one knows very well what he means when he uses the term “manage.” There is no term with which the hon. gentlemen is more familiar. He has been accustomed to “management.” (Laughter.) Sir, it has been my privilege, during a session or two of Council, to sit opposite to that hon. gentleman, and to have noticed a good deal of his “management.” (Laughter.) Sometimes he has succeeded, at other times he made a great mistake in his “management.” (Much laughter.) I have no doubt he found he could “manage” some persons in the Upper House, but I am quite sure he will find he has committed a great error if he thinks he can “manage” this House. But, Sir, there is one thing which Mr. Baker has accomplished—he has managed to “manage” the hon. Mr. Forster. That hon. gentleman is the manager of the popular organ of this province—not only the commercial manager, but the political manager—and as that paper—the *South Australian Register*—manages the province, it is quite clear, that unless we take good care, we shall soon be under the control and “management” of Mr. John Baker. (Hear, hear, and much laughter.) I question whether the country will be benefited under his management, or that it will be more prosperous under his control than it is at the present time. But, Sir, this word “management” carries with it something more than this. It implies something which is grossly insulting to the members of this House. (Hear, hear.) It implies that the members of this House are incapable of forming an independent opinion upon the matters which are brought under their consideration. If it had been said that Mr. Reynolds had made a mistake, and was under the management of a certain hon. member, I should have taken no notice of the observation, but when it is asserted that the hon. member for the Sturt is under the management of the Ministry, I think something is due to my standing, as regards my constituency—something due to this House, and something due to the country. (Cheers.) What is the meaning of it, Sir? It means this—it is an attempt to lower, in the estimation of the public, the members of this House—it is an attempt to lower this House in order that the Legislative Council may, as I said before, rise upon our political ruins. That strikes me to be the meaning sought to be conveyed by the word “management.” Then, again, the hon. Mr. Forster has twitted the Government with being inconsistent. I might very well leave the reply to this to the Ministry; but I cannot do so for this reason—when an hon. member twits another with inconsistency, and the hon. member who throws the stone, lives in a glass house, he should endeavour to ascertain whether he is not guilty of the same things with which he charges another. Now, that is the case with Mr. Forster. He has not, as I shall presently show, represented the true state of the matter. He has reasoned upon statements regarding one thing, and applied them to another and totally dissimilar thing. He has taken the statements put forth by the hon. the Treasurer, on the Government Bill, and applied them to the debate which took place, a long time afterwards, when your “amendment,” Sir, was under discussion, and has thus acted unfairly towards the Ministry. He tells us that the Ministry ought to be consistent. For my part, I think every man should be consistent, but I do not think Mr. Forster has been consistent. That hon. gentleman recently stated, in another place, that the Legislative Council has full power to deal with money Bills, which principle was also embodied in the message which has been received by this House. Now, when Mr. Forster was a candidate for the representation of West Adelaide, in January, 1856, he, in the speech which was reported at the time in the *Register*, after expressing an unfavourable opinion of the constitution of the Upper House, declared that he cared little about it so long as we had the control of the purse strings. What, I ask, did that hon. gentleman mean then? Did he mean

that the Colonial House of Commons, that is, the House of Assembly, would have the control of the purse strings, or did he address this meaning to the Legislative Council? Which is the "we" (Cheers and laughter) Was the Lower House meant, which "we" were then going into, or the Legislative Council, which "we" have now got into? (Continued laughter) His words were, "with the Lower House, constituted as it is, I care not what sort of Upper House we have, for we have the control of the purse strings." Therefore it is to be concluded that if "we" had had a seat in this House, this House would have had the control of the purse strings—(loud laughter)—and the support of the *Register*. As it is, the Legislative Council assumes the power of the one and obtains the influence of the other (Laughter) We are not the "we" But, notwithstanding this great misfortune, we are still able to vindicate and protect the rights of those who have chosen us as their representatives, and we will do so (Hear, hear) Now, there is another point, whatever may be said to the contrary by the honorable member for the Port and the honorable member for Encounter Bay—the assimilation which has always been tried to be made between the Constitution of this Province and the Constitution of England. The idea has always been that, if we ever had a second Chamber, it should, as far as possible, correspond with the House of Lords, and that the House of Assembly should also, as far as possible, correspond with the House of Commons—that the House of Assembly should have the control of the purse, and possess the same rights and privileges as the House of Commons at home. Now, as far back as 1852, when a committee was appointed for the purpose of suggesting any alterations deemed advisable in the Constitution of this Province, I find it stated in the 14th clause of their report, "that any legislative measure may be initiated in either Chamber, except money Bills, which must be originated in the Lower Chamber by the Executive Government." Again, in another clause, to give effect to such Bills, four members of the Government were to have seats in the Lower House, and two only in the Upper House. Thus it is clear that the intention of the Legislature of that day was to frame a Constitution analogous, as far as possible, to the British Parliament. This appears in the following protest which was made by Mr Gwynne at the time: "We further protest against the report as a whole. For that, while professing to recommend a form of Government by three estates (as first, representation of Majesty, embodying the executive and administrative power, and giving final sanction to laws; second, a Senate representing the upper and more wealthy classes, affording a counterpoise to the popular element. Third, a Lower House, representing the people at large.") Then the protest goes on to show that it merely gives to the Executive the shadow of power. But I will go a little farther into the history of the amendments of our Constitution. Coming down to the year 1853, I would ask what were the peculiar features of the Constitution Act of that date? Was it not intended to assimilate the Constitution of this Province to the British Constitution? Most unquestionably it was. In the first place, we were to have a nominated Upper House corresponding to the English House of Lords, and a Lower House corresponding to the English House of Commons—the House of Assembly having the control of the purse, like that possessed by the House of Commons. I find that in the *Register* of August, 1853, Mr Gwynne is reported to have said, when the motion of the hon. member for East Adelaide (Mr Dutton), proposing that the Upper House should be elective and not nominated, that "this placed in the hands of the people's representatives the control of the public purse strings. In referring to the history of our country, they might be able to estimate the power given by this right to withhold the supplies." That was the language of Mr Gwynne. I also find that the

lion the Treasurer (Mr Torrens) stoutly maintained that the proposed Constitution was to be assimilated to that of Great Britain, and that, therefore, the Legislative Council would not be allowed to have any control over Money Bills. Mr Edward Stephens thought that the people should not refuse to accept the Constitution then before the country, "for," said he, "the Lower House will have the power over the purse, and if the purse was not power he did not know what was" (Laughter) Whilst Mr Fisher, it is reported, "fully concurred in all that Mr Gwynne and the Treasurer had said." Mr Dutton also remarked, "that it was acknowledged that the Lower House was to be the centre of power, was to hold the purse strings, no Executive could exist a day longer than it could command a majority in that House." Now, I ask, was it intended in that Bill of 1853 to give similar powers to the House of Assembly as that which is enjoyed in the House of Commons at home? I have no hesitation in saying that such was the well understood fact out of doors, and such was the well understood fact by the members of the Legislature of that period. It was part of the compromise that was assented to in order that the Lower House should have the exclusive right of dealing with Money Bills. Now, I would ask, under what clause of 1853 was that power conferred? It is admitted by Mr. Fisher—it is admitted by Mr Gwynne—it is admitted by various other gentlemen, that, under that clause, the Lower House was to be invested with similar powers to those enjoyed by the House of Commons. Then, referring to the first clause of the Constitution Act of that date, what do I read?—"There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a House of Assembly, which shall be called the 'Parliament of South Australia,' and within the said Province of South Australia Her Majesty shall have power, by and with the advice and consent of the said Parliament, to make laws for the peace, welfare, and good government of the said Province in all cases whatever, and all such laws being passed by the said Parliament, and assented to by Her Majesty, her heirs, and successors, or assented to in the name of Her Majesty, her heirs, and successors, by the Governor of the said Province, shall be valid and binding to all intents and purposes within the said Province. Provided that all Bills for appropriating any part of the revenue of the said province, or for imposing any new rate, tax, or impost, shall originate in the House of Assembly, and that it shall be lawful for the Governor to reserve for the signification of Her Majesty's pleasure, all Bills affecting any Imperial interests, and such Bills, if assented to by the Governor in the first instance, may be disallowed by Her Majesty in the manner and within the period hereinafter limited and prescribed." Well, then, if that Act of 1853, which appears to confer all the power and privileges now claimed had become law, upon what plea, for what reason, and with what logic, I ask, can it be shown that, by the Act of 1856, the same powers are not conferred upon this House? I will read the first clause of the Act of 1856, by which it will be seen that the functions acknowledged to be given us, by the Act of 1853, are the same as those now claimed. The first clause says—"There shall be in place of the Legislative Council now subsisting, a Legislative Council and a House of Assembly, which shall be called 'The Parliament of South Australia,' and shall be severally constituted in the manner hereinafter prescribed, and such Legislative Council and House of Assembly shall have and exercise all the powers and functions of the existing Legislative Council. Provided that all Bills for appropriating any part of the revenue of the said province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly." If there were any doubts remaining on the subject, it would surely be removed by this clause, by which our functions appear to be greater and higher than before; because

I find the word "sifting," which is not to be discovered in any clause of the Act of 1853. Our position, therefore, instead of being diminished, is strengthened by the introduction of the word "altering." Now, Sir, I put it to the House and to the country, whether those who framed the Act of 1853 intended to deceive the people of South Australia? Did the Government of the day only pretend to give the House of Assembly similar powers and functions to those exercised by the House of Commons? Did they all the time only desire to confer upon the Legislative Council the privileges which that body now lays claim to? No, Sir; I will not believe it. I will not believe that the Legislature or the Government of the day could have contemplated, or have been guilty of, such an unparalleled act of political swindling and political treachery. (Cheers.) Now, Sir, I well remember the discussion which took place on that celebrated amendment of yours, when you were in the body of this House. I well remember drawing your attention to the 35th clause, which, to some extent, embodied the views expressed in the amendment, and urging you to withdraw that amendment, until the 35th clause came on for discussion. I will remember the surprise which this clause 35, and the manner in which it was framed, excited on the part of the hon. the Treasurer. But when I found that certain hon. members did not sympathise with it when I saw that the Treasurer was in a mist, I remember advising you to press your amendment, and thus remove the cloud in which it appeared to be enveloped. The Advocate-General expressed his concurrence in the spirit of that amendment, although he said he would oppose it at that period, but when it came on for consideration under the 35th clause he promised to support it. The Chief Secretary also expressed his sense of the importance of the principle contained in the amendment, and said it ought to be embodied in a separate clause, and that he should support it, but to my surprise, I found him subsequently voting against it. But the contradiction was reconciled in this way: The Government did not oppose the principle enunciated, but they opposed it because they conceived that it was introduced out of its proper place, and ought not to have come on for discussion until the 35th clause was under the consideration of the House, when they would have supported it. So far, then, the Government are exonerated from the charge of inconsistency. I therefore compliment the Treasurer for the course which he has pursued on this occasion; for although he opposed the clause at the time, with all his might and main, because he did not sympathise with it, now that it has become law, he feels it his duty to see that it is carried out. I regret to say, that the very opposite course has been adopted by Mr. Forster. During the discussion on the Constitution Bill in 1855, I find that Mr. Angas, referring to the privileges of the Senates of the United States of America, maintained that your amendment (Mr. Kingston's) which was then before the House, would have the effect of depriving the Legislative Council of the powers exercised by the bodies to which he had referred. Mr. Angas is reported to have said—"He would refer to the Constitution of the United States, where the power and functions of the Senate were not limited, as it was proposed by the hon. member (Mr. Kingston) to deal with the Upper House. The Senate had power to amend Money Bills, and if that power was taken from the Upper House, of what use would the Upper House be?" I wish the House to note this particularly. That hon. gentleman (Mr. Angas) understood that this amendment would deprive the Legislative Council of the power of altering or amending Money Bills, and this was argued on the ground that the Senates of the United States possessed that function. But, Sir, what do we find him arguing now? We find him, notwithstanding all he admitted here, contending that, because the Senates of the United States have the power of amending Money Bills, that

therefore the Legislative Council have a right to deal with them. (Laughter.) What does all this conduct mean? I confess, Sir, I am at a loss to understand it. I like a straightforward, honest course. (Hear, hear.) If I do sometimes make strange statements, I am willing to abide by them. I hate inconsistency. I despise political treachery. I detest political trimming. (Hear, hear.) I cannot see how this clause can deprive the Legislative Council of a right to deal with Money Bills at one time, and confer that right upon them at another time. (Hear, hear.) I find, too, that another hon. member of the Legislative Council (Mr. Scott) takes a similar view, and says that one House would not be disposed to be dictated to by the other, unless it was the law of the land. He is quite right there. I might multiply cases to show that the Upper House has no shadow of claim to the right which has been attempted to be set up, but I am afraid I have already occupied too much of the attention of the House. (No, no, go on, go on.) Then, Sir, it has been said that the Upper House has power to alter Money Bills, because it is elected by the people, but, Sir, they can have only the rights and privileges which are contained in the Constitution Act, and if the Act of 1853 deprives them of this power, surely the Act of 1856 equally does so too. But it is said that they are elected—that they represent the people; and that, therefore, they have power to deal with the people's money. Now, I deny that they represent the people. They represent only an interest, a section, a minority; and this is a struggle between the minority and the majority—a struggle between those who are responsible and those who are irresponsible—between popular political freedom and conservative rule. It is a struggle whether the control of the purse shall rest with a special class, or with the responsible representatives of the people. Then, Sir, we represent the interests of property as well as the other branch of the Legislature, and are directly responsible to our constituencies. But this is not the case with the Upper House. They may do what they please, but the country cannot get at them; and if the country cannot get at them, how are they responsible? But it is very different with us. Suppose, Sir, I had taken the same extraordinary course as the hon. member for Encounter Bay, suppose that my constituents were watching me closely, and found me voting against this resolution, would they not call me to account? When the elections came round, would they not say "You have not served us well, therefore go about your business." Can the constituencies say the same to the members of the Upper House? No, that House can oppose every class in the community, and ultimately oppose the will of the entire country. It is nonsense to talk of vacancies occurring every four years. A seat in the Upper House, as the *Register* once said, is held as a freehold right, whereas a seat in this House is only held as a leasehold. The members of the Upper House are, to all intents and purposes, emphatically independent members. And, I would ask, ought such a body, representing as they do only class interests to have control of the purse? I think it is quite sufficient, if anything is required, to be done for certain local interests, to fight the matter over in this House without having to fight it over again in another place. I am quite certain that if this House yields this important and vital principle, there will be an end to responsible Government. I, Sir, as an individual, have struggled as hard as any man in this province since the year 1851 to obtain the political rights which we now enjoy, and I feel keenly in this matter. (Cheers.) If we yield these rights we shall have lost six years' hard political fighting. (Hear, hear.) I, for one, will never yield to anything tantamount to a compromise. I will suffer this right hand to be cut off rather than yield one iota. What we have gained during this six years' struggle has been gained by ourselves rather than by the

Register, which has been pushed on by popular influences. Let not the *Register* suppose that it has achieved everything. As I said before, I have struggled in my humble way as well and as long as any man in this colony to obtain political freedom (Hear, hear). Do not, therefore, let the *Register* "lay the flattering unction to its soul" that the country is entirely indebted to it for the constitution it enjoys. Sir, it is a well-known fact that that paper is a commercial speculation, and, after the vacillation it has lately exhibited, I think it must be all moonshine. Well, Sir, it appears that this House has been guilty of passing a very "ridiculous resolution," and we have been called to account for it in a manner which makes the Legislative Council responsible for all I have felt it necessary to say on this occasion. I have no wish to speak disparagingly of the other House, but when I find hon members treating us as children—treating us just like a schoolmaster would treat his pupils—(laughter)—when I find them adopting a line of conduct calculated to annoy and wound—I will not say the dignity, but the feelings of the members of this House—I think I have a right to complain. If what I have said bears the appearance of harshness, the Legislative Council is responsible for it, because they threw the first stone. I will now refer to the hon Mr Forster—not, I wish it to be distinctly understood, with any personal feeling, but purely in a political point of view. The personal claims of friendship have no weight with me when political rights are at stake, and, although Mr Forster has long been a personal friend of mine, that is no reason why I should not speak out on such an occasion as this. That hon gentleman has called this resolution ridiculous, but I think I have succeeded in showing that no one occupies a more ridiculous position than himself. (Laughter.) It has been said that this question between the two Houses will not be settled without a final appeal to the country. Be it so. If I am sent back to my constituents I am quite willing to be judged by the sentiments which I have expressed this day. I shall say to them "These are my sentiments, and if you want a man to succumb to the conservative element, don't take Thomas Reynolds" (Cheers.) But Sir, I see no reason why this House alone should appeal to the country. Let both Houses go to the country, and then I have no fear of the result. The people who elected the Legislative Council have never dealt with this question; and, therefore, if the Legislative Council will not yield to this House the privileges which attach to it, they, equally with this House, in case of a dissolution, ought to be prepared to go to the country. But, in the case of this House only going to the country, supposing we were all returned again except the member for Encounter Bay, would that satisfy the Legislative Council? I don't think it would. They would still stick to what they call their "privileges" as tenaciously as ever. Then, Sir, I heard it hinted the other day by one hon member of the Upper House that if we did not give way they would all resign in a body, but I am afraid there is no chance of such a lucky result. I should be glad to see them do so, because the country would then settle the question at once, and everything then would go on smoothly (Hear, hear). I cannot help thinking there is some political dodge about this (Laughter). The members of the Upper House will oppose the Ministry in order to turn them out of office, but I hope those gentlemen will not give up their seats unless this House recommends them to do so, or advise a dissolution. If they do resign, and we are all sent about our business, all those out of doors can then have a good scramble. Now I have intimated that there is an analogy between the Parliament of this province and the Parliament of England. If, then, it was the intention of the Queen that we should keep that relative position, there is something to me monstrous in the two Houses

being called duplicate Houses of Commons—(hear, hear)—and that the members of the Upper House should be called "Honourables," whilst we poor fellows of the House of Assembly have no honour belonging to us but our seats (Loud and protracted laughter, in which Mr. Reynolds heartily joined). It is very clear that it was intended that the members of the other House should occupy a more honorable position than the members of this House. I am sure that when the hon. member for Encounter Bay was reading the quotations from May, I thought he was of the same opinion, and was arguing in favour of the position which we have taken. I am absolutely astonished at his want of penetration—(laughter)—and that he should have arrived at the extraordinary conclusion that it was ever intended that one branch of the Legislature should possess not only all the titles, all the honour, all the dignity, but that they should have the control of the purse too. (Laughter.) Let them have and enjoy all the honour and all the dignity, but do not allow them to have power over the public money as demanded by that great organ of the Legislative Council, the *South Australian Register*. Now, are we prepared to yield what we have struggled for so hard during the last six years? (No, no.) I, for one, would say, that if we were to yield on this great question, good-bye to manhood suffrage—good-bye to the enlargement of our privileges—good-bye to Responsible Government! This House would then be under the control of the Legislative Council—the management of the country would be under the control of an irresponsible body which could not be dissolved. And what does this mean? It means that we should be in the power and under the "management" of one, two, three gentlemen. I say, good-bye to our liberties, if we are under the control of such management (Cheers).

Mr HUGHES—Sir, I have listened with much pleasure to the hon. member for the Sturt, which has just been delivered, but I regret that the hon gentleman, during such a lengthened declamation, did not suggest to the House any means by which the present stoppage to legislation might be put an end to. I could not gather from his address that he had suggested any such mode. He has certainly expressed his wish that this House should be dissolved, and that the other House should resign, and then all go to the country and have a good scramble together. I trust, Sir, that that idea will not be adopted. There are other questions of great importance to be taken into consideration before this one is so decided, and there are others which might arise equally important of the same kind, and I do not see how they are to be in such a manner disposed of. I shall be sorry to see important matters, such as public works, the estimates, and immigration, held in abeyance. Sir, I will go as far as any member in upholding the inherent privileges of this House, but I cannot, after all I have heard, go from the position I took when this matter was first brought before us by the Chief Secretary before the late recess. I regret that illness compelled me yesterday to leave the House so early, and so to lose the opportunity of hearing what the hon member for Light said in reference to the remarks I had made, but I gather from his speech, as reported in the newspaper, that he alluded to me at some length. It was illness alone, Sir, that induced me to leave the House, and not a want of respect either to the House or to the hon member. I feel sorry that I did not more fully allude to the Constitution Act. I feel, Sir, that we ought now to endeavour to get rid of this question. I do not wish to take from this House any of its proper privileges, but I do confess that I can not at all agree with hon. members when they say that the Legislative Council is altogether wrong in the course they have taken in this matter. Sir, when I last addressed this House, I alluded to the framing of the

Constitution Act under which we sit here I stated, and I still state, that, in my opinion, it had but one meaning. I alluded also to the fact of my perfect recollection of what was said by its authors when that Act was framed. I particularly alluded to what you, Sir, expressed when you introduced the proviso on which this discussion had arisen, and I regret that the report of my speech makes it appear that I did not fully allude to what you then said. I feel sure, Sir, that neither you nor any other hon. member will suppose for one moment that I would entertain the slightest intention to misrepresent anything that you or any other hon. member may have said, and I beg to be allowed to repeat the words you are reported, and correctly reported to have uttered. I said, Sir, that when you proposed the insertion of the proviso in the first clause, you stated—"You would have no objection to the Upper House dealing with rates and taxes, you only desired to restrict them from increasing them (Hear, hear) You had no desire to unfairly restrict the power of the Upper House, in fact, you wished to increase its prestige, and you thought that could be best effected by making it as much in accordance with the House of Lords as possible (Hear, hear) If it were attempted to return the principle of originating money votes in either House, they would in all probability have a collision between them, but if they made it imperative to introduce such measures in the Lower House only, it would go far to secure that respectability so much desired for the Upper House." That, Sir, was the opinion expressed by yourself, and, Sir, if hon. members doubt the assertion I yesterday made—that the proviso was opposed by the Government, who were only beaten by a majority of one, on the ground that, as each House was elected by a popular constituency, they should have equal powers—I am prepared now to read from the papers of the day the sentiments they expressed, and I repeat and maintain that, if any hon. members will refer to the report of Nov. 28, 1855, they must arrive at the same conclusion as I arrived at. I hope I may be allowed to show that I have not been inconsistent in the course I took on that occasion and now take. I am reported, and I believe correctly, in the *Register* newspaper to have said—"Mr. Hughes regretted that the amendment proposed by Mr. Kingston did not go further, by stating what were to be the powers of the Upper House. If both Houses were to have the power of originating Money Bills, it would be the most likely means that could be devised to bring them to a dead lock. He thought that both Houses should have the power to deal with such Bills, but that they should only be initiated in the Lower House." Those views were the same as I express now. I believe I am consistent in the line I take now. The opinions I maintain now are those I adopted on framing the Constitution Act. I take it, that if Money Bills are to be originated only in this House, that this House has the power of the purse; for what position would the other House be in if they dissented from any one of those Bills that might be desirable for the prosperity of the colony? The Upper House cannot but propose alterations in such Bills, and if this House cannot assent to such alterations, the constitutional course is to lay the Bill aside. It cannot become law without the assent of this House, and I do not believe that the Legislative Council could stand for any period, if this House went on to legislate in accordance with the wishes of the people, for regulating the finances of the colony. Sir, legislation would then be brought to a dead lock. I believe, however, that this can never be, for it is impossible to suppose that the gentlemen of whom the Legislative Council is composed could take such a stand against the interests of the colony. What motive could they have for so doing? I, Sir, should not have proposed any amendment on the resolution proposed by the Chief Secretary, but as one hon. member has had the

courage to move one, although I may stand in a small minority, I cannot refrain from seconding it. If this question is now shelved for the present, the very next time the other House differ from us, this same course will be taken—and where is it to end? There are many things involved in this resolution. I would ask what is a Money Bill? Is the Legislative Council to have no power to modify any Bill remotely affecting the public expenditure? Cannot they modify any of the clauses of a Debt Act, an Impounding Act, a District Councils Act, or any other Act containing clauses relating to taxes, tolls, or penalties? This is the point which has been come to by the Bill which gives rise to this present discussion, because the Tonnage Duties Repeal Bill, which the Legislative Council divided into two parts, struck away a source of revenue, specially imposed to provide for the interest due to the public creditor, and imposed too by the very Act which authorized the borrowing of the money for the improvement of Port Adelaide. If we act on principle, I cannot see why the views now taken may not be taken on the Electoral Law Amendment Act, or any other Act; and in that case, what I would ask is the use, what are the functions of the Legislative Council? Sir, if I had not understood from the speeches of hon. members when this Constitution Act was framed, especially from the hon. Chief Secretary and the hon. Treasurer, that the power of the two Houses would be co-equal, with the exception of the proviso, I should have endeavoured to insert the words used in the Constitution Acts of the United States, because I believe there was more analogy between that Constitution and the one we were framing than there was in that of Great Britain. Sir, I do not know whether I dare trespass on the time of the House by reading extracts from the speeches I alluded to, I would not do so unless the House wishes it. I will, therefore, again declare my conviction that the reports in the *Register* of the debate on the 28th November, 1855, bear out fully my statement that all the members of the Government, except the Attorney-General (who alone is now acting consistently with what he then said), contended that the two Houses were to have co-equal powers in all legislation. The only limit on the Legislative Council being, that Money Bills were against the wishes of the Ministry to be initiated only in this House. Sir, the hon. Chief Secretary yesterday, said that the Senate of the United States was not analogous to our Legislative Council because that Senate was elected by the people the same as the House of Representatives, I differ from that statement. The Senate of the United States is elected by the Local Legislatures of the different States, but there is a wide distinction between being elected directly by the people and being elected by the members of the Legislature in the several States, because it must be obvious that the members of Legislature must be men of property or they could not spare the time required for their duties. An hon. member exclaims they are paid for it, but what is their pay? In looking through the Constitutions of the several States I find but one instance of the rate of payment inserted—that is one dollar per day, and eight cents per mile for travelling expenses. It appears to me, therefore, that the Legislative Council in this colony is more analogous to the Senate of the United States than to the House of Lords in England, and in proof of this I will quote what Storey, in his work "On the Constitution of the United States"—an authority entitled to great credit—writes on this point. He says,—"The seventh section of the first article declares the mode of passing laws. The first clause is, 'All Bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as in other Bills.' This clause had its origin in the known rule of the British Parliament, that all Money Bills shall originate in the House of Commons, and so jealous are the House of Commons of this valuable privilege, that they will not suffer the House of

Lords to make the least alteration or amendment to any such Bill. The general reason assigned for this privilege in that kingdom is, that all taxes and supplies raised upon the people should originate with their immediate representatives. But, in truth, it was intended by the popular branch of the Legislature, by this course to acquire a permanent importance in the Government, and to be able to counterpoise the influence of the House of Lords—a body having hereditary rights and dignity. The same reason does not apply with the same force to our republican form of Government. Sir, a great deal has been stated to show, that our Legislative Council does not represent a constituency of the same kind as the constituencies represented in this House. I maintain that it does, that it is popularly elected, and that the qualification required for its voters is less exclusive than that required for the voters who elect the members of the House of Commons. It is a mere absurdity to say that our Legislative Council possess any analogy to the House of Lords in England. I cannot see on what that opinion is grounded. One or two members, in the debate on the framing of the Constitution Bill, expressed a wish to make it approximate to the House of Lords, but how are we to do so? Sir, the proposition is so futile, that it does not merit serious discussion. It has been said that our Legislative Council has assumed the functions of the House of Lords, and that, in their intercourse with this House, they adopt the language used by the House of Lords. I cannot agree that they have assumed that position at all. If they have adopted that language, it is because, according to our own Constitution Act, our two Houses are to be called the Parliament of South Australia, and it prescribes that all questions of privilege shall be settled in accordance with the usage of the British House of Commons, in the event of any dispute or doubt as to the means of carrying on the business of the country, and I cannot find in May that there is any difference of wording to be adopted by either House in their intercourse with one another. But what are the functions of the Legislative Council, as prescribed by the Constitution Act? Why, Sir, they are to be those of the House of Commons. The first clause of the Constitution Act enacts, that "there shall be, in place of the Legislative Council now subsisting, a Legislative Council and a House of Assembly, which shall be called 'The Parliament of South Australia,' and shall be severally constituted in the manner hereinafter prescribed, and such Legislative Council and House of Assembly shall have and exercise all the powers and functions of the existing Legislative Council. Provided that all Bills for appropriating any part of the Revenue of the said province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly." In the late Legislative Council, where did Money Bills originate? With the Governor. And did not that Legislative Council claim and exercise the right to deal with, alter, and amend these Bills, after their being so originated? Then, as the present Legislative Council is endowed with the powers of the late Council, I maintain that the gentlemen of whom it is composed cannot justly be accused of misinterpreting the plain language of the Constitution Act, or of a stolidity in misunderstanding the plain language of the clause under which their powers are bestowed upon them. I will now, Sir, briefly allude to the only other clause of the Constitution Act that alludes to the powers of our two Houses, and that is the thirty-fifth clause. It is as follows.—"It shall be lawful for the said Parliament, by any Act, to define the privileges, immunities, and powers to be held, enjoyed and exercised by the said Legislative Council and House of Assembly, and by the members thereof respectively. Provided that no such privileges, immunities, or powers shall exceed those now held, enjoyed, and exercised by the Commons House of Parliament, or the members thereof." Where, then, is there in the

Constitution Act any allusion to the House of Lords in any shape or way? On the contrary, the Constitution Act prescribes clearly that both our Houses shall be limited by the powers and privileges of the British House of Commons. The question is not, I trust, whether we are to be dissolved, though, so far as I am personally concerned, that question would matter little to me; but, looking at the general interests of the colony, I should view with regret the realization of the wish of the hon. member for Sturt, that there should be, throughout the colony, a general scramble for political power. Sir, I do not see any necessity to condemn and attack the Constitution—on the attainment of which the colonists so recently prided themselves—let us first give it a fair trial. I have stated that I assisted to frame the Constitution Act, and that I was an advocate for having the same franchise for both Houses. I thought, and still think, that that would have given greater stability to the Constitution. I believe that, under such circumstances, the same gentlemen would have been elected as members of the Legislative Council. I believe that those gentlemen enjoy, in the fullest extent, the confidence of the people, and, I believe, that the only result of a more extended franchise would have been their return by a larger number of voters. I cannot believe that the trifling property qualification, by which they have been elected, has been the means of inflicting on the colony a tyrannical oligarchy. Will any one point out to me any member of Council who personifies such an idea? Where is there, in this colony, a lord possessing hereditary rights and dignity? I ask, what is the feeling of the colony on this subject? How have the people received the Constitution? Have they ever held public meetings to protest against it? How did they act during the election? Why, with the most perfect quiet and goodwill. Where is the proof that the position now taken by the Legislative Council is considered, by the colonists, to be repugnant to the interests of the colony? I do trust, Sir, that hon. members will, each for himself, consider well this question, and not follow the Chief Secretary as a flock of sheep would follow a bell wether. I trust they will not regard it as one affecting their own seats, but as it affects the interests of the colony. Do not, I say, lower this colony from the position, I am proud to believe, it has taken in the opinion of the people of England and of the neighbouring colonies. Do not, at the moment you have inaugurated your new Constitution, set about knocking it down, but try to work it, and how are you to work it if this resolution is adopted? It is useless by adopting it to try to shelve the question, for if it is adopted as it now stands, the same difficulty will arise again. Honorable members should not be guided by what Mr Baker said in the Legislative Council, or by what Mr Reynolds said in this House, or they might be required, perhaps, to lose a right hand. Sir, I believe the wisest course for the House to adopt is, to demand a free conference, as that course would have the effect of reducing to writing, and placing fairly before the country the demands of the two Houses, and the reasons and arguments by which each House maintains its position, and if it should be found that the two Houses could not agree, it would then be time enough to remit the question to the country, and to commence on altering the Constitution Act. In advocating a free conference, I must not be supposed to place our Legislative Council in the position of the House of Lords. The term is used in our printed Standing Orders as the means by which we are to hold intercourse with the other House in the event of any difference arising between us. In conclusion, Sir, I would state briefly my opinion as to our having two Houses in the Constitution of the colony. My own opinion was, that one House would be ample for the wants of the colony, but I could not read the despatches from the Home Government different from the construction put upon them by the Legislature. I

felt justified in assenting to the establishment of two Houses, by the fact, that in the United States of America the rule has been, with, I believe, but one exception, to establish two Houses in each of the different States. As those Houses had equal powers, the only object to be attained was, obviously, to place a check upon hasty legislation. I may be told that in this colony there has not been any hasty legislation, but, I think, there has been a great deal too much of it. If asked for an instance, I would say that the Pension Act, which was hastily passed upon the assurance of the honorable Treasurer—who I regret is not now in his place—that the fund voted, £10,000, was sufficient to provide pensions for all Officers of the Government, when they retired from the service—

The ATTORNEY GENERAL. I beg to correct the hon member. At the time that that Bill was introduced it was stated that the Government had not had time to go into the calculation or other matters connected with it to such an extent as to justify them in recommending it as a permanent measure, but that it was brought in to meet a resolution of the House, and might be amended, if found incorrect, at a future day.

Mr. HUGHES—Then if we had had two Houses the Bill would have been fairly ventilated, and not brought into force in so incomplete a state as to perpetrate the injustice which has been done under it. I regret that the Bill has been passed, because people have been induced by it to contribute to a fund which never can be—Cries of "question"—Sir, I am speaking to the question—hasty legislation is part of this question.

Mr. REYNOLDS—Sir, I rise to order. The hon member has already addressed the House once, we shall have no end to the discussion if we go on in this way.

Mr. HUGHES—Sir, I have no desire to travel from the question. I hope that this House will not now proceed to violate the Constitution, but that they will carefully consider the best means to get out of the position we are now in without injury to the best interests of the colony, and, I trust, hon members will seriously consider, each for himself, whether they cannot assent to this conference for the reasons that have been produced, or, whether some other means may be pointed out by which we may arrive at the beginning of the end of our present unsatisfactory position. I beg, Sir, to second the amendment of the hon member for Encounter Bay, and if, during the debate, any better method is suggested for amicably settling the question, it shall have my cordial support.

Mr. BLAIR—Sir, I will endeavour in this debate, in the few remarks I have to make, to be as brief and as pointed as I can. In no part of the remarks of the hon member for Encounter Bay, Mr Babbage, do I more thoroughly disagree than when he passed the remark that this question is of very little importance. I think it a question of the very greatest importance. I feel, in common with the hon the Treasurer, overwhelmed with the responsibility of conducting this debate in a spirit of fairness and moderation. For my part, I will endeavour to do so, and will confine my remarks to three or four points. Starting, then, with the other branch of the Legislature, I observe that we are told by some of its members that they do not want to be referred to May, or to what was said in previous Councils, but to the Constitution Act, and to that alone. Now I am willing to take the Constitution Act. I will not go over the same grounds as have been so well established by the hon member for Sturt, Mr Reynolds, but, Sir, I remember having a seat in the late House, at your right hand, when you proposed the memorable amendment which has been referred to. We had had a meeting to

discuss it, and we were successful in making a compromise between different parties in carrying the Constitution Act, there was a difficulty in settling the Constitution Bill, and when the amendment I allude to was brought before the House, it was carried by a majority of one. So doubtful was the leader of the opposition—so doubtful did he feel his position—that the 37th clause was, by that hon gentleman, introduced to prevent this House, in the exercise of the power committed to it, from reducing the salaries of the officers of the other House to a less amount than the salaries of the officers of this House. What then is the use of that clause if they have the power of altering Money Bills. No one in the colony, I should think, will venture to state that, under that Act, a nominated Upper House would have had a power of dealing with Money Bills, yet the clauses are precisely the same. That is an argument that cannot be got over by any reasoning mind. Every one will admit that the spirit and wording of the Act are as I have stated, and that my view is borne out by the passage read by the hon member for the Port, Mr Hughes, that the power claimed comes from the use of the word "originate." It is an extraordinary word. I trust it will be so in the history of this colony. I am willing to meet the Upper House on the question of analogy. If there is none they must make use of different terms in their replies to this House. We assert in our Standing Orders that "In all cases not hereinafter provided for, resort shall be had to the rules, forms, and practice of the Commons House of the Imperial Parliament," while the Legislative Council assert they are governed by practice of Parliament. Yet, Sir, we have received a slight and an indignity, and our messages were rejected because it was asserted that they had been forwarded in an improper way, and we were told that unless the Speaker and President are both in their chairs, no messages can be received. I remember, that in the previous Council I was snubbed, especially by the late member for Barossa, Mr Angus, by continued references to the Constitution of the mother country. I was always met by observations on the desirability of likening the Constitution of the colony to the glorious Constitution under which we lived. The intentions of the people and of the candidates for election to the Upper House, were the same after the Bill was passed—for many of the hon gentlemen who enjoy the glorious honour of having a barren title attached to their names said, that they had no time to deal with the business of the country—they wanted repose, and wished to leave the work to younger men. These were the views which influenced more than one member of this Parliament, and if they did not mean that there was less work there and more work here, I do not know what the English language means. I will take this opportunity to state my opinions in this matter. I was asked by many persons in different parts of the country to offer myself for the Upper House, but I stated that this House had the power of the purse, and therefore I would not sit in this Parliament except as a member of this House. I remember also, that during the debates on the Constitution Bill, that a remonstrance was presented to Mr Dutton from some of his constituents, in which he was called upon to explain why he had voted against their interests in giving away the power of the purse to the Upper House. That hon member afterwards made reference to the matter in the House, and he then agreed that the subject was so important as to require the insertion of a special clause. On a previous occasion when the question of privilege was before the House, I ventured to make some remarks, which, unintentionally I hope, on the part of the newspapers of the province, were not as fully reported as I could have wished. I ventured then to state that the wording of the Act was extremely similar to that of New South Wales. It is also like the clause in the Act of Tasmania. The Appropriation Bill of New South

Wales begins with these words—"We your Majesty's loyal subjects, the members of the House of Assembly." In the Upper House of New South Wales, nominated as it is by the Crown they have not claimed any right to deal with Money Bills. In Tasmania, they have asserted the right to deal with them, as stated by the President, in his very elaborate opinion, but he does not tell us that the House of Assembly has entered a solemn protest against their doing so. I do not think that we have sunk so low as to take the Parliament of Tasmania as a model to follow, for, such disgraceful scenes—such a total want of gentlemanly demeanour and even of that common courtesy which is usual between man and man, I have never heard of—and I trust we shall never see here—as have occurred in the House of Assembly of Tasmania. But there it is a question of paying twenty shillings in the pound, and a Ministry went out on the question of reducing salaries—from sheer inability to pay the officers of the public—and, even there, the assumption by the Legislative Council, of a right to deal with Money Bills, was protested against. I feel great difficulty in this matter; I am not a prophet, and I cannot see my way clearly out of it—I can only do what I feel and believe to be my duty. I have always voted in this colony for the rights of the people, as a people, irrespective of wealth and position. In all political matters I have taken that course, and I do not regret it. But, Sir, if we push the claim of the Legislative Council to an extreme, it amounts to a perpetual dead-lock. Continual appeals to the country must ensue, and a complete prostration of the resources of the colony (Hear, hear.) The hon. member for Encounter Bay says "hear, hear," and yet he asserts that this question is not of any great importance. I will not attempt to follow the remarks which have been made on the conduct of the newspaper press of this colony. I have voted for it on former occasions, but I have had my eyes opened, and I regret a vote that I gave on a former occasion. I feel, Sir, that the newspaper press has not dealt fairly by us, and we have taken a right step to show the country what we really have said, and that there shall be no referring, without contradiction, to the short and curtailed reports which they are in the habit of giving of our proceedings. We have taken a right and manly course, in placing ourselves in a position to show the country that, in the reports of the debates in this House, we have not been fairly represented. I know the power of the press. I know that thousands read the *Observer*, on Sundays, from beginning to end. I know that thousands believe in the *Register*—think with the *Register*—and follow the *Register*. I relied on the *Register* once, but my views are altered. I make this confession now, and I am careless of the remarks which will be made upon me for it. I did not hold this opinion until very lately—until I saw the difference in the reporting of the debates on Privilege in this House and in that in which "we" have a seat. In the first debate on this question, allusion was made to the analogy between this and the English Parliament. I observe, Sir, that, following this analogy in the address of the Governor, there is a special address to the members of the House of Assembly—this proves, at all events, that there is a great analogy between this Parliament and the Parliament of the mother country. But there is another question, if this view of the Legislative Council is a correct view—if their views are to succeed in this colony—all that we have been labouring for, for five or six years, has been thrown away. It would be better for us to have a nominated Upper House—better come back to the days of nominalism, with some representation, than to put the power into the hands of a body which is irresponsible. They never came before the people as a body—as we have done—and they never can, unless by their own act, which would be too fortunate an occurrence to be at all probable. Therefore, it is idle to tell me that, because six members retire every four or eight

years, that they are responsible. They are not responsible, and everybody must see it. I spoke of the tortuous windings of the *Register*. There is a most extraordinary recommendation in the paper of to-day. It is a recommendation that the members of the Legislative Council shall resign their seats and throw themselves on the country. I expect that the reply will be very terse—partaking very much of the character of "don't you wish you may get it." I do not fear the effects of a dissolution, and, for this reason, I shall say to my constituents, "Gentlemen, I stated my views most fully on the subject of Responsible Government when I addressed you last time, if your views are altered on the subject, seek some other person to represent you." These are my views, and I care little, as far as my own personal feeling is concerned, whether I am returned or not. I have very little doubt as to what their answer would be. Indeed, I should be very much surprised if any constituency returned a different answer from what I expect, not even excepting the constituency of Encounter Bay. We have been told of the disadvantage of giving this power to the Upper House, and of thus having the candle burning at both ends, but, Sir, we do not deny them the right of blowing it out altogether. We, in this House, go into questions relating to money, and we decide on what we think best. The Legislative Council, as the representatives of property—of land—have the power of saying "No, you shall not." The power they possess of negating Money Bills is great, but God forbid they should have any other power. I have endeavoured briefly, and, I trust, as much to the satisfaction of the House as to my own satisfaction, to prove that the power we claim is given to us by the Constitution Act—that the analogy of this Parliament to the British Parliament is complete—that the intention of the whole people, in recording their votes, was, as we state it to be, that we should have the supreme power and control over Money Bills. In the event of a dissolution, which would be hailed with delight, if it decided this question, I say, if my seat were lost, it would be lost in the best, the purest, the highest cause—in fighting the battle of the people of South Australia, and of all who may come after us. In spite of the hon. member who calls us jackals, I shall support the resolution of the hon. Chief Secretary. Sir, I attach no importance to calling names. It will be found, invariably, that those who resort to names do so because they have a bad cause, which they cannot support in any other way. I shall support the motion, and the Upper House will see a result different from what they have contemplated, for this House, with the exception of two men, will rally round the Government. I know of no course more likely to strengthen the Ministry than the course the Upper House has pursued—a course which can only end in making the people of the colony tired of that Chamber, and wish they had never seen it. Sir, I have done, and I shall support the motion of the hon. Chief Secretary.

MR WATERHOUSE—Sir, I shall not make many remarks upon this question, for the ground has already been so fully travelled over, that very little new matter can be brought forward. I agree with the hon. members who have preceded me as to the importance of this discussion. It is important, also, that we should be guarded in the opinions we express, for there is "a chiel among us takin' notes, and faith, he'll prent 'em." It is, therefore, necessary that we should weigh our words, for in debate words are sometimes used which we would wish not to see recorded. When the question first arose, in a previous debate on a question of privilege, I regarded it as one of form and not of principle. I thought that a misunderstanding had arisen from members not being fully acquainted with the firms of business, and I trusted that it would be removed as members got more acquainted with parliamentary usages. But it is no longer a question of form,

it has passed into one of principle. The question is simply whether our Constitution shall be workable or unworkable. I have ever regarded the possession of the control of the purse strings as the essence of Responsible Government, so much so, that if the other House were not disposed to grant it, this House would be compelled to wrest it, for, without it, Responsible Government would be so in name only, and destitute of all value. I confess, that when this question first arose, I was inclined to the opinion that the power of the purse had not been directly given to the House, and that there was much weight in the position taken by the members of the other House in stating, that the power was not given by the Constitution Act, and that they had the right to amend these Bills. But, after more mature examination, I found that this was a ground not tenable. The clause on which members of the other House base their argument is the first clause of the Constitution Act. There, there is a limitation in the powers and functions of the Upper House, that is, as regards the altering of Money Bills originated in the House of Assembly. I would ask what was the object in enacting that proviso? Could it be that after Bills had been originated in this House that the other House should have equal powers in discussing them? If that was the object, there is nothing to be gained by it, and the proviso would be perfectly meaningless and purposeless. When the interpretation sought to be fixed to clauses in Acts is such as to render them meaningless it is clear that such could not have been the intention of the Legislature in passing them. We then enquire what was the object of the Legislature? It was by those words to place them in the same relative position with regard to Money Bills as the House of Commons and the House of Lords in the mother country, that they should be placed in the same position as two Houses of Parliament are placed in all countries where Responsible Government exists, for, I say it advisedly, there is not a country in the world where Responsible Government exists in which two Houses possess the same powers. In America, the two Houses have power over Money Bills, but there, there is no Responsible Ministry. The President appoints his Ministry independent of all Parliamentary considerations, and he may uphold them in their offices though both Houses should declare against them, in fact, this has been done within the last two years. There is one important consideration which has not yet been touched upon, and that is, what is a Money Bill? Before we can obtain a satisfactory solution to this difficulty, this important question must be decided. There are members in the Upper House who claim the right of amending Money Bills, but I believe there is a majority there who are willing to waive their right of amending those Bills. I should like to see this point clearly settled, for, by settling it, it will be possible for the Government not only to carry all this House, but likewise a majority of the other House. The position of the Government in reference to Money Bills is, that they claim for this House, not merely the dealing with the Estimates, but also all Bills in which money votes are concerned. They claim the entire power of originating and amending such Acts as the Chinese Bill, the Road Act, and even the Electoral Law Bill, which so immediately concerns the Constitution of the other House. It will be in the recollection of members of this House, that a member of this Government stated, in the other House, that the Electoral Act could not be originated there, because it was a Money Bill. It can, therefore, scarcely be a matter of surprise that the members of the other House should contest our exclusive right to deal with Money Bills, when the interpretation affixed to that term by the Ministry is so general. The 40th clause declares, "that all Money Bills must be initiated by the Governor in the House of Assembly." Now, I think it is a fair inference that Bills, which have not been first recommended by his Excellency,

are not Money Bills, and may be treated as any other Bills by the other House. If we could rest our case here, we should have with us the concurrence of the majority of the members of the other House. It would be for the Ministry to decide what are Money Bills in the first instance, and then for the Governor, by Message, to send them to this House. In this case, we should know what were Money Bills, and no dispute could arise. I would throw out this suggestion to the Ministry, that, when the resolution we shall pass is discussed in the other House, a member of the Ministry in that House may move a resolution similar to that which we are now passing. I would recommend an addition of words to the resolution, showing what the Upper House considered to be Money Bills, and thus we should gain over that portion of the Upper House which is disposed to moderation. I shall support the resolution to the utmost of my power. It is essential to the existence of Responsible Government, and I should be wanting in my duty to my constituents, if I failed, on this occasion, to give the Ministry my support.

Mr ANDREWS—Mr Chairman, as one of the youngest members of this House I would consider it almost unnecessary for me to address anything to the House on the subject of the motion before it, for so much has been said during the debate that any man of common sense must be convinced that this House has not only the country but common sense with it. It has been said, that, because there has been no use out of doors that the people care nothing about the matter, but, Sir, the true reason is, that they rely upon their representatives to stand up for their rights. It is forgotten by hon. members who have stated that such may be assumed from their silence, that the only means, except public meetings, of making their wishes known was through the *Register*. But, Sir, the *Register* has taken upon itself the character of the organ of the Upper House, and I attribute their silence to the more important circumstance that they have sent the right men into the right places—that they believed, when they elected us, we would support their rights, and, until they see us swerve, they will not cast the slur on us by suggesting, that we require reminding of our duty. It is too late, at this hour, to follow the numerous arguments of hon. members. The hon. member for Encounter Bay, however, quotes from May. It is inconvenient to go back to the cases he has cited, and to discuss precedents which are all against himself. The only one which told in his favour was when the Commons, for a purpose necessary at the time, waived their rights; but, in the same paragraph, they asserted that they were their undoubted rights. We heard, the other day, from the hon. member, in the course of a debate in this House, that he had been "circular sailing," and that he was one of a party who wished to take from the captain the command of the ship when it was amongst the icebergs. He gave the House a vivid description of the difficulties that the hon. member had to encounter, and, I think, the position he took then, and the troubles he had encountered, were very well illustrated by his passage through, and frequent references to May, whereby, instead of support, the hon. member's argument had suffered shipwreck. It has been urged by two hon. members that the state of the American Constitution is so analogous to ours here, that we must necessarily come within the same means to bring about the operation of our Government as Americans do. But I contend that the argument put forth by the Chief Secretary, that there is an express proviso, giving to the Upper House, in the American Constitution, a power to meddle with Money Bills, is one of the strongest arguments to be used in favour of the motion before the House. I say so, because not only does it appear in all cases necessary that this power should be distinctly

expressed, but, in the case of the American Constitution, it becomes stronger still, if anything could make it so, because both Houses are elected. There is nothing in the argument of the hon member for the Port, when he says that the American Upper House is not elective. In America, the Upper House is a popularly elected House because there is a popular delegation to the Lower House to elect the members of the Upper. And if both were popularly elected, it is clear that it was necessary to pass a positive law that the Upper House might meddle with Money Bills. It has been said that in Victoria a contrary enactment has been passed, and the hon member for the Port stated this was a strong reason why we should have passed a similar enactment here, to prevent the Upper House from meddling with a Money Bill. But it does not follow from his reasoning that it must be necessary, but it shows that, among the earliest of our Colonial Constitutions, the same thought and the same reading, in all probability, had not been attended to. It shows how far the powers of the two Houses could be adjusted, and to prevent mistakes, an unnecessary verbiage has been resorted to, in fact, nothing more can be made out of it, but that there is unnecessary verbiage in the Constitution Act in Victoria, for the printed words in that of South Australia are sufficient to prevent a meddling with Money Bills, as was intended. But it appears that various views have been taken on this subject, not only by the *Register*, but by hon members of the Upper House, different from what they take at the present time, and it is useful to inquire when this new idea first came into vogue. May has been alluded to by the hon member for Encounter Bay, but as I have not May by me, I cannot give such effect to the argument as I would do. I believe it is there stated, that in the mode in which the Queen addresses the two Houses in her speech from the Throne, care is taken to preserve the rights of the Commons. And admitting that there is an analogy between the Legislative Council and the House of Lords, an additional proof is furnished by the Governor's speech when he opened this Parliament. The clause in the speech to which I refer is after the third clause, which speaks of Ways and Means, and is addressed to "Hon Gentlemen of the Legislative Council, and Gentlemen of the House of Assembly." The fourth clause says—"Gentlemen of the House of Assembly, the Estimates of the Ways and Means will be laid before you," and immediately afterwards the Governor refers to "Hon Gentlemen and Gentlemen." If there is anything in a name, there appears, here, to be something in a title. What is the distinction, unless the Governor assumes the position of the Queen, and preserves the right of the Commons? It is stated, that the details of the Estimates shall be laid before the House of Assembly. Would it have been reasonable for the Upper House to have opposed this arrangement? I will not detain the House in searching for the passage I wished to draw attention to, but I do say, that when the Governor's speech was taken into consideration in Committee, and a reply agreed on in the Upper House, there was not one word that quarrelled with that portion of the Governor's speech which says, I will send you the Estimates, and to you of the Lower House alone, and I can only infer that hon members of the Upper House held other opinions than those they now profess. It has also been said that the Upper House is elected in the same way we are, and are representatives of the people, but this I deny. I say that House represents a class, while we represent the people, and we are only doing our duty by making a stand for the privileges of the people. It is said the Upper House is following the same course, but if they succeed, the rights of the people will be lost, and will fall into the hands of a class. No Ministry could carry on against the Upper House if such were the case, and if it comes to that, it will end in the demolition of that House, and in the subversion of the Constitution of the country. I will not, at this

late hour, go further into the question, therefore I shall conclude by supporting the motion.

Mr HAY—Sir, the remarks that I will make on this subject will be very few, indeed, I should not have spoken on the present occasion but for the insinuation in other quarters that the course taken by the Ministry had taken the House by surprise. The influence that leads me to vote for this resolution, is the course taken in the former Council by yourself and other members of the House, and from the explanation given of the Act, I was led to believe that this House alone would deal with the finances of the colony. On looking to the records of the time when the first clause was passed, it was proposed to pass it without the last part, referring to money matters. It was recommitted, and passed without the words "altering and repealing." On the motion of the hon member for Mount Barker, at his suggestion, seconded by the President of the Legislative Council, that the words "altering and repealing" should be inserted, on the recommitment of the clause these were introduced. But if anything were wanted to bring my mind to the conclusion that the Legislative Council ought to have no power to deal with Money Bills, the proviso in the first clause of this Act would supply it. It is stated there that "All Bills for appropriating any part of the revenue of the said province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly." Sir, I conceive that, since the Legislative Council cannot be dissolved it is neither responsible to the Governor nor to the country. When the Governor even cannot interfere with it, Responsible Government cannot be carried out. But without going into that matter, I would simply allude to some expressions uttered by the hon Mr Baker in the Legislative Council. He there states, in alluding to a defence of the Ministry in this House, made by the Commissioner of Public Works—"He trusted in God he should never have a friend to make such a defence for him." He states, in another part of the debate, that he felt bound to support the motion introduced by the hon Mr Motphett. When we compare these remarks with four speeches made by him when sitting in this House on the 6th December, 1854, when the fifteenth clause of the Constitution Act, which was introduced by the Government, was under discussion, we will see that the hon Mr Baker should have been more careful in what he stated of changes of opinion. The clause was the fifteenth in the Bill introduced by the Government, but it was altered by the member for Mount Barker, and it now stands as the 6th clause in the Constitution Act. The hon member, during the discussion on the fifteenth clause, spoke four different times, and each time stated that the House of Assembly would have the power of dealing with the finances of the colony. He first rose to speak in answer to the gentlemen who in now Speaker to this House, and he stated then—"In that case, the House, which had command of the purse, would represent the people at large, and the Upper House would be the guardian of the productive interests, and would see that property was not rashly dealt with." That is the first remark he made on that occasion. I should state, the clause he alluded to referred to the constituency of the Legislative Council. For the Treasurer had tried to embrace in his proposition the same constituency, or rather one nearly bordering on universal suffrage, for both Houses. Mr Baker said—"He would at least give every man a vote for the Lower House, and in that House the power of the purse was retained by the representatives of the people." Again, after the Chief Secretary, when he was pressing on the House the views taken by the Government, in supporting the clause as introduced by them, that universal suffrage and the same constituencies should return members to both Houses, the member for Mount Barker stated, that "the Government scheme entirely,

excluded a large portion of the population from representation in either House, but who, by the proposed scheme of manhood suffrage, would be represented in the Lower House and hold the purse strings. He would sooner have it impressed upon the members of the Upper House that they did not represent class interests, but all the interests of the colony. He would establish the Upper House upon a solid basis, and not make it a mere reflex of the Lower House." The discussion on the same clause continued, and, for the fourth time, the member for Mount Barker rose, and he persisted "That he did not think an Upper House composed in the way suggested would have the confidence of that portion of the community which was excluded from the franchise." But in every remark he made on this clause, he follows the same course, and I believe that the property qualification was in part a compromise to the views of the hon. member for Mount Barker, and on the distinct understanding, as stated by him, that the House of Assembly alone was to have power to deal with the finances of the colony. We have had a well argued opinion upon the power of the Upper House from the President of the Legislative Council, but from the part you, Sir, took in the discussion on this question when the Constitution Bill was framed, I think, while I have great respect to the opinion of a professional man, I should attach as much weight to the opinion of the Speaker. He would argue with as much satisfaction to the country, and would lay a paper before the House dealing with the question in a satisfactory way, and which would be consistent to the views of those who sat in the House. Sir, some means must be taken to bring this question to a satisfactory conclusion, and I find by the 35th clause of the Constitution Act the Parliament are entitled to bring in a Bill to define their privileges. I think, Sir, the Government would not be out of place if they brought in such a Bill, so that this question may never arise again. Some members of the Legislative Council state that the matter is clearly laid down in the Constitution Act. Sir, I have that respect for them, that I believe that they have been merely asserting a right which they believed they possessed. I do not deny their ability to deal with the finances of the colony, but, I say, let a Bill be introduced into this House defining its privileges, let it be sent up to the Upper House to be passed, and let it contain a clause asserting the sole right of this House to deal with the finances of the colony. Why, Sir, if that was done, and a Select Committee appointed to confer on this Bill, with a Committee of the Upper House, matters would come to a satisfactory conclusion but from the Constitution Act, and the conduct of the members, it is clear to me that the original intention was, that the finances of the colony should be dealt with in this House alone. There is one matter more to which I would allude, the hon. member for Sturt made some remarks on the conduct of the *Register*. So far as regards the opinions expressed, referring to Mr Forster, it was his duty to express those opinions. He had referred to Mr Forster as some liberal members in that House had done, and had stated that in consequence, the *Register* has taken a view different to that which had been expected. I do not object to that, but when I hear him state that it has been influenced by pecuniary considerations—

Mr. REYNOLDS—Sir, I beg to say that I have not charged the paper with that.

Mr. HAY—If I understood the hon. member right, he stated that it was a commercial speculation, and that the line of conduct it had pursued was adopted for the sake of advancing its commercial interests.

Mr. REYNOLDS—I did not put it in that light, that had changed its politics for commercial considerations. I stated, that it was more a commercial speculation than an exponent of public opinion.

Mr. HAY—I am pleased with the explanation of the hon. member, but I can only say, that I do not believe that there is an individual connected with that paper who cares for the money they have invested, as compared with the principles it was intended to advocate. In speaking of the matter as a commercial speculation, I do not believe they care if they never saw a penny from the concern. But I do think that hon. members would have been in a more dignified position, if they had taken Mr. Forster's opinions without connecting them with the newspaper. I will not go further, or say more on this question at present. I will simply say that I shall most cordially support the motion of the hon. the Chief Secretary. I hope, however, that means will be taken to bring this question to a speedy and satisfactory settlement, and I do so, for I think the business of the country cannot be carried on while both Houses claim power to deal with money matters. The country never understood that both Houses had power to deal with money matters; and, I believe, if an appeal were made to the country now, and both Houses came before their constituents, not one member would be sent to either House who held by the opinions expressed in the Legislative Council. I cannot see how the business of the country can be carried on if both Houses have equal powers, and I trust some Bill will be introduced to define them.

Mr. PEAKE moved the adjournment of the debate. The motion was agreed to. The House having resumed, the Chairman reported progress, and the Committee obtained leave to sit again on the following day.

Adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, JULY 24.

PETITION.

Mr. Blyth presented a petition from the inhabitants of the District of Tanunda and Tungkillo, praying for a survey of a main line of road through those districts to the Thirty-nine Sections, on the Murray—Received and read.

THE PRIVILEGE QUESTION.

ADJOURNED DEBATE.

Mr. PEAKE—Mr. Chairman, I cannot give a silent vote on the momentous question now before the House. I dare not let pass this bold attempt to fitch the key of the Constitution without raising a cry of "Stop thief! Stop thief!" if I can do no more. When the press has betrayed its mission, and its leaders are gloating over their own treachery, their hearts inflamed with the venom which corrodes the heart of every traitor, with effrontery unequalled, presume to slander a whole people, and forward an impudent message to Europe that the sons of England, who have colonised this province of South Australia, are regardless of their liberties, and make light of the constitutional privileges conceded to them by their Sovereign—that these men witness this attempt to enact a great political fraud unmoved—that they see great evils arise on the threshold of the Constitution, and none are found to regard them or express concern for them—when treachery has thus grown bold and ventures to slander a whole people, it is time to make a stand, and I, for one, Sir, shall raise my feeble voice to protest before this House, the people, and our friends in Europe, against this unworthy message, and declare that these treacherous words are a barefaced calumny, as unwarrantable as they are false and traitorous. Sir, the extent of this editorial perfidy is equalled only by its boldness, and I believe that the press of modern days has never made such a mortal stab at the first principles of Constitutional Government as one

section of the press of South Australia has lately done Sir, this House must stand in the breach, or the Constitution will be destroyed, its watch-towers and defences thrown down, and its enemies, entering in and going out at pleasure, will plunder it at their will. I believe that the annals of journalism furnish no parallel to the shameful manner in which the press of this country betrays its trust. Sir, I have said that the press has betrayed its mission. And what is that mission. Let the *Register* speak.—"The duty of a newspaper, is not to dictate, but to instruct. Journalism in this colony at all events, has no such mission, its highest function is to expound great principles to the people, its most solemn duty is to abstain from usurping popular privileges." But, Sir, what a change has come over the spirit of its dream. A guilty conscience produces uncertainty of action, and speedily indicates its own misgivings. Strange mutterings, as of some guilty mind, two or three days ago appeared in the *Register*, betokening a consciousness that its treachery was discovered, and "coming events seemed to cast their shadows before." The *Register* had begun to ask, with expressions of surprise, as if newly awakened from a dream, "Where are the people?" The people are silent! The people do not speak! There are no petitions! There are no public meetings! The people have not made known their will! Why, Sir, is it possible that these men, in their delirious course of treachery, have forgotten where the people are? Sir, the people are in this House (Hear, hear) Has the press forgotten that we are sent here to represent the people, and that we shall this day pronounce the people's verdict, touching this tremendous aggression on their rights and privileges? But it is useless to ask the question. If this House neglects to perform its duty, the people will act for themselves, and in a manner not to be misunderstood. I recollect the general election of 1855. I recollect, Sir, when that great apostle of freedom and constitutional liberty, Mr Anthony Forster, sent forth from the housetops of this city, and proclaimed it through every street and corner, that he was the man of the day—that he was to lead the people onwards to Constitutional Government—that he alone was the *beau ideal* of all that was patriotic and great in statesmanship. The people listened to him, and ostracized an able and venerable citizen, in order that they might set up this new man—this paragon of all that was noble and excellent. They now behold the consequence. He has sold the people, Sir—he has sold the Constitution which he assisted to carry—he has buried his first principle—he has torn out its very eye and centre, for he would wring from this House the control of the public purse. I recollect, Sir, a memorable saying of Sir Robert Peel, in which that great statesman laid down a grand rule in political economy, viz—"that we should buy in the cheapest, and sell in the dearest market." The late member for West Adelaide has learned this lesson well, Sir. He purchased the voices of his fellow-citizens in the cheap market of purient patriotism, and he sells them now in the dear and bitter one of experience. Now, Sir, I think it will not be difficult for me to show, that this gentleman has held opinions directly the reverse of those which he now professes with regard to the Constitution Act—that, at the present moment, he denies his own antecedents, and seeks to set aside the cardinal principle of Representative Government, viz—the power of the people to tax themselves through their representatives. But let the hon gentleman speak for himself. In the *Register* of September 23th, 1855, I find these words—"The Chamber elected by the districts will be the counterpart of the Commons, the Chamber elected by the general community will represent the Lords." On the 17th June, 1857, a "change had come o'er the spirit of his dream." The *Register* then wrote—"A few moments' reflection will show, that between our Legislative Council and the House of

Lords there is not the slightest resemblance." On November 28th, 1855, the *Register* says—"It (this plan of election of the Upper House) has the advantage of making the Upper House as different as possible in the mode of its construction from the Lower." But, on the 18th June, 1857, I find that another "change had come o'er the spirit of his dream." He then said—"There can be no question that the Legislative Council is a portion of the House of Commons of South Australia." Again, Sir, in the *Register* of December 14th, 1855, the editor says—"Responsible Government means government by the majority, and to secure this, the majority must have the supreme power. If the two Houses were exactly equal in power, a stoppage of public business would be imminent, but, by placing the supreme power in the Lower House, and surrounding it with self acting checks, we give each party its legitimate influence, and secure to the country sure and safe legislation." But, on the 18th June, 1857, another "change had come o'er the spirit of his dream," and he then thus expressed himself—"It is therefore undeniable that, according to the Constitution, the Legislative Council may do all that the House of Assembly may do, except originate Money Bills." Again, Sir, I find, on the 24th December, 1855, after the passing of the Constitution Act, when, congratulating the people on the triumph which had been achieved over nominalism, the editor writing these words—"Such are the most prominent features of the Constitution Bill, as compared with the Electoral Law Bill. The Lower House will be all the people can desire—universal suffrage, vote by ballot, equal electoral districts, triennial elections, and the power of the purse." But, on the 18th June, 1857, from which paper I have already quoted, it is affirmed, that "there can be no question that the Legislative Council is a portion of the House of Commons of South Australia," and it then goes on to say, "should the House of Assembly again resolve that it is a breach of privilege for the Legislative Council to modify Money Bills, they will so resolve, in opposition to the Constitution Act." What, Sir, is the meaning of these words? Do they mean what the language indicates, or are they a monstrous forgery? Why were the people led to believe that you and they had voted a Constitution, which they are now told is not that Constitution, but one diametrically opposed to it? If this is to be taken as a specimen of the honour and integrity of the press—if the people are to be beguiled and cajoled in such unmistakable terms, the sooner we make a retrograde step and accept some absolute form of government the better. In the *Register* of December 28th, 1855, after the passing of the Constitution Act, I find these words—"The financial powers of the Legislative Council have been further reduced, by depriving them of the power of initiating Money Bills, or to alter or repeal any tax," but, on the 22nd June, 1857, the same writer tells us—"We have recently shown on several occasions from the Constitution Act, that the Legislative Council has power to deal with all Money Bills which have been legally initiated in the House of Assembly." This, Sir, is another instance of the manner in which the press fulfils its mission. Are the people of South Australia to be thus deceived? Is it thus, our apostle of political freedom redeems his pledges to his country? The press has joined issue with this House, Sir—has practised a political fraud upon the people and betrayed the Constitution. Never before, in the annals of modern journalism, has such a political fraud been attempted. The press has aided and abetted a daring conspiracy against the Constitution. Sir, I now come to the consideration, of the Constitution Act. It is not my intention to invoke constitutional precedents, which occupied our fathers during long ages to establish, in order to show how the privileges of the House of Commons have been wrung from powerful nobles and re-

luctant sovereigns it is sufficient for me to go back to the Constitution under which I was born, under which I live, and under which I hope to die. It is a cardinal maxim, that "without representation there shall be no taxation," that the people who pay taxes shall have the right to tax themselves through their chosen representatives. The Crown cannot set aside or the tota of this power of the Commons, or the people, to grant supplies. Thus, Sir, is the first principle of the British Constitution, and one so universally known that I ought almost to ask pardon of the House for referring to it. Is it likely, Sir, that Englishmen, coming to this colony, who have been educated in this idea will submit to be governed by a Constitution at variance with that under which they have heretofore lived? Is it likely that they would permit an oligarchy of eighteen (over which neither the people nor the Governor had any control) to hold the purse strings of the colony? Already, Sir, one hon. gentleman in the Legislative Council has signified his intention to deal rudely with the Estimates sent to that body by this House. Suppose he puts his hands upon these Estimates, pray how will he reconcile such conduct with the first and fortieth clauses of the Constitution Act, which provide that these Estimates should be introduced by the Governor? Now, if he intends thus to tamper with the Estimates coming from this House, how can they be considered as the Estimates introduced and sanctioned by the Governor? How can Constitutional Government be carried on if he attempts such an act as that? Thus, by his own expressed intention, the hon. gentleman would violate the Constitution Act, as must be evident by the plainest and simplest demonstration. There seems to me another singular fact, and it is this—I find, in May 1st, in the absence of the hon. gentleman who appears to act in the capacity as coachman to the Upper House—(name, name)—I refer to the hon. Mr. Baker—I find that, one fine day, a certain clause of the Tonnage Duties Repeal Bill was passed by a majority of four. It happened, I say, that in the absence of the coachman, the horses ran away, but when the coachman came back the horses were again brought under his control, and the clause, which had been previously passed, was now absolutely repealed. Now, Sir, that is the kind of training to which the Legislative Council appears to have been subjected, but I think it is highly probable that the horses will, ere long, become restive, kick out, break the traces, and upset the State coach. Then will be the time for the Ministry to step in and take the reins. And now, Sir, I come to the opinion of the learned President of the Legislative Council, on which so much stress has been laid. I approach that document with considerable diffidence. Its ability I admit. Its logical deductions are so clear that, if I admitted the premises, I feel that I should be bound to adopt the conclusions. But I believe the premises to be false, and that, consequently, the deductions are equally false. The supposition on which the argument is based is, that the Houses of Parliament, created under the Constitution Act, though two in action, are one in essence—that, being one in essence, they must, therefore, have equal powers. But, Sir, this position, that the Houses are one in essence, appears to me quite untenable, because the President fails to distinguish a very important point in the constitution of the two Houses. It is true that both are elected by the people, but the mode in which the Legislative Council is elected is analogous, in a constitutional point of view, to the nomination of Peers by the Crown. The Crown, when it nominates to a seat in the House of Lords, delegates to the Peer nominated a portion of its own power, and the Peer thus nominated is placed in a position independent of the Crown. In this colony a portion of the power of the Crown is delegated to the members of the Legislative Council, with this distinction only, that, instead of

being nominated by the Crown, they are nominated and elected by the people. Hence, this position of the hon. President is quite untenable. He omits the important distinction that, although the Upper House is elected, it is not responsible to the people. The people have no control over it—the head of the Executive has no control over it, it is an irresponsible body altogether. I therefore contend that it is a perfect fallacy, in a constitutional point of view, to attempt to compare the Legislative Council to the House of Assembly. The House of Assembly is elected by the people, and is responsible to the people. The head of the Executive has control over it, inasmuch as he can dissolve it and appeal to the people. He has no such control over the Legislative Council. I think, then, it must be apparent to all that there is a fundamental difference in the constitution of the two Houses, and that, therefore, the argument of the learned President is fallacious. There is another point of view, Sir, from which we should regard this question. I contend that the Constitution is a fact, I contend that the exclusive control of the public purse by this House is a fact. I appeal to the living witnesses before me to testify to these facts, I appeal to the words of those gentlemen who sat in this House, or who now have seats in the Legislative Council, and who voted this Constitution, and who now seek to wrest the power of the purse from the people in proof of these facts. The living witnesses are before us, we have not to turn back two hundred years, their words, their speeches, are before us, bearing testimony to the fact that the power of the purse is in this House. It is a notorious fact—a fact as plain as the sun at noonday—and all the logic and sophistry in the world cannot alter it. I had wished that all those hon. gentlemen who assisted in framing and passing the Constitution Act had spoken before me, I could then have appealed to them to bear testimony to the truth of what I have asserted. I trust that every hon. gentleman who had a hand in framing the Constitution will come forward and declare what were his intentions with regard to the powers of the Upper House, because such declarations will entirely refute the arguments which have been advanced on the other side. If all the members of the former Legislature who voted the Constitution had now seats in this House, the weight of evidence would have been so great, so unmistakable, and so overwhelming as, I imagine, to prevent any future dispute upon the question. I have previously quoted collateral evidence to show that the power of the purse was substantially in the hands of the people. The *Register* of the 24th December, 1855, when embodied the views of the Legislature at the time, observed—"The Lower House will be all the people can desire—universal suffrage, vote by ballot, equal electoral districts, triennial elections, and the power of the purse." This is evidence which cannot be gainsayed, and it is sufficient to convince any candid mind. I cannot, therefore, understand the tremendous attempt now made to do away with a fact in the memory of every man in the country, and which is as evident as our existence. I deprecate, in the strongest terms, this bold attempt on the part of the press to deprive this House of its unquestionable rights. In conclusion, I trust that this House will stand fast to its privileges, and uphold the Constitution. I think I have shown that those who assisted in carrying the Constitution Bill had no doubt whatever as to the power of the purse being in the hands of the representatives of the people, and that this fact has been confirmed by the testimony of living witnesses, as well as by the press of the day, which now seeks to strangle the Constitution—to tear from it its very eye and centre—to ignore and destroy the public voice—to stifle inquiry by evasions and misrepresentations—to attempt to undo that which this House did, which the press did, and which the people knew they did. Notwithstanding the strange argument which

was brought forward yesterday by the hon member for Encounter Bay—notwithstanding that glorious progress of his to the South, and that inscription, “Excelsior,” on his banner—that banner will, ere long, be depressed, when the overwhelming shout of the people rings in his ears in confirmation of the principles I have enunciated this day. I compliment that hon gentleman on his success—(“Hear, hear,” from Mr Babbage)—for he has demonstrated something out of nothing. (Laughter) I wish him joy of his argument and of his conclusion. The people will, no doubt, take care to appoint him one of the guardians of their rights and liberties, and, when the State is in danger, will place him on one of the watch-towers of the Constitution. I have no doubt that, when those who have made this perfidious attack on the Constitution shall have succeeded in their plans, the conduct of this hon gentleman will be remembered, and that he will receive office, for he has richly deserved it.

Mr DUTTON—In the course of this debate, Sir, frequent allusion has been made as to the evidence of the analogy or non-analogy between this House and the House of Commons. There is one analogy which I should wish to see introduced into this country, and that is, that during the debates which take place in this House, it will not be considered necessary that every member should make a long speech on every subject which is brought forward, but on this occasion, it is certainly desirable that every member should express his opinion, because this discussion may result in a dissolution of the House with a view of taking the sense of the country upon the point at issue. On this account it is necessary that the constituencies should know the views of their representatives, as well as that the head of the Executive may judge, from the opinions expressed, whether a dissolution would be desirable or expedient. I do not, therefore, on this occasion, desire to deprecate a course which, on ordinary occasions, I, for one, am anxious to see avoided. With regard to the practice of members addressing the House on every subject, I may remark that when the Chinese question came on for debate in the House of Commons, there were not more than thirteen out of the 656 members who constitute that body, who spoke on that occasion, although the subject was one which convulsed the country. Of course, the proportion will be greater in this House, but it will therefore not be necessary or expedient for every member to express his sentiments upon every subject brought under our consideration. My hon friend the member for the Bunta (Mr Peake), has expressed a wish—and a very natural one it is—that those “living witnesses,” who performed their part in framing and passing the Constitution Act, should now bear witness to what were their intentions with regard to the provisions of that Act, and more especially with regard to that provision which has caused the unfortunate disagreement now existing between the two Houses. In the course of my remarks, I shall endeavour to follow out a suggestion which has been made, and avoid allusion to individual members of the Legislative Council. I trust I shall be able to confine myself to what I consider a very important part of the duty which I owe to this House and to my constituents, and show how far I am justified in supporting the motion now before us. We have, unfortunately, thus early arrived at a period which, although it has not exactly produced a dead lock as regards legislation, still I can see that that dead lock is “looming in the distance. Upon the resolution that has been submitted to us, there has been an amendment moved by one of the new members. This amendment has been seconded by an hon member who has had some little experience in the practice of this House, and who was amongst us during a former session. Of the hon member who introduced the amendment I will say nothing. Of course it is open to every member to take such a line of conduct as he may deem most just and desirable. I would

merely say, with regard to the hon member for Encounter Bay, that he stands in a very unfortunate position, inasmuch as his opinions are at variance with those of almost all the other members of this House, and cannot fail to suffer an inglorious defeat. With regard to the hon member for the Port, whom I do not observe in his seat, I would remark that I really do not attach much importance to the opinions he has expressed in supporting the amendment—(laughter)—because I recollect that hon member on one occasion began by saying, that he did not object to an important principle under discussion, he then went on to say that he approved of the principle, and, finally, sat down, saying he would vote against the principle. (Laughter) I should not, therefore, be at all surprised to find the hon member for the Port voting for the original motion after all. (Laughter) The amendment itself can be disposed of in a few words. It is quite clear that this House will have nothing to do with it. We are quite as capable as those two hon members, who have introduced and seconded it, to judge for ourselves as to the meaning of the Constitution Act, and I am satisfied we shall not be in the slightest degree swayed by any arguments which they have brought forward. I shall, therefore, dismiss them altogether, and proceed, as shortly as I can, to justify the vote I am about to give. To show that my conduct, since 1851, has been consistent throughout, I have only to appeal to the records of the press, and in the face of those records I should be the blackest traitor in existence if I were now to go against the resolution which the hon the Chief Secretary has introduced. There is one advantage which we derive from having reports of public proceedings taken by the press. It affords those who are not ashamed of their opinions an opportunity of referring back, with the view of proving to their constituents that their conduct, on a former occasion, was consistent with their conduct on a subsequent one. When the powers which the British Government gave to this colony were publicly discussed, I, in common with other members holding seats in the Legislature, in my address to my constituents on the 3rd of August, 1853, expressed my opinions in distinct terms, and which I find were recorded in the *Register* of the following day, to this effect—“He would next proceed to inquire what were the wishes of the people on the subject—and that, after all, was what he, as an elected representative, had to deal with. What were the functions the Upper House would have to perform? He did not pretend to any great amount of wisdom. He was young in legislative duties, and expressed his opinions with great diffidence, still, he had given the subject his best attention, and had arrived at the conclusion that the proper object of an Upper House was nothing more than a security against hasty legislation. He took his stand upon that principle. Then, how was that to be effected? It was acknowledged that the Lower House was to be the centre of power—was to hold the purse-strings.” I need not quote any further to show that, in 1853, my opinion was that the House of Assembly should hold the purse-strings. Now, having propounded these opinions, and having been returned on those grounds as a member of this House, without any expression of disapproval on the part of my constituents, how can I take any other course at this moment than asserting and maintaining that the control of the purse should be vested in the House of Assembly, and in that House alone? Shortly after the date I have alluded to, the Council met, and proceeded to frame the Constitution which is now the law of the land. What has ever since given me some degree of regret is, that with so many clauses in our Constitution Act, a separate clause was not inserted in it, defining clearly the right of this House to deal with Money Bills. Instead of this being done, the power was tacked on, and embodied in another clause. This arose out of the amendment which was proposed by the

hon. member for the Burra (Mr Kingston), which being introduced rather unexpectedly at the time, has been the source of that inconvenience of which we now all complain. If due notice of that amendment had been given, or had it been postponed till the 35th clause came on for discussion, which was the proper time for it, it would have had the effect of attracting more time and consideration to the subject. On that occasion, Sir, I distinctly objected to the addition being made to the first clause as it now stands. I expressed a strong opinion that it should be reserved, and embodied in a separate clause. When it was proposed to add to the first clause, 1, in common with others, voted against it. But just to show you how liable public men are to be misunderstood, I may inform you, that a few days after the debate, one of my constituents wrote a furious letter to the *Register*, calling upon the electors of East Adelaide to send me about my business for voting as I had done. This proves, firstly—how easily a public man may be unjustly treated, and, secondly—what the electors of East Adelaide thought upon the subject of dealing with Money Bills. If I were to vote against a principle for which I have so long contended, I should justly be regarded as a graceless individual. With regard to the two Houses of Legislature, I can only say, that we had no help in the matter. We were obliged either to accept two Houses, or submit to nominalism and one House. I need not say what part I took, as it is well known that I have always opposed the nominee principle. I clearly saw, as has been already stated, that it was "Hobson's choice." We were compelled to take one House with the nominee element, or two Houses as at present constituted, in order to obtain the absolute control of all the Revenue of this province, including the Land Fund. That is a concise history of the reasons which induced us to adopt two Houses in preference to one, which many people were of opinion would have been quite sufficient for all our purposes. I think, now, that if we had begun with one House it would have been better. (Hear, hear, hear.) The scheme, however, propounded by His Excellency for one House, had the radical defect of the part nominee element, and left us no medium course to pursue. We were obliged to assent to two Houses, and with that we were forced, in a great measure, to place that House in, what we thought at the time, a more independent position than the House of Assembly, but we never dreamt of placing it in a position which would enable it to set us at defiance, and be entirely beyond the control of the colony. (Hear, hear.) I would be one of the first to support the authority of the Legislative Council, if it were wisely administered, and no attempt were made to control the legitimate functions of this House. I believe that my constituents entertain no doubt concerning this subject, and I am quite sure they have no desire, in any degree, to limit the powers which properly belong to the House of Assembly. I can, therefore, be no party to any compromise whatever. (Cheers.) However I may regret the collision, which now seems inevitable, I cannot, out of any fear of the consequences, take the slightest step, or do the slightest act, which can be at all calculated to signify a yielding of that which I maintain is our undoubted right. My mind is made up. This House has the exclusive power of dealing with Money Bills, the Legislative Council is intended as a check upon hasty legislation. It never entered into my scheme that the Legislative Council should have any control over the public purse, beyond that of accepting or rejecting, *in toto*, any Money Bill which might be sent up from this House. I repeat it, my mind is made up on this subject. I know what the members of the Legislature and the country meant when they passed the Constitution Act. Its intentions were well understood at the time, and will continue to be so understood in spite of anything that may be said to the contrary, or of all the sophistry which has been brought, or may be brought, to bear upon the question

by the members of the other House. This, in a concise form, is the history of the part I took in framing the clause which has caused so much discussion, and I have stated, as shortly as I could, what I understood and intended it to convey. I think I have now clearly justified the course I am pursuing in upholding the powers of this House, and in supporting the motion of the hon. the Chief Secretary. Before I sit down, I will say a few words in reference to the probable consequences of the course we are now pursuing. There can be no doubt that the two Houses are in a difficult position, but who is to give way? Surely no one can expect us to give way? Why should we give way? We insist upon having the exclusive right to deal with Money Bills, therefore we can never be expected to yield. Then, can we expect the Legislative Council to swallow all they have said? (Mr Burford—They must.) It is broadly stated that the Legislative Council has taken its stand, and said to this House, "Now do your worst." Having sent out an oracle in that way, we are to go to them for a conference to consult how we can get out of a difficulty which is entirely the creation of the Legislative Council. Sooner or later it would have come to this. There are elements of discord in that House which will never work amicably or smoothly with the Assembly. Therefore, however much this is to be deplored, as it has come, let us grapple boldly with the difficulty—let us settle it at once, for until we have got over it, there will be no reasonable prospect of going on with the business of the country. There are various ways in which this may be done. It has been said, that there will probably be a dissolution for the purpose of taking the sense of the country upon this question. Personally, I should not care a straw if the House were dissolved tomorrow, because I believe I am pretty safe with my constituents, and should be certain to be returned, but I don't see the slightest use of putting the country to the inconvenience and expense of another election. I have not the least doubt but that every member of this House would be re-elected, but if there were any doubt upon that point, I would give certain hon. gentlemen the benefit of that doubt. (Laughter.) Therefore, what advantage would the country derive by a dissolution? Then, Sir, we know we have had laid on the table a Bill to amend the Electoral Law, since then six weeks have elapsed, and when certain attempts were being made, with a view of postponing the Bill to a later period of the Session, I believe there was something even then "looming in the distance." However, I am glad that it has not been passed—I rejoice to know that it is still in embryo, because further experience may show the necessity of introducing more amendments in the existing Act. I have much mistaken the temper of the country—I speak from some years political connection with it—I say I am very much mistaken, if, in the event of the country taking this matter in its own hands, it does not do away with the Legislative Council altogether. (Hear, hear.) I believe, Sir, it would result in rolling the two Houses into one, to be unrolled again when South Australia possesses half a million of inhabitants. (Hear.) The Legislative Council is a most expensive, without being the most useful part of the State. But there are many members of that House I would gladly see joined to us for the purpose of elucidating various measures that are brought under our notice. I only look upon the Legislative Council as a place of dignified retirement, chosen by gentlemen who are anxious for such retirement. While they remain in this dignified retirement, we must do what we can to keep them in their proper places, to limit their rule of action to a check upon hasty legislation, and to make them understand that they should never for one moment dream of meddling with Money Bills, except so far as to accept or reject them as a whole. The members of the Legislative Council may shrug their shoulders and look on with a

complacent smile; but they are a drag upon legislation, and they will find in a very short time that they must either resign, or their functions will altogether cease. We all know, if it comes to a pinch, that all their authority and all their power will vanish "into thin air." If the Legislative Council acts as a drag upon the House of Assembly, they will very soon find themselves under such a pressure, that they will be obliged either to resign or see their functions superseded altogether. I hope, however, that what I fear will not take place, and if no other way can be found to bring the question to an issue, I should be very glad if a short Act were passed by the House of Assembly, defining clearly and unmistakably what their powers are with respect to Money Bills. If such a Bill were passed, the onus might then be thrown upon the other House, either to assent to it or not, and that would soon elicit the views of the colony on the subject, if they refused their sanction. I will not detain the House any longer, and will say, in conclusion, that I believe I have shown that my conduct has not been in the least degree inconsistent, and I have no reason to be ashamed of any opinions that I have ever enunciated, and neither shall I be ashamed of the vote which I shall this day give.

The ATTORNEY-GENERAL (Mr. R. D. Hanson)—In the course of the discussion which has taken place on this question, almost every point connected with the subject has been more or less adverted to, and the arguments brought forward by those who have felt it their duty to support the resolution before the House, have been so clearly and so forcibly enunciated, that, had it not been for the peculiar nature of the question under discussion, and also for some considerations personal to myself, I should not have troubled the House with any observations upon it. I should not have contributed to that wanton waste of the public time, which this House has been told it is committing in this discussion, by a paper said to be under the control of an hon. gentleman in another place. But whether, Sir, it ought, or ought not, to be considered a waste of the time of the public to continue a discussion for the purpose of elucidating and deciding an important question, in which the interests of the public are so deeply involved—(hear, hear, hear)—a question which will have more influence over the course of legislation than any other which could probably be submitted to the consideration of this House or of the public—whether this is a waste of the public time, it may, I think be very safely left to the public to determine. Instead of regarding it as a waste of time, I believe that the public would have considered the members of this House guilty of a great dereliction of duty, had they refrained from fully discussing the important subject which now engages our deliberation. Sir, in that respect I differ from the views taken by the two hon. members who have dissented from the present motion, and who have characterised it as involving only a trifling question. On the contrary, I consider that there is no question which has engaged—and scarcely any which can engage our attention—more important than the present, either in itself, or in its consequences. It lies at the very threshold of legislation, and, therefore, requires calm and complete discussion. With regard also to two or three other matters, alluded to by the hon. member for Encounter Bay, referring to what I may call the technical part of the question—whether, for instance, the Bill sent up to the other House embodied more than one object, and, therefore, could not have been passed without a breach of the rules of the Legislative Council, or whether the introduction of the money clause into a Bill, including separate objects, could be regarded as a species of "tacking," with regard to these and such like matters, I think we may drop them out of the discussion altogether. If the Legislative Council had taken their stand upon any of these points, and had said "We object to the form in which the Bill is sent

up—it comprises two dissimilar objects;" or, if, on any other formal matter, they had refused to allow it to pass—if matters of this nature had formed the substantial ground of complaint assumed by the Legislative Council, that would have been a fit subject of discussion, upon which I should have been prepared to enter in a spirit of conciliation. But we are not now to be diverted from the question which the Council has forced upon us by any formal considerations, which may properly enough become the subject of discussion at a future period. The point at issue—the point which we now have to decide—is, whether the House of Assembly, claiming to be the special representatives of the whole people of South Australia—or the Legislative Council, which represents only a portion of the community—is to have power over the public purse. That is the question to be discussed. The Legislative Council, by the resolution transmitted to this House, virtually says this power belongs substantially to themselves, because they come after us, and by virtue of their power of amendment, possess and can exercise a controlling power over everything we have previously done. We say, on the contrary, the power, of right, belongs to us, both as representatives of the people, and by the express words of the Constitution Act, and, Sir, this, and not any formal or technical point, is the question which we have now to settle. Now the first point to which I would call attention is this. What was the intention of the Legislature when they introduced the clause, upon the construction of which this dispute has arisen? And, Sir, although I have read in the papers reports of speeches stated to have been made in another place—and when I say papers, I wish it to be understood that I am referring to the organ of an hon. member who has a seat in that place—although I have read in those reports statements to the effect that the Upper House had nothing to do with "intentions" in arriving at the meaning of this clause, but that all they had to do was, to look at the plain grammatical construction of the words used; I must say that, if such language were used, it would be very appropriate for a mere lawyer, arguing in favour of a particular construction, but it is not the language of a statesman, and assuredly it is not the language of a man who desired to be guided in public affairs by the principles which would actuate him in private life. At any rate, Sir, to us who have no wish to claim any power which it was not the object of the Legislature to confer upon us, this question of intention is important. I affirm, then, as a point beyond dispute—as a matter which everybody felt and clearly understood at the time this clause was passed, that the intention of the late Council was to give the House of Assembly in this Legislature the same power with regard to money which the House of Commons possesses in the Imperial Parliament. But, Sir, in seeking to give effect to this intention, words had been used which were believed to express and give effect to the avowed purpose of the Legislature, and if it were subsequently discovered that through some negligence or accident, the words employed did not fully carry out this intention, or at least, were capable of being perverted from their intended meaning, and if it were attempted so to pervert them, then I say, what would be thought of such conduct in private life? What would be thought of an individual who should say, "Oh, it is true we were two parties to a bargain, we entered into an agreement to do so-and-so. I admit that our intentions in the compact were precisely as you represent, but you see that some words were dropped out of the agreement, and now I take my stand, not upon our intentions, but upon the letter of the contract." (Hear, hear, hear.) I ask, what would be thought in private life of such an individual as that? What, then, in public life, ought to be thought of the conduct of gentlemen who, by their very protest against inquiring into the question of intention, really admit that the intention of the framers of the Constitution

Act was, as I have described it, namely, that the House of Assembly should have all the rights and privileges in money matters which are possessed by the English House of Commons—of gentlemen who say, "We admit that that was our intention, but because it is not clearly expressed, we will not carry it out." Sir, all I will say is, that such conduct is not what we had a right to expect at the hands of gentlemen who have been invested by their Sovereign with the title of "Honorable" (Loud cheers) I shall go a little further, but not much, because the hon members for the Sturt, Gumeracha, and the Burra, as well as the Treasurer and the Chief Secretary have proved, by arguments and quotations from various sources, what was the distinct understanding of the various persons who took part in the discussion—not merely in the discussion of this particular clause, but in all the various discussions which preceded the passing of the Constitution Act. These hon members, I say, have proved beyond all doubt, that the intention avowed by all was to give the Lower House the power of the purse—(hear, hear)—therefore I do not go into that. I will refer only to one or two matters which have not yet been adverted to, to show that the intention of the Legislature was such as I have described it. You will recollect, Sir—many members of this House will recollect—the time when the first Parliament Bill was introduced by the Government, they will recollect, as has been already shown, that that Parliament Bill contained a provision with regard to Money Bills substantially identical with the provision embodied in the Constitution Act, under that Parliament. But it was intended that the Legislature should be composed of two Houses, one being elective and the other nominative. Of course, it was never intended, it was never supposed to have been the view of the Government, and certainly it could not have been supposed that it would have been submitted to by the country—to give to a body, nominated by the Crown, any more power over Money Bills than is possessed by an analogous institution, viz, the House of Lords, the members of which hold their seats by virtue of dignities conferred by the Crown. To show that such was the intention of the Government in introducing that Bill, and that such must necessarily have been the design and intention of the Legislature by which it was passed, I would refer the House to the speech of the late Governor, Sir Henry Young, in opening the session of Council for 1853. On that occasion, after stating what was to be the constitution of the two Houses, he said—"In framing the Bill for constituting a Parliament, a principal object has been to combine the advantages of a popular Government with those which result from the existence of an independent body, identified with the permanent interests of the colony, and forming a security against hasty or partial legislation. With this view, the number of members of the House of Assembly is proposed to be increased, the elective franchise extended, the duration of the Assembly to be reduced from five to three years, and a more simple, and, it is believed, efficacious plan of registration has been devised. It has been provided" (mark the words!) "that the Assembly thus constituted shall have the same control over the revenue and expenditure which is possessed by the Commons House of Parliament in England" (Hear, hear) That is a matter upon which there can be no question. It is on the records of the journals of the Legislature of this province. (Hear, hear) So that here there is a distinct announcement, acquiesced in by the whole body of the Legislature of the day, that the words used in this Act for the purpose of defining the powers of the House of Assembly did provide that we should possess all the privileges with regard to Money Bills which are enjoyed by the English House of Commons. And, Sir, throughout the whole of the debates on this subject, there never has been a word used by any member who voted in favour of the clause embodied in this Bill, tending to show that they ever

dreamt of conceding to the Legislative Council, as now constituted, any other power with regard to Money Bills, than that possessed in the Imperial Parliament in analogous matters by the House of Lords. Independently, then, of the quotations to which I have referred, and which have been adduced by other hon members, concerning "the power of the purse," and which means nothing, unless it means what we are now contending for, the records of the House afford conclusive proof of what was understood to be the meaning of the words which are substantially embodied in the Act under which we now meet, and by the authority of which we now legislate. (Hear) It was thought, whether justly or not I will not at this moment enquire, that the words originally introduced in the Parliament Bill of 1853, and afterwards embodied in the amendment you, Sir, introduced into the Constitution Act, did not sufficiently define the power intended to be granted, and therefore, Mr Baker that was then, and the hon Mr Baker that is now—(laughter)—together with some other members, expressed an opinion that some other words should be used for the purpose of making it more clear that all power with respect to dealing with Money Bills was vested in the House of Assembly. I cannot pretend to say what was passing in the mind of the hon Mr Baker at the time—I cannot pretend to say whether he saw, or fancied he saw, the loophole which some brain, fertile in objections, has since discovered—I cannot pretend to say whether he thought that the words he then uttered would lead anybody to suppose he would support the Legislative Council in the claim they have now set up, but I do say, that, had the slightest hint been given at the time to the majority of the Legislature who passed this clause, that any such question as that which we are now discussing would have arisen, it would never have been left open to the construction now attempted to be placed upon it. Good care would have been taken to prevent the "loophole" which has been taken so much advantage of. (Hear, hear) Every hon member who supported or opposed your amendment, believed, or professed to believe, and, at any rate, acted as though he believed, that these words conferred upon the Lower House the entire control of the public purse. Now, such being the case, I must say again, Sir, that the conduct of those who, having been parties to passing this Act now say that the intention might have been that which this House affirms, but that the words of the Act do not carry out that intention, and that they will therefore look only at the letter, and pass over the spirit of the law, is not such conduct as we should have expected from gentlemen wearing the "honourable" title to which I have referred. (Hear, hear, hear) I will now say a word or two in explanation of a matter personal to myself. The hon Mr Forster has done me the honour, in a letter published in this day's paper, of mentioning me by name. He has not said that I am inconsistent. He has said "The Attorney-General is reticent for the present." I will read, Sir, from the letter to which I allude. It is signed "A Forster," and I therefore presume it to be from the pen of the hon Mr A Forster, because I know no other A. Forster but that hon. gentleman. (Laughter) "The opinions of the Chief Secretary, the Treasurer, and the Attorney-General, as enunciated during the discussions on the Constitution Bill, are so clear and explicit in favour of the power of the Upper House to deal with money questions, that it would be quite hopeless to attempt to explain them away." Now, Sir, I give to that—so far as I am personally concerned—my emphatic and positive contradiction. I say that it is not true, but that it is the reverse of truth. (Cheers) During the discussion of the Constitution Act no one ever understood me to state that I was of opinion that the Legislative Council should have power to deal with Money Bills as they pleased. I, Sir, although at that time a member of the Government by which the original Constitution Act

was introduced, spoke most strongly against such a proposition, and declared my intention afterwards, when the 35th clause came on for discussion, to vote for that limitation of the power of the Upper House which it was proposed to effect by the introduction of your amendment. In this respect my declaration and my vote were the same as those of my hon colleague, Mr Dutton, then the member for East Adelaide. I voted against the amendment, because the place at which it was proposed to introduce it did not appear to me the most suitable. But I spoke strongly, and I pledged myself to vote in its favour when the 35th clause should come under consideration. I stated, Sir, as my reason for supporting the principle supposed to be embodied in the amendment, that there were two inconveniences which would arise from giving to the Legislative Council the equal power proposed to be conferred by the original Bill. The first of these, which certainly appeared to me to be a great inconvenience, was that if either House might initiate Money Bills, then it would be in the power of any Governor—I do not speak of Sir Richard Graves MacDonnell, or of any Governor in particular, but of that abstraction—"The Officer Administering the Government"—if he found a Conservative Upper House, who were in favour of particular interests which he, the Governor, was desirous of supporting—it would be in the power of His Excellency to select his Ministry exclusively from the members of the Upper House. (Hear, hear.) If, as was proposed, that House had possessed the power to originate Money Bills, we might possibly find the Governor conducting the whole business of the country in the Legislative Council, in the same way as it is now conducted by the Government in the House of Assembly. All Money Bills would be initiated in the Upper House, in which all, or the great majority of the Ministry, might have seats, and we should only be privileged to check the Estimates. Under such circumstances the Governor would have had it in his power to play off one House against the other, and thus all the substantial power of the State would be placed in his hands. This, Sir, was the first inconvenience which I apprehended from the equal powers in money matters proposed to be given to both branches of the Legislature. But there was another inconvenience, bearing more particularly upon the present question, which I also pointed out, and in reference to this, I will quote from the *Register* words which I find are attributed to me, and which, therefore, I believe that I substantially employed. I do not, Sir, accuse the *Register* of false reporting in the sense of reporting expressions which the speaker has not used. I do not think that the *Register* ever puts in, intentionally at least, what a person has not said. But it is quite evident that it very frequently, I have no doubt through mistake, drops out something to which the speaker attaches importance, and inserts a good deal that he does not care to see at all. (Laughter.) Anybody accustomed to watch the debates of this House, must have noticed that the speeches of hon members are often reported in a manner likely to produce a very erroneous impression of the debate, not by putting in anything that was not said, but by leaving out the characteristic and effective passages of, at least, some of the speeches. I, however, wish it to be understood that I imply no charge of intentional misrepresentation of that which their reports do contain. (Hear, hear.) I am, therefore, willing to take the report, so far as it professes to represent what I did say, as substantially correct, and I will now read the following extract from a speech of mine which I find reported in the *Register* of the 28th November, 1855—"It (the right in both Houses to originate Money Bills) would also have the effect of bringing the two Houses into collision, and give to each a right to scrutinize, alter, and amend to any extent the decisions of the other." Now, in giving

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that as a reason why the power should not be accorded to the Upper House, which your amendment proposed to take away from that Chamber, I necessarily implied as my belief, that if the power to originate was taken away it would also take away from them the right of scrutinizing, altering, and amending Money Bills. Then, I find, I am again reported to have said—"It was desirable that whatever House was considered as containing the conservative instinct, as opposed to that which would more especially represent the popular element, should have the power to refuse the levying of taxes and imposts, but not to originate Bills having these objects in view." There I proposed that the House, which was to represent the conservative interest, should have the power to refuse, but not to alter, Money Bills. I did that, because I understood, as I believe every constitutional lawyer, up to that time, had understood, that the power of initiating Money Bills included, and carried with it, the sole power to deal with them in their various stages. I will, however, go into that question more fully presently. I refer to it at the present time only for the purpose of showing that I am saying and doing nothing now which is inconsistent with the vote I gave in a former Legislature, or with the arguments and sentiments upon which that vote was founded. I have, therefore, nothing to retract, and nothing to explain. I need only to repeat precisely the identical argument which I employed on the occasion to which I have referred, in order to justify myself against every charge of inconsistency in this matter. But, Sir, it is true that, subject to this one exception, I did argue in favor of the two Houses possessing identical power. Having contended, upon the grounds I have mentioned, that the control of the purse should be given to that body which more particularly represented the people, I considered that it was important that both Houses should in other respects, possess equal powers. And, Sir, in this respect also I am consistent. I wish to preserve inviolate for this House the right for which we are contending, but in all other respects not merely to give to the Legislative Council equal powers with ourselves, but to maintain it in the possession of these powers. I should be most unwilling to see the Legislative Council put an end to. I believe that Chamber contains within itself elements of great usefulness. I believe that it possesses a power, which, if wisely exercised, will tend very greatly to the advantage of the community. I am sure of this—that the people of South Australia chose an elective Upper House, because they believed it would more faithfully represent them, and be more amenable to proper influences, than a nominated Chamber ever could be. I believe, therefore, that the people would regret any necessity which might arise for disposing of that body. For my own part, I emphatically declare that, in my opinion, with the exception of the control of the purse, the powers of the Legislative Council should be co-equal with those of the House of Assembly. I hold this opinion, because I think that, without the possession of these powers, the dignity and efficiency of the Council would be impaired; and because I believe that the House which possesses the power of the purse has the means of bringing the other House into conformity with its views. And, Sir, I am of opinion that these means should belong to the House which represents the people, as opposed to that which represents a class. But, under present circumstances, if the claim of the Upper House were conceded, any one of its members might, after a Bill had been originated here by being laid on the table of this House, take it up and proceed with it in the Legislative Council. I see nothing in the plain grammatical construction of the clause, which should prevent that being done. If we are to have nothing more than the power of originating Money Bills in this House, as that power is now sought to be defined, then I say we have no power to bring the other House into conformity with

our opinions, and if a difference takes place, in which neither Chamber is disposed to yield, we have no other remedy than an appeal to the people, as the source and origin of all our powers; and they, I have no doubt, would set all things to rights, by creating a Legislature which shall in reality represent their opinions (Hear, hear) But I should regret the necessity that would compel such a course. The difficulty which has arisen out of the attitude assumed by the Council, is one of those difficulties which it was supposed would have been avoided, had the plan suggested by the Government in the first Parliament Bill being carried out, namely, that the Upper House should not be elected by the people. We should then have been in a position to say, the will of the people is only expressed in the House of Assembly, and we should have had constitutional methods of overcoming the resistance of the Upper House. But, Sir, it would seem that no such constitutional means now exist, and, therefore, deeply as I should regret a change in the Constitution, yet I must agree with the Treasurer as to the necessity of devising some effectual means of bringing the two Houses into harmonious operation. It is not to be expected that the House of Assembly can give way to the Legislative Council. Something, therefore, must be done to make the Legislative Council give way to the House of Assembly, because there is no other way of getting over the difficulty except the one I have just adverted to. But, Sir, it has been said that the Legislative Council represents the people, and I see the hon. A. Forster has put forth that statement in the letter to which I have already adverted. Mr Forster puts down the number of constituents represented by the Upper House at 10,000, and seems to argue that it is intended, on the part of this House, to set aside and ignore the influence of this large class of people altogether. Now, if that gentleman were not an "hon member," and therefore entitled to courteous language, I should be inclined to say that such a remark—I will not call it an argument—was one of the greatest absurdities I ever saw in print, because it implies an entire forgetfulness of the fact that these 10,000 constituents are quite as much represented in this House as they are in the Legislative Council. (Hear, hear) I believe that there is scarcely one of those 10,000 electors who recorded his vote for the Upper House, that did not, if he had the opportunity, also record a vote for the House of Assembly. (Hear, hear.) I don't know what proportion recorded their votes in my favour, but I feel perfectly satisfied it amounted to a large number. One thing is quite evident: this House not only represents—as I say emphatically that it does represent—these 10,000, but it represents many thousands beyond them (Cheers) We, as well as the Upper House, represent that class of the community possessing the Conservative instinct—that class which comprised so many opponents to the original Government scheme of making one suffrage for both Houses—these electors are included in our constituency. We, therefore, represent all that the Legislative Council represents. And we do a great deal more than this, because, while, on the one hand, we represent all that they represent on the other, what we represent they do not, and cannot represent. (Cheers) But for any person to speak as though the 10,000 were not represented in this House, involves such a manifest absurdity, such a palpable fallacy, that I could hardly have expected it to proceed from a master of logic so eminent as the hon gentleman to whom I have referred (Loud laughter) I must again go to the letter of Mr Forster, on a matter personal to myself. That hon member, if I understand his letter properly, appears to impute the conduct of the Ministry, not to conviction, but to a desire to retain office, that they have invented a scheme to keep their positions a little longer. With regard to one part of this charge, the answer to it is found in the almost unanimous opi-

nion expressed by this House. (Hear, hear) If we have invented a scheme for the sake of retaining office, what is the object of the vast majority of the members of this House in supporting us? The reason can be nothing else than a belief, on their part, that the power claimed was given to the Assembly by law, and was essential to the proper performance of the duties entrusted to them. And, Sir, when such is the fact—when so large a class of gentlemen have thus expressed themselves—is it not, I would ask, a little unfair, if not disingenuous, to say that the Ministry are actuated by sinister motives? But, when we find an hon gentleman imputing such motives to others, is it unreasonable to suppose that, under similar circumstances, he would himself have done the very thing he imputes to us—and may we not even conjecture that he would not so have spoken, unless he had been accustomed to cloak similar motives under a similar guise? If this hon member's former apparent patriotic aspirations for, and fervid declamation on behalf of, popular rights were contrasted with his present arguments and conduct, would it be more unfair to say that he had put on the cloak of patriotism in order to further his own ends, than it would be to impute such motives to the Ministry? After having been the foremost to claim for this House the power of the purse, we now find him declaring that he never will consent that we should have it. Under such circumstances I think there is no very great act of uncharitableness in supposing that his previous conduct was nothing more than a blind, under cover of which he might creep into a position where he would have an opportunity of giving expression to his real sentiments. (Cheers and laughter) I am unwilling to say these things, not because I have any doubt of their justice—(laughter)—but because I am reluctant to introduce personal arguments into a debate like this. But when, without any foundation for the charge, I am taunted with having employed arguments in support of principles opposite to those I am now contending for—when I am charged with being actuated by sinister, petty, and sordid motives, I think I have a right to retort—(hear, hear)—and to show that this hon gentleman, at least, ought not to throw stones since his own panes are so exceedingly large (Loud laughter) I will now advert to the question how far the powers we claim are warranted by the language of the Constitution Act. It will be unnecessary to dwell long on this point, because I address an audience who fully understand the subject, and because it has been already so ably dealt with, still as particular reference has been made to me in the course of this discussion, I will take up that part of the subject. Now, the argument of the Legislative Council is, that the words "originating Bills," having been used for the purpose of defining the privilege specially given to the House of Assembly, it necessarily leaves in the other House the same power of dealing with these Bills, after they are once introduced, as is possessed by this House. But, as I have already stated, if that argument be allowed, there is no reason why they should not take up any Bills before they have passed this House. Though nothing of the sort is claimed at present—and, therefore, I need not dwell on this point—I advert to it in order to show that the arguments they now use might easily be stretched to embrace that position. But, leaving this interpretation as one which is not likely to be urged as yet, and examining what are our powers, I would remark, the first thing that one would look at as a means of deciding the rules by which Parliament should be guided, would be the Standing Orders of both Houses. These are the authoritative interpretation which each has given of its rights and its position. Referring to these orders of both Houses, I find that, in our Standing Orders, provision is made that, in all matters not specially provided for, we shall be guided by the "rules, forms, and practice of the Commons House of the Imperial Parliament." This is our rule. The Legislative Council, on

the other hand, have adopted the Standing Orders of the late Legislature, and which provide that reference shall be had to "the rules, forms, and usages of Parliament." If these Standing Orders are to go for anything, the question would be at once put at rest, for the phrases used in their Standing Orders by the Legislative Council, show that they conceive themselves to occupy a position in the Constitution analogous to that occupied in the United Kingdom by the House of Lords, whilst those adopted by the House of Assembly show clearly our claim to occupy a position analogous to that occupied by the House of Commons; and nobody doubts that, in regard to amendments of Money Bills, the exclusive powers that we claim, are claimed and enjoyed by the House of Commons. The question would thus seem to have been decided by the language which has been used. It shows how far the argument of the hon. member for Encounter Bay, who has attempted to show that there is no analogy between the Legislative Council and the House of Lords is to be relied on. It shows that both Houses of Parliament here have taken for their guidance the forms and usages of the Imperial Parliament, thereby admitting and adopting the analogy which we contend for on the present occasion, and repudiating the argument of the hon. member for Encounter Bay who maintains there is no analogy between them. And, Sir, especially is this the case as regards the Legislative Council. I find that the form of receiving Messages in the Lords is as follows—"The form of receiving the messengers from the Commons by the House of Lords is appointed by a Standing Order of the latter House. In general conformity with this Standing Order, when the messengers from the Commons are announced by the Usher of the Black Rod, they are directed to be called in, and the Lord Speaker goes down to meet them at the Bar." Now, unless I am much misinformed, the Legislative Council have adopted this form. There, also, the Lord Speaker does come down to the Bar of the House, to receive the messenger of the House of Commons. And when we see the Council so ready to adopt all the dignity of the House of Peers, to which I admit they bear a great resemblance, is it not a proof that they also acknowledge the analogy which we affirm exists between their House and the House of Lords? It surely cannot be unreasonable to require that, if the Legislative Council claims and exercises all these dignities, they should be prepared to bend to the disqualifications which these dignities necessarily bring with them. But, waiving these matters, which are only introduced to show how instinctively and intuitively they adopt, for their own guidance, the Standing Orders of the House of Lords, while we, in the same way, adopt the Standing Orders of the House of Commons, it cannot be doubted that the analogy between the Colonial and Imperial Parliaments is established by the Constitution Act itself. It is all very well for the hon. member for Encounter Bay to say there is no analogy between the Legislative Council in this province and the House of Lords in the Mother Country. In some respects, this is true, if by analogy he means resemblance. But I need not remind that hon. member that analogy implies a resemblance of ratios between the things, rather than a direct resemblance between the things themselves. And it is in this sense that we affirm the existence of such an analogy. Sir, the Constitution of England gives the power of originating to the House of Commons only, and the Constitution Act of this province adopts the same principle, and restricts the power of originating Money Bills to this House only. It defines, therefore, by analogy the position of the Legislative Council in this Legislature, and it makes it analogous to the House of Lords in England. All the arguments advanced yesterday by the hon. member for Encounter Bay to show that there is no such analogy would have been good arguments in the former Legislature, for opposing the motion which you, Sir, brought forward. It would have been proper

then to say, that as the Legislative Council was elected by the people, and by a larger constituency than any of the constituencies in the House of Assembly, and by those who held a property qualification, it should participate in the powers enjoyed by the representatives of the people. Such arguments would then have been perfectly legitimate—but they are of no avail now, and, Sir, I doubt if they would have availed then, for the constitution of the Legislative Council was based upon such conservative principles that the powers now claimed would never have been conceded to it. The qualification of the Upper House has been fixed so that it represents the conservative opinions of the colony. This was a scheme which originated with the hon. member for Mount Barker, in 1853, and which he then proposed, in order that the local popularity of individuals might not prevail in opposition to a more extended reputation—that no one should be elected by a particular constituency, but by the colony at large. The nature of the qualification of the electors, and the term of tenure of office in the members were agreed on for two purposes, in the first place, to represent the conservative interests of the community, and, in the second place, not to represent the immediate interests of the people, or be a reflex of their sentiments. According to every Constitutional writer that I am aware of, the position of such an Upper Chamber is analogous to that of the House of Lords in England. It has been said that the House of Lords originated in spoliation, and, for aught I know to the contrary, the Kingdom of England originated in the same way, and yet she is now the first of kingdoms, and one whose name we are proud to bear. But the remark does not apply to nine-tenths of that body in any degree, and, after all, whatever their origin was we have now to look at their position. For the last century and a-half it has been that of representing the conservative interests of the community, as opposed to the House of Commons, representing the progressive spirit of the time and the feelings and sympathies of the nation at large. That is the substantial analogy between those two Houses and the two Houses here. This is what was intended by those who proposed this Constitution for the Legislative Council, and it was acquiesced in by others, because as the power of the purse was given to the Lower House, there was no objection to the Legislative Council being formed so as to represent the conservatism of the country. The substantial analogy, therefore, between the House of Lords in England and the Legislative Council here is established affirmatively by their position and by the objects they are intended to subserve, as well as negatively by the functions of which they are divested respectively—that of originating Money Bills. Having shown that this real analogy exists, let us now look at the Constitution Act, and when we see that the power for originating Money Bills is given to the House of Assembly, must we not read that Act by the light reflected by the British Constitution? Speaking as a lawyer I would say that one of the recognised canons of interpretation, whether applied to an Act or to a deed between parties where there is doubt or dispute, is to look at the state of the common law of England at the time the law was passed. Now what was the state of the common law of England at the time the Constitution Act was passed? The privileges of Parliament are part of the common law, and this power of originating Money Bills is known to and defined by the common law. Every constitutional lawyer, and every statesman uses the word "originate" for the purpose of defining the power of the House of Commons with regard to Money Bills, and the sole right to all the subsequent dealings with them follows as a necessary consequence from this power, and so it will follow in this House. Undoubtedly, if it had been supposed—as nobody did suppose—that in giving to this House, in words—the whole privilege which by law belongs to the House

of Commons—of originating Money Bills, that this House had not also the same powers with regard to those Bills, after being originated, which the House of Commons enjoyed, it would have been easy to introduce words to clear up the doubt. But nobody did suppose it. Every one believed that, in placing the Legislative Council on the same footing with the House of Lords, by putting the House of Assembly on the footing of the House of Commons, with regard to the power of originating Money Bills, the two Houses were placed in relation to this matter in the same position as the two Houses of Parliament in England hold to each other; and that, as flowing from this power, the Lower House would possess also the power of denying the right of the other House to alter Money Bills in any way. I have spoken at greater length than I intended, and I do not know that it is needful to enter on other topics, because after all, it is not disputed what the intention of the Act was, and it is not disputed that the language which has been used in the Act, for the purpose of giving effect to that intention, is the language which the law employs in defining the essential privileges of the House of Commons. Originally, by law the Commons had nothing but that which is in form given to us, the power of originating Money Bills. Every other privilege has followed as a necessary consequence from that, and the persons who employed those words, for the purpose of defining the privileges of this House, must be supposed to use them in accordance with the law of England. These words must be intended to involve the same consequences as in the constitution of the mother country. Having said this, I will leave that part of the subject. With regard to the importance of this power, I imagine, no doubt whatever can exist. It has been well said, by the hon. member for East Torrens that this is a power so essential to Responsible Government, that if it had not been given to us, in order to enjoy responsible Government, we must have wrested it from the Upper House. It is essential to the existence of that form of Government now carried on in this province, and I feel, I confess, some little distrust with regard to the question raised, and to the motives of those who raised it, when I see those members of the other House who, in their seats in a former Legislature, were so eager to stifle Responsible Government, now urging it forward so vehemently at the present time. But, while it is essential to Responsible Government, it will be well for us, having asserted this right, to look to those qualifications which will be found necessary in regard to it. I quite coincide with the view taken by the hon. member for East Torrens, on the importance of our defining our privileges, so that we may not unfairly trench on the privileges of the other House. With regard to what are called Money Bills, I say at once that I am prepared to go to any extremity, rather than concede one iota to the Legislative Council, and if the members of this House are prepared to do their duty to their constituencies, there is nothing that they should not do to assert their privileges in this respect. It is essential to the continuance of Responsible Government in this colony. But, having done this, it will be seen that, in a young community like this, where the Government undertakes works for the public interest, which are in England undertaken by private individuals, a greater freedom of action should be allowed to the Legislative Council than would be imposed by a strict and technical assertion of the privileges we contend for. If a Railway Bill is sent up, although the Legislative Council should not interfere with the amount of money voted, it might have full power to deal with all other matters. Road Bills are necessary under our Constitution, and involve the outlay of money for public purposes, and they should have power to amend all, except the money matters. Throughout the whole course of legislation, wherever the amendment of a Bill by the Legislative Council

does not involve an alteration in the amount of a burthen to be laid on the people, or in the manner in which the burthen shall be distributed, or in the direct appropriation of it, we should define our position so as to give them every latitude of amendment. If our claims are recognized, there would be no difficulty in agreeing to a conference for defining their limitation, but I, for one, protest against any conference till these claims are recognized. We cannot ask for a conference without confessing that we have grave doubts on the subject, and that we want their assistance to have these doubts settled. I have no such doubts, and I cannot consent to demand a conference, which implies that such doubts may be raised, therefore, I shall oppose a conference at the present time. But, if on consideration, the Legislative Council are prepared to give to this House what the Constitution intended to give them—to concede that the power of the purse shall, in substance, be vested in us—then I am prepared to meet them in conference, to define and limit it, so as to prevent the assertion of a right on our part from becoming a means of fostering future dissensions. I will conclude by saying, that I think it well that a question of this sort has arisen thus early. I do not think that time wasted which is employed by the Legislature of a country in defining its powers. There is no legislation deferred by this discussion which could have been more important than the matters involved in the settlement of this question, considering that it is certain, since this claim has arisen, and is urged on the part of the Legislative Council—that it must have arisen at some time during the course of the session—I think it is well that it has arisen thus early, because we shall both have time for maturing our plans before that period when the Appropriation Act is brought before them. It is impossible for me to say what will be done by the Legislative Council. One hon. member has hinted that there will be a dissolution; whether this is a suggestion of his own imagination I cannot say, but as one of the responsible advisers of the Crown in this colony, I say that I am not aware that there is anything in present circumstances to induce the Government to tender to His Excellency the advice that there should be a dissolution. There is nothing to lead one to suppose that we do not represent the opinions of our constituencies—& that if the question were remitted to the country that they would form a different opinion from that formed by their representatives. It is impossible to say what emergencies may arise to change the aspect of affairs—but I do not know what could lead to such advice being tendered to His Excellency. I cannot say whether Mr. Baker looks forward to the time when he will be in a position to offer advice to His Excellency on constitutional matters, but if he was, and the hon. gentleman offered the advice to His Excellency that there should be a dissolution, it would, I fear, be the means not only of driving the hon. members of the Upper House from the positions they have assumed in this matter, but also of their political annihilation. Those persons would never again secure the confidence or gain the support of the community.

MR. SMEDLEY.—Sir, I will endeavour to set an example of brevity to hon. members, which, if followed, will lead to the conclusion of the debate this evening. My remarks arise from the construction I place on the first clause of the Constitution Act, and on the latter part of that clause.—“Provided that all Bills for appropriating any part of the revenue of the said Province or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly.” It has been said by some that the country participates in the views held by the Legislative Council. I for one feel fully satisfied that the views which are held by the constituency from which I am sent are, if I am not mistaken, that the Legislative Council is making a great mistake in claiming a right which was never conceded, and which will never be

allowed or tolerated by the country at large I should be very sorry as a young member in this House to assume the position of reflecting in any way, in the remarks I shall make on that hon. body. In the Legislative Council I am quite sure that we have men of intelligence and of that real worth which entitle them to respectful attention, and their opinions to due consideration. But in reference to this question—as to their right to deal with Money Bills—I am convinced that they are totally in the wrong. I arrive at my conviction from what the people of this colony feel and understand with regard to Responsible Government, and this Assembly expresses the sentiments of the colony. I cannot see that the Legislative Council can require any information as to what is the feeling of the colony through any medium other than the expressed opinions of this House. I think that the unanimity which prevails on this great question, and the fact that this House is elected by the almost entire population of the Province, ought to be arguments conclusive enough to satisfy the Legislative Council that they are assuming a power, whether in error or otherwise I cannot say, though I am disposed to give them credit for a mistake—to which they are not entitled and which the country will never sanction. I cannot suppose that the members of the Legislative Council have interests antagonistic to those of the Province at large, or that they desire anything but the public good—and if I might offer a suggestion of what would be a disinterested and gracious act on their part, as well as intelligent and patriotic, I would say that the only course open to them to ensure the good opinion of the Province is to say, “we thought we had the power, and were sincere in making the claim, but seeing that the country does not approve of our making this claim, we will give it up to the body representing the whole people.” The Legislative Council are elected, it is true, and elected by a large portion of the Province, but I must say that as to the selection of those eighteen gentlemen a great deal of difficulty was felt. For my own part, living, as I do, fifty miles from Adelaide, I had to advise with a friend as to which eighteen were suitable to go into the House. Now, if I had that difficulty, knowing, as I do, so many people, and could only discover six or seven whom I thought suitable for that House, what must have been the position of the country at large. The gentlemen there are, probably, as suitable to fill their high office as any in the colony, but, as to whether they represent the people—or their course is approved by the colony, that is another matter. They must be judged by their conduct, and not by any knowledge the people had of them before their election. I would avoid all personalities and all expressions calculated to cause irritation or acrimony on the part of the Legislative Council, and, from a conversation I had with one of those gentlemen, I believe there are some gentlemen there who have so much love for the country as to be inclined to exert their influence over the others in that House in this matter, and there will, no doubt, be found a general softening down of the pretensions which have been put forward, and a disposition to acknowledge the people's rights, so that the interests of the country may not be injured, or business delayed, by sending us back to our constituents to be re-elected. I have not consulted more than one of my constituents, but I now express to them my real conviction, that if they are desirous of having the country governed so as to advantage it to the highest possible extent, they will keep the power over, and control of the purse in the hands of the representatives of the entire people of the Province. I will not occupy the House longer, but shall support the resolution of the Government, and I trust it will be my lot to go with them generally, but I shall never be influenced by them in the slightest degree except their course commends itself to my judgment.

Mr KRICHAUFF—Mr Chairman, I confess I held a contrary opinion, to what I hold now, some time ago. I was led to believe, in 1853, when our Constitution Act came back, that the Home Government, would only place the Land Fund in the hands of the colony, on condition that its disposal would be left in the hands of two Houses. But, since I have heard that the Victoria Parliament Act distinctly disallows the Upper House to meddle with money matters, and that this Act of the Melbourne Parliament has been allowed by the home authorities, I have changed my opinion, because it was not the result of conviction but of dire necessity. I never had a predilection for two Houses to legislate for so small a community, even if elected upon the same broad basis of the franchise, and for as short a period, and I do not entertain it now. It was said formerly, by every one of the previous Legislature, that we should provide for a dead-lock, still, notwithstanding all the fear of a dead-lock, they have not made sufficient provision against it. I think we could secure good government for the colony, with one House, especially if the number of members were increased. The correctness of this opinion of mine becomes even more apparent when we see that even on this question, which affects the greatest privilege of this House, I may say the only privilege we have to counterbalance that honourable distinction which has been granted by her Majesty be affixed to the names of members of the Legislative Council. Even on the question of the privilege of the power of the purse, intended to be vested in this House alone, as more directly responsible to the people, there are members in the body of this House holding a directly opposite opinion—members, who neither consult the dignity of the House, expediency, nor sound political sense. I do not see how it is possible that two Houses can hold the same powers, they would never agree. I am astonished also, that hon. members who sit in the Legislative Council do find their easy chairs too easy now. Before the election, they wanted to be relieved from business, but, when afterwards they found that there was not business enough provided for them, they now aspire to those responsible duties which alone devolve on this House. It was because the House of Assembly had to be responsible for the expenditure of revenue, that the election for the Lower House was so much more spirited an affair. On this point I would give a few notes, which I have extracted from a Council Paper, No 57, relating to the elections. Where there was no contest for the House of Assembly, there the interest for the Legislative Council was small indeed. I find that in Gumeracha there were 314 electors on the roll for the Legislative Council, on the 9th of March only 116 voted. In East Torrens, 739 electors were on the roll, and only 270 voted, in the district of the Murray there were 43 names on the roll, and only 15 voted, at the Light there were 671 on the roll, and only 249 voted, and in Victoria there voted only 58 out of 142. Consequently, out of a total of 1,909 on the roll for the Legislative Council, in the districts not contested for the House of Assembly, only 708 voted, or about three-eighths of the whole, while in the districts contested for the House of Assembly, out of a total of 8,182 on the electoral roll for the Legislative Council, 5,009 voted, or about five-eighths of the whole. This will show sufficiently that wherever the contests in the election for the House of Assembly were, there the interest in the election for the Legislative Council increased in the same proportion. But I wanted to refer to a matter which has been overlooked altogether. Many personal allusions have been made to different members of the Legislative Council. I would only say this one thing, and it proves sufficient. What deterred Mr. Baker from becoming a member of this House? Why, did he not say, when repeatedly asked to stand as a member of the House of Assembly, that he had not time to sit in that House, because we had the expen-

diture of the public revenue, that would involve too much labour for him to devote his time to. It seems to me that Mr Baker is tired of having only one member of the Government to attack. Shall it be said that patriotism is extinct altogether in the Legislative Council? I cannot believe that, it is impossible for men in their position to ignore their patriotism. We have old age in the Legislative Council, and from old age we expect wisdom; and as an old proverb says, "The wisest always give way"—so let them give way. If I could see the use of a conference, I would recommend it, but as the matter stands now, I cannot consent to it—I cannot give way one hair's breadth. And if there is no possibility of adjusting a matter by mutual concessions, where is there any use for a conference? If neither party will give way, matters will only be the worse for it. I shall only make one remark more in reference to what was said by the hon member for Encounter Bay. He said, in reading an extract from May, that the amendment of Money Bills sent from the House of Lords to the House of Commons were printed in italics. Although I have not had the book in my hands lately, I remember, certainly, that it was said in a subsequent passage, that the Commons never adopted such amendments, so jealous are they of their privileges.

Mr DURFIELD—Sir, I shall not preface my remarks with any excuses, because it behoves every representative of the people to express his opinions on the question before the House, but before I enter into the question itself, I shall take the liberty to make a few remarks on that which has fallen from those gentlemen who oppose the view of the House. I am a young member, and I feel grateful to the member for the Port for describing us as a flock of sheep. We should be thankful for the caution he gave us, and thankful for the compliment he paid us, but if there are any sheep in the Assembly, they are the black sheep who desert the people who sent them here on the first point where a great constitutional question is brought before the House. I may be wrong in the opinions I have formed, but I stand here to express them. I am equally thankful to the hon member for Encounter Bay for the light he has thrown on this subject, and for the extracts he has referred to from May, for if there was one member undecided, he would, after hearing them, have turned and voted with us, and in favour of the views of the majority of the House in this case. The hon member has stated that the people are indifferent on this question—that there have been no public meetings or noise out of doors—but he must have forgotten that it was but the other day we stood before the people and enunciated principles which we are here to carry out, and the people believe that we shall stand firmly to those statements, and not desert them. But he did not tell us, in referring to his "dinner," who those were who sympathized in the opinions he enunciated—that the leading personage in that assemblage was one who had been rejected by the people the other day for the statements he introduced to them. We must, therefore, not take his opinion as the opinions of the majority. The hon member might go from Blanchewater to Encounter Bay, and he would find from 999 out of 1,000 that they agreed in our feelings on this subject. And, Sir, that man must be blind to public opinion who states that the opinions of the public of South Australia are not with the House of Assembly. It has been said that the papers should not be attacked. I do not rise to attack the papers, but to throw con- sideration on the question if I can—for no one who has read the leaders in the public organ of the last few days without being able to discover that the course of the vessel was changed, and that her course was two points more free to the wind; and, in a week, we shall see her pursuing the good old track she used to sail in. Having thus gone from the question before the House, I will refer to a remark dropped by the Hon. the Chief Sec-

retary in opening the question now before us. The hon gentleman said he would leave the interpretation of the clause in which the dispute arose to the legal profession. We shall all be pleased to hear the opinion of the Attorney-General, but I will not leave it to any legal gentleman. We have the opinion of the Hon Mr. Gwynne—one of the first lawyers in South Australia—present company excepted. That opinion is endorsed by Mr Fisher, who concurred with Mr Gwynne in all he said on the subject. We have had the interpretation of the clause settled, since 1853, by all the legislators of the day, and confirmed by the late Legislature when they passed the present Bill, under which we occupy our seats in this House; and it has been confirmed by the press of South Australia. It has gone through the land, and the people place the same interpretation on the clause which the Legislature put on it, and we are called on to stand by that interpretation. I hope—and I have no reason to fear—that we shall be enabled to carry the question, and triumphantly too, without my friend on my left losing his right arm. I must not forget that others are to follow me, but I will say, as an hon member for the city stated the other day, that I consider it to be the battle of the Constitution. If we are not allowed the privileges we claim under the Constitution Act, what becomes of universal suffrage? Hon members in the Upper House claim to represent the people. To this I reply, "So do we; and we represent all the people." And if they have power to over-ride the opinions of this House, those who have universal suffrage will be disfranchised, and they will enjoy a thing in name, and not in substance. It would upset the whole principle of the Constitution, inasmuch as Responsible Government would fall through, and, like universal suffrage, it would be but a name and a shadow. I feel that I have but one course to pursue—not to adopt the course the hon member for Encounter Bay recommended yesterday—that is, to consider and examine the question, for it is a question I examined into many years ago, when I first adopted a political creed. I hold the same opinions now that I held then, and I do not think I shall change. The opinion I formed is, that the purse-strings should be held by the people. I shall support the resolution which has been proposed by the Chief Secretary.

Mr MILDRED—Mr Chairman, I rise, with some degree of modesty, being a very young member of this House, to make a few remarks on this very important subject now before us. I am pleased to have had an opportunity of waiting to hear the brilliant and statesmanlike remarks which have been made by the speakers who have preceded me, and who are my seniors in this House. There are, however, some matters connected with this subject which have not been alluded to, and to which I shall presently refer; I shall first repeat the words used by so many who have already addressed this House, that our banner should be established, or rather that our flagstaff shall be established, and that our banner shall be nailed to the mast, and on which shall be written, "That the principles which have been acknowledged, and which have been impressed on the minds of the people, as to what are our rights and privileges, is clearly defined, and shall not be departed from." Those privileges have been clearly set out in the Constitution Act, and there can be no second interpretation or doubt entertained on that point by those inclined to take an enlightened and statesmanlike view of the intentions of the Constitution Act. Sir, this House will not agree to those doctrines which have a few days back been propounded in the Legislative Council. These proceedings of the Legislative Council would direct our attention back to the ancient system of politics, by which it was deemed necessary to consider every man a knave (a principle carried out when forming a constitution or system of Government). If a calm view be

taken of the treatment which we have received from the other House, we must conclude that the ancient doctrine was by them considered necessary to be adhered to. Sir, it is clear that they, the Legislative Council, have voted that they have not infringed the rights and privileges of this Assembly, and that they have acted in accordance with the customs of the Parliament of England, but in stating this they forget that, under all circumstances where money is to be dealt with, the power over the purse is vested with the Commons and not with the Lords. If we turn back a few years we shall see when a new party—or rather the modern school of politics—established a new system, I think it was in or about the year 1807, when the people of Great Britain manifested so strong a feeling, through their representatives in the Commons, as made the House of Peers and the aristocracy feel that the opinions and wishes of the people must be represented. Many here will recollect the emancipation of the Catholics. All will remember that in 1810 there was a more decided alteration in the feelings of the people when they refused, through the Commons, to give power to a profligate Prince during the imbecility of the Monarch. Those acts showed the power of the Parliament, and that the Commons had the control over the House of Lords, and if the Commons ever relaxed or gave way, it was when they knew that their power was established. This was manifested by their ceasing to adhere so rigidly to those principles of non-interference which was maintained before they had secured that control. Again, at the time of passing the Reform Bill, in what position were the Lords placed? In the same position as the Legislative Council of this province, who, if they persist in resisting the wishes of the people, will be voted an useless body. It was well known that, if all other means failed, Lord Grey threatened that a large number of Peers would be created so as to swamp the Lords, and thereby bring about a new system in that country. It was upon these principles that South Australia was founded. It was with a knowledge of these facts that the Constitution Bill was passed, and I hope and trust that these principles will be rigidly and strictly adhered to. There is, however, some difficulty attaching to Money Bills by the other House. I am of opinion that means might be adopted to remove doubts from the minds of the members of the Legislative Council and set this matter at rest. I heard it said in that Council that the Tonnage Bill introduced into that House was not a Money Bill. If that is not a Money-Bill which takes away an impost and makes a free port in this province, to give prosperity to the people of South Australia, and to cause greater intercourse by means of shipping between South Australia and other countries—if that is not a Money Bill, I do not know what to denominate a Money Bill. On the other hand, it is proposed to raise funds to replace the repealed impost by leasing lands at the North Parade, if that is not a Money Bill, I do not know what is to be denominated a Money-Bill. If the right interpretation of a Money Bill is to rest altogether on a document being forwarded by message from the Governor, then let us as early as possible remedy the evil, and let it be adjusted, let us, as has been suggested, have a person to draw Bills for this House, let members furnish that person with the heads of Bills they wish to be introduced to this House, and let such Bills be passed to the Governor; to be sent down by message to this House. Perhaps this plan will meet the prejudices of hon members who deny the arguments I have brought forward. But nothing should be done, no retrograde step should be taken, until it can be shown to demonstration that we have exercised more than our legitimate rights. It appears to me, Sir, that members of the Legislative Council are open to the imputation of having obtained their seats by hypocrisy, and of now turning round on the people of this colony with

treachery. By hypocritical cant they obtained their places, and by now turning round and expressing themselves as they do, I say, to my mind, there is hypocrisy and cant.—

Mr. MACDERMOTT rose to order.

Mr. MILDRED—Mr. Chairman, if I exceed due bounds, it is, of course, my duty to submit to your ruling, but these circumstances have such extraordinary features that I could not refrain from making those remarks.

The CHAIRMAN—The hon. member has not said anything unparliamentary.

Mr. MILDRED—Sir, I do not wish, nor will I allow myself at this late hour of the day, to make use of long statements or strong expressions, but such are my feelings, and as a member I feel called upon to express them. I will now call attention to what has been said in the other House and at other places. Statements, also, have appeared in the papers, and other proofs were being received that the position assumed by the Legislative Council was not accidental, but a premeditated one—one of a determination to set at nought the power of the people and of this House, and to fix it in a small body of men or oligarchy in the Upper House. The Legislative Council profess to consider themselves a part of the Commons. If such is their position, I invite them to take their seats in this House and attempt to advocate such measures, they will then see what a minority they will be placed in. The course they have taken is calculated to cause much confusion as well as create great evil, and to guard against this is the duty of the representatives of the people. Whilst I wish to meet the prejudices of the people, I detest pandering to anybody, and, as a representative, I will not bow to an unjust decision of the Legislative Council. Some allusion has been made to the constitution of England, and the decisions arrived at by the Commons as to the means furnished to regulate supplies to the Sovereign, and we are asked why we do not allow the same power to the Legislative Council. For the following reasons.—The possession of the purse, the taxation of the colony, and every other means have been devised to place the management of the monetary affairs of this colony in the hands of the people's representatives. These principles should be maintained and acted up to on the present occasion, and I do trust that the only two hon. gentlemen who differ from the majority of this House, after hearing the House and the opinions so ably expressed by the hon. Attorney-General, will soften down their view and vote with the House. All I ask of the House is, to make no concession to the Legislative Council. That Council have assumed a right which we believe they are not entitled to; and it is our duty not to let them hold or assert that assumed right any further. They have encroached—they should give way. These are our rights—by them we stand, and we will not give way. This is plain language, I hope this will be the language and conduct of every member of this House. Something has been hinted about a dissolution of this House. It has been said it will be cruel on the part of the Legislative Council to stand out so as to send us back to our constituents. I think it would be wrong of the Legislative Council to put the country to the expense, as it is obvious that the constituencies will send the men back who advocated the rights of this House. There are not many of them who will not send the same individuals back again, therefore any attempt of the Legislative Council to tamper with the rights of the people will recoil on themselves with double disgrace. I do not think there is any danger to be apprehended from the threat, in which the name of the Governor has been

used—that of sending us back to our constituencies I hope the Governor is too able a statesman to do anything of that sort, and too able a legislator not to give every latitude to this House, and to the rights and privileges of a free people. It has been whispered that the Governor's opinions are opposed to those entertained by this House. I repeat I do not believe the Governor will entertain the idea of dissolving this House upon those grounds. After all that has been said, I hope some impression has been made on the hon gentleman sitting on my left side, so as to alter his views, and that the motto on his banner, instead of being limited to the words "Justice to the South," it shall be "Justice to South Australia." There is but a small portion of the people of the far south who will advocate his principles, I know their feeling generally to be strongly in favour of the representatives of the people having the entire control and power over the purse. This, Sir, is the universal feeling and wish of the country, and I trust it will be responded to by this Parliament, and that our motto will be, "Justice to South Australia." It is unnecessary for me to say more than that I shall give all the support in my power to the resolution before the House.

Mr. MARKS—Mr. Speaker Sir, after the lengthened discussion which has taken place, and the great flow of eloquence displayed by the hon members who have preceded me in the early part of this debate, I shall not, on the present occasion, detain the House long. It had been said by the hon member for Light (Mr. Bagot) that he thought it necessary that every member should express his opinion on this most important and vital question. Sir, if the question of dealing with the public purse of the colony had arisen before the general elections, many of those gentlemen who have now seats in the Legislative Council would not have been seated there had they expressed the same views that they now entertain. I feel it a duty I owe to the important constituency I represent that I should express my opinion, and that they may see I am not neglecting my duty; and, however incompetent I feel in addressing myself to this question, I trust the few words I do offer will be received favourably. I well recollect seeing, in the columns of the leading journal of this colony, an urgent appeal to one hon member of the other branch of the Legislature—I mean to Mr. John Baker—to allow himself to be placed in nomination for the House of Assembly. Sir, the reply to that appeal was as follows—that he (Mr. Baker) was about to leave the country, and that he had not sufficient time to devote; and I contend, if it had been the intention of the editor of the *Register* that the power of the two Houses were to be co-equal, I must say that Mr. Baker would have been as useful in the one House as in the other. If any measure, after receiving the careful consideration of thirty-six members of the House of Assembly, were subject to the supervision of the other House, the power of the people's House would be entirely annihilated. To me, the whole question resolves itself into two points, viz.—Responsible Government, and the power of the purse. Would it be possible to carry out Responsible Government if the Ministers of the day brought forward a monetary question, and, after much deliberation, the measure was carried, and it was sent down to the other branch of the Legislature, and there it was annihilated? It would be impossible to carry out the business of the country. But if the Ministry had the power to follow the Bill into the other branch of the Legislature it might have a different effect. The hon member for Encounter Bay quoted Blackstone, I wonder he did not quote Chitty too. But I do not want his legal opinion on the subject. I am content, Sir, to take a common sense view of the matter in dispute, and I feel fully satisfied that no person should have the power or control of the public moneys who were not directly

responsible to the people. I say, forming, as we do, the people's House, we must vote consistently. I trust I shall always do so. If we do not, we are liable to receive a polite request from our constituency. I always understood the Constitution, as I believe nine-tenths of the population did, that the power of the purse was to be theirs, and that they were to be represented by this Assembly. Sir, it has been said that this House is likely to be dissolved. I care not if it is so, for I feel sure that the people will return those good and true men who protected their rights and privileges. The hon members for the Port and Encounter Bay will, I trust, be in a glorious minority on this question. I feel positive, Sir, that we represent the general wishes of the country, and if this House should be dissolved, those members will head the poll who have been determined to protect the rights and powers of the people. If I wanted anything to strengthen my views on this question, I would refer to the speeches of several hon members who had seats in the former Legislature when the new Constitution was discussed—I mean the members for the Sturt, the Light, and the hon Treasurer—and they have removed any doubts that I may in this discussion have entertained. If you, Sir, instead of sitting in the chair, were in the body of the House, you would throw much light on this highly important question which is now at issue. The hon member for Encounter Bay has alluded to members as being "jackals." I am not aware, Sir, that I am looking after any particular prey, I cannot understand what the hon member was driving at. I have never asked to be the Surveyor-General or Commissioner of Crown Lands, I ask no favours from the Ministry. My powers of surveying, and my abilities on railway gradients, do not induce me to seek after official prey, I am too humble an individual. Perhaps the hon gentleman means that his friend may be termed the pilot-fish leading the shark to prey. Sir, hon members have alluded to the Constitution of the United States of America, but I think hon members will bear me out when I state very little analogy exists between America and the colonies of Great Britain. One is monarchical Government, while the other is republican; and what might be useful in the one country might be highly mischievous in the other. One of the hon members for the city (Mr. Dutton) said that only thirteen members of the House of Commons spoke on the Chinese question, which would be about one out of fifty of our two Houses. I hold that every member of this Assembly should speak to this question. I feel that if I had contented myself by giving a silent vote, it might be construed into fear. I say, Sir, if I were thrown back on my constituency, and that they wished me to part with their privileges so easily by allowing the members of the Legislative Council to have an equal power of the purse, I should say, ask some other person; I seek not to be your representative excepting under Responsible Government. I am one of thirty-six gentlemen who went into the Assembly to benefit the country with any knowledge they might possess conducive to the welfare of the country, and I say, Sir, the best interests of the country would be sacrificed if the two Houses had equal powers to deal with Money Bills. And if a dissolution of this Assembly should take place, causing a great expense to be entailed on the country, I am afraid the people would be apt to exclaim, with the good Mercutio, "A plague on both your Houses." Sir, I feel it an honor to stand up in this House on behalf of my constituency, and carefully guard their just rights and privileges, and if I fail in so doing, it shall not be from want of will, but an error of judgment.

Mr. BAKERWELL—As the youngest member of this House, I shall say but a few words. I assent to the motion, and to most of the arguments which have been

used in support of it. It has been made apparent to my mind, beyond all doubt, that the former Legislature, in framing the Constitution Act, intended that the present Legislative Council should not possess the power now claimed by them, or any power of dealing with Money Bills, except those possessed by the House of Lords. That was the avowed object of the hon. member by whom the proviso in the first clause was introduced. That was declared to be the meaning and purpose of the clause. The House assented to it—the country assented to it—the press assented to it; it was proclaimed, as it were, upon the house tops, that the Legislative Council should not exercise any other powers than those possessed by the House of Lords in England. What, then, does the Act say? The words are, "All Bills for appropriating any part of the revenue of the said province, or for imposing, altering, or repealing any rate, tax, or impost, shall originate in the House of Assembly." It seems to me that these words exclude the powers now claimed by the other House. It seems to me that when the Upper House alter a Bill in a material point, which has been sent to them from the Lower House, the Bill so altered loses its identity; it becomes another Bill—a Bill which, in fact, has been initiated by the Upper House; it is a new Bill on money matters; it is not the Bill sent from the Lower House. The plain, the necessary import of the words, is, to my mind, to exclude the powers claimed by the Legislative Council. I am aware that great names have been introduced in support of the claims of the Legislative Council. I very much respect the President of the Legislative Council, but, after all, he is but a man and a lawyer. I know something of the usages of the profession, and it is a well-known rule that an opinion, unless obtained by means of a fee, goes for nothing. Was Mr Fisher's opinion obtained in the regular way? If it was, I will bow to it. If it was not, I shall look on it as a mere travelling opinion, and think nothing of it. I consider that lawyers have nothing to do with this question. The Constitution was framed not for lawyers, but for the people of this country; and any man who knows his mother-tongue has a right to express an opinion on the subject. What did the Act mean by using the words in question? The art of construing language is the art of finding out the intention of those by whom the language is used; and applying that test to the present question, there can be little doubt what was meant. With regard to the expediency of the Upper House possessing the power claimed, I need say nothing. It has been said that it would be unsafe to give them that power. I assent to that opinion. The Legislative Council is everlasting; it can never be dissolved. A little leaven may be now and then thrown into it, but, like the king, it never dies. If, then, it had the power claimed, it is easy to see it would swallow up all the other power of the State. I sincerely hope the Legislative Council will give way. If they will give way gracefully and promptly, all will yet be well. I believe the people are against the Legislative Council on this matter. I have very recently been amongst my constituents, and I know their opinions. The hon. member for Encounter Bay has thought fit to tell us he has had a dinner given to him. I, too, have had a dinner given, and a much more rational dinner than the one the hon. member was present at. I represent a most intelligent district. My friend has told the House that, at his meeting, they did not drink. (Great laughter.) Now, this was evidently the cause of all the errors they fell into on that occasion—

Mr. BABBAGE—Sir, I rise to say that we did drink. (Laughter.) It is a mistake to say we were so foolish as not to drink. (Great laughter.)

Mr. BAKEWELL—The hon. member says he will inscribe *Excelsior* on his banner—on mine shall be in-

scribed *in vino veritas*. (Much laughter.) The first thing we did was to drink the health of the Queen. My ears yet tingle with the enthusiasm which greeted that loyal toast. The next thing was to drink the House of Peers. Not a dry Brummagem House, but the real thing—the pride and glory of the British nation. But I shall not detain the House. I say the feeling of the country is against the Upper House. There are murmurs out of doors—there are warnings being uttered. I hope the Council will give way. If they will not—if they resolve to push this matter—then will be fulfilled that ancient saying—"They whom the fates doom to destruction, they first make mad."

Mr. SCAMPELL—Sir, I beg to express my full concurrence in the resolution which has been so fully discussed, and in doing so I shall feel none of those terrors which have been threatened, and which appear to be impending over this House—the terrors of dissolution. In affirming the principle of this resolution, we shall be but affirming the general opinion of the country. With regard to an expression which has fallen from one of the hon. members who supported the view of the Upper House, I beg to say I feel it to be a duty and a pleasure to support the Ministry when their policy agrees with my views. I think it unfortunate for the Upper House that this dispute has arisen on this particular point. It should go forth to the country that if this point had not been raised by the Upper House, Port Adelaide would, at this moment, have been a free port; the taxes on shipping, sought to be repealed by that Bill, would not have been any longer in existence. They were felt to be injurious, and the Bill was intended to repeal them, but the Upper House stepped in, not to prevent the imposing of a new tax, but to prevent the repealing of an old and obnoxious tax. This should be kept in view. There is a point, not perhaps kept sufficiently in view by various speakers in this discussion—the question first suggested by the hon. member for East Torrens—what is a Money Bill? That is most important, and a right understanding cannot be come to unless there is a full and distinct understanding as to what a Money Bill is. It has been stated by an hon. member in the course of this debate, that the Chinese Bill is a Money Bill, and, if so, I think it is scarcely possible that a Bill can emanate from this House which will not come into the same category. Scarcely any Bill can be introduced into this House without containing a money clause. The penal clause of the Chinese Bill is said to constitute it a Money Bill. Then what use is it for the Upper House to exercise any supervision at all over Bills. So far as questions really financial are concerned, I go to the full extent of the resolution before the House, but I think it should be fully understood and stated before both Houses and the country, what are Money Bills. I will not detain the House any longer, but conclude by saying I shall support the resolution.

Mr. MINE—As it seems an understood thing that each member should address the House and give the reasons for his vote on this important question, I conceive it to be my duty to do so. At this stage of the debate, however, it can scarcely be expected that any new facts or arguments could be brought forward in support of the resolution. When this question first came before the House in consequence of the resolution of the Chief Secretary regarding the Tonnage Dues Bill, I voted on that occasion with the Government, as it was my impression at the time, and is so from further investigation, that this House alone should deal with finance. I went afterwards to the Legislative Council to hear the debates on the question, and I felt much surprised to hear one hon. gentleman after another argue to the contrary. I began then to wonder how I had arrived at the conclusion that the Lower House had the power of the purse, and resolved to investigate the

subject thoroughly. I commenced with the records of 1863, when the Constitution was first proposed. Beginning with the speech of Sir Henry Young on opening the session, where it was proposed to give the House the power of the purse, I went through all the papers and debates connected with legislation on the subject, and I came at last to a document, part of the proceedings of this House, and to which I claim the attention of the House. It is dated on the 5th of May, and in which the Governor states, in reply to the address of this House on his opening speech, "I thank you for your assurance that you will make adequate provision for the public service." We have thus two Governors of the same opinion on this point, that this House alone has the power of the purse. In going through this research, I could come to no other conclusion than that my first impression was a correct one. I may mention in reference to the feeling of the country after the Constitution Act was passed, what all may recollect, that many people spoke contemptuously of the Upper House, because it was deprived of the power of the purse; and while alluding to that subject, I will take notice of a remark of the Attorney-General, when he stated he could not understand Mr Baker's remarks, unless he thought from the beginning there was a loophole for the Upper House. An extract, which I will read, will show that after the passing of the Bill, Mr Baker felt satisfied that the Lower House had the power of the purse. At a meeting of the electors of Onkaparinga, Mr Baker combated the contemptuous feeling generally expressed as to the functions of the Upper House, and said, "he hoped that the meeting would not be led away by the cry raised against the future Legislative Council. It would have important functions to perform, which they would in a short time admit. He believed that all its talent, energy, and nerve would be called into requisition for the purpose of checking and controlling the proceedings of the House of Assembly. Many important subjects would also necessarily come under the consideration of the Legislature. A general amendment of the laws, the consolidation of the laws, confederation, the question of taxation, and other very important questions would be agitated, and the Upper House would have the power of exercising their veto upon any extravagant vote of the House of Assembly. It was true that the Lower House would have the control of the purse, and it was right that it should, but the veto would be with the Legislative Council." Before I leave this part of the subject, I cannot help remarking on an observation which has fallen from the hon member for Burra and Clare. My object in noticing it, is, that there may be no misunderstanding the position this House takes. He said it would be very hard to throw out a Bill which has been carefully considered by this House. Now, Sir, I contend that the Legislative Council has that power.

Mr MARKS—I said only as far as Money Bills were concerned

Mr MILNE—One strong point which I intended to take to illustrate my argument was the 37th clause of the Constitution Act, but that has been alluded to by the hon. member for Gumeracha. If he had referred, however, to the debate, when that clause was passed, he would have found some remarks very strong on the same point. In the debate upon that clause, as reported in the *Register* of the 22nd December, 1855, Mr Kingston suggested that it would be better to fix the salaries precisely the same, leaving out the words "at least," to which Mr Baker answered, "The money will have to be voted by the House of Assembly, and they would, no doubt, act with the same liberality to the officers of the Upper House as to their own officers." There are two points in this remark worthy of observation, first, that he had great confidence in the House of Assembly, and he admitted that they, without ques-

tion, had the power of the purse. I will not longer detain the House on this subject, but, for the reasons I have stated, and many others which have been advanced during the debate, I cannot help voting with the Government on this occasion. Believing, therefore, that it is the undeniable and indefeasible right of the House of Assembly to deal with the finances of the colony, that the Legislature, who framed the Constitution Act, so intended it, and, also, that the people, for whose benefit it was passed, so understood it. I consider it would be a gross dereliction of duty, on my part, to do otherwise than support this leading principle of the Constitution. To admit the other branch of the Legislature to have the same power, would be to render the business of the country an endless and unsatisfactory task.

The COMMISSIONER of CROWN LANDS (Hon. Charles Bonney)—The question before the House is narrowed into a very small compass. It seems to me to be simply a question whether the intention of the framers of an Act is to be set aside by mere verbal criticism, because, after the many able speeches we have heard from various hon. members, it must be evident to all, that, up to a very recent period, not half a dozen individuals in the colony had any idea of any other interpretation of the Constitution Act than that which this House has placed upon it. If there were, these individuals had taken good care to conceal their feelings. Now, Sir, great importance has been attached to the opinion of the hon the President of the Legislative Council. It becomes me to speak with great deference upon any document emanating from a gentleman so highly respected as the President of that Council. But I cannot help making one observation. I think it would have been more in place if that document had been brought forward in the defence of a criminal in a Court of Justice, than in asserting a great constitutional question to the Legislative Council. It appears to me that the President has taken a narrow rule of construction in the course which he has adopted; and I cannot help contrasting one portion of that paper with the rule of construction as given by Blackstone.—"I apprehend that any presumed meaning or intention of an Act cannot prevail over the expressed sense." Now in contradiction to that, I find in Blackstone:—"The most universal and effectual way of discovering the true meaning of a law, when the words are dubious, is, by considering the reason and spirit of it, or the course which moved the Legislature to adopt it." Now that, Sir, I contend is the rule of construction which should guide us in putting an interpretation on the Constitution Act. There are various modes of interpreting an Act. Thus, the Penal Act is interpreted in one way, and the Remedial Act in another. And if, in ordinary cases, affecting simply the rights of individuals, a liberal construction is allowed, how much more necessary is it, that such a rule of interpretation should be adopted on a constitutional question, affecting the welfare of the present and future generations. (Hear, hear.) We should endeavour to find out the intention of the framers of the Act, and not, as I said before, attempt to narrow the construction of the law by verbal criticism. After the very able manner in which this question has been discussed by preceding speakers, I cannot hope to throw any new light upon the subject. I should not have risen at all, but I thought it right not to give a silent vote on this occasion, lest it might be supposed that I was indifferent to this important matter. I, therefore, feel it right to declare, most emphatically, my entire concurrence with the resolution before the House. Considering the great length to which this debate has gone, I will not occupy the time of the House longer than once more to emphatically declare that I heartily concur in the resolution, and that I will do all in my power to carry out the construction of the Act, which is now admitted on all hands to be that which was put upon it by its framers. (Cheers.)

[At this stage of the debate, Mr. Marks stated that

Mr J. B. Neales, one of the City members, had been suddenly called away from the House in consequence of the illness of one of his children. Mr Neales had requested Mr Marks to inform the House that he was "most strongly in favour of the resolution."]

Mr HALLETT—At this late hour I need say but little in support of the resolution which has been moved by the Chief Secretary. This is rendered all the more unnecessary in consequence of the able explanation of my honorable colleague (Mr Reynolds), who has entered so fully into the meaning and intention of the Constitution Act. I took some interest in public affairs during the framing and passing of that Act, and I can safely say, that my impression was that the feeling of the public generally was that, so far as was practicable it was intended that the House of Assembly should represent the House of Commons, and that the Legislative Council should represent the House of Lords. It is quite evident, and I hope, upon reflection, it will be so considered by the Legislative Council, that it is impossible to conduct the business of the country with two Houses with equal powers. It is clear that the Bill which has been returned to us is not the Bill that was originated in this House. It has been so altered and mutilated that it cannot be identified. It has been said that the Chinese Bill might be considered a Money Bill; but, Sir, it is nothing of the kind, it is simply a measure to make provision for restraining Chinese immigration. The only remark I deem it necessary to make is, that the difficulty with which the business of the two Houses is threatened may be overcome by virtue of the fortieth clause in the Constitution Act, which gives ministers the power to carry on the business of the country and to leave the responsibility of any obstruction to the Legislative Council. I have nothing more to add except that I fully concur with the resolution now under consideration.

Mr DUNN—I remember the saying which was told among us when school-boys—"Empty vessels produce the most sound," and I have therefore said very little in this House. But after having obtained all the information that has come within my reach on every subject brought before us, it has been a rule with me to say a few words, occasionally, on important points, that I might consider too slightly touched, or overlooked altogether, and then record a conscientious vote. But it would be almost criminal to give a silent vote upon this subject. I feel that, at this late period of the debate, it would be useless to attempt to bring forward any new feature in the discussion, I, therefore, simply rise to give my most cordial support to the resolution before the House, and for more reasons than one. I believe it was never intended that the Upper House should ever have anything to do with the public money. I further believe that some of those who have spoken about the "loophole," would have been in this House, if they had not discovered this "loophole" (Laughter.) A good deal has been said about the management of the Government; but I am quite sure the Government will never manage me (Laughter.) I will always support them when they bring forward measures which I believe are beneficial to the country, and no further, but in this one instance I cordially agree with them. I ran a race with my hon. friend on my left (Mr Andrews), and outstepped him two to one. I should not have sat here if the hon. Mr Baker had come forward, as he was requested to do, as a candidate for my district. No doubt it is the same with several other districts. If these gentlemen had offered themselves to the constituencies of the Lower House, they would have been gladly received, and the country would have trusted them with the public purse, but the country will decidedly not trust them in the position they now hold. For that reason—and that only—the people will not trust

them with the public purse. Luckily, I have come into contact with as many of my constituents, perhaps every day in the week, as the hon member for Encounter Bay did at his dinner, and I never heard a dissenting voice on this question, the universal voice was—"Don't give way," they said, "it was never intended." I shall, therefore, support the resolution.

Mr YOUNG—Mr Chairman, in addressing myself to the matter now before the House, I shall detain it for a few moments longer than I had intended, in consequence of the necessity of being called upon to make some remarks in reference to the course taken by the member for Encounter Bay. After the extraordinary sentiments he has given utterance to, that hon. gentleman has told us that in case of a new election he had no doubt he should be again returned to this House, having on his banner the motto of "Justice to the South." Now, as a member of the South, I disclaim that hon. gentleman as a representative of the South; and after the sentiments he has expressed, I may say he has no claim, to walk under any banner bearing the motto of "Justice to the South" (Hear, hear) That gentleman has stated, in a most emphatic way, that he is a radical—a radical! As a necessary consequence, differing from him as I do on this essential question, I suppose I must be a conservative. Thus, to some extent, confirms the statement I have heard, that "things go by contraries in Australia." I say, when the hon. member for Encounter Bay calls himself a radical, I may well consider myself a conservative—a conservative, not of aristocratic rule, power, or would-be aristocratic, but conservative of the liberties, rights, privileges, and interests of the people. (Hear, hear) And now, Sir, to go back to the intentions of those who passed this enactment. Having watched the proceedings of the House, I can bear testimony to what was understood at the time. I had not then the honour of a seat in this House, but I know from observation what were the feelings and impressions of the mass of the people with whom I live, and I can therefore bear testimony as to their opinion. I also may say, from what I know of that opinion, that I could go down to my constituents with safety with a banner floating over my head bearing the motto of "Justice to the South." In reference to the main question, however, the understanding was to me that the Constitution should consist of three estates, which were to assimilate, as near as circumstances would permit, to the British Parliament. These three estates were to represent the British Monarchy, an approximation to the House of Peers, and this House was to be the representative of the people. I also understood that, not only in the formation of the Constitution were we to assimilate to the British Parliament, but like them to follow equally with the House of Commons, and have the control of the public purse of the colony. I know that the general feeling was, that the Upper House should have power to place a veto on any extravagant vote of this House. With reference to the word "originate," I think it has been fully shown to mean that the only way the Upper House can deal with a Money Bill is by acceptance or rejection, as any alteration would be an amendment originating with that branch of the Legislature. The hon. member for Encounter Bay talks with an expression of indignation of an analogy between the Legislative Council and the House of Peers. But this question has been explained, and the objections brought forward by the hon. member, Mr. Babbage, so fully met by the hon. the Attorney-General, that it would be presumptuous in me to express the sentiments I had intended to have done. But there is another point of view in which this question may be regarded. Supposing the analogy between the Legislative Council and the House of Lords to have one defect, I would then ask the hon. member for Encounter Bay how he will apply his analogy to the first

estate of the Constitution—how will he apply it between Her Majesty's Representative and Her Majesty on the Throne? Will he attempt to tell us that the Governor holds his position by hereditary right or royal blood? If, then, the first estate is not precisely analogous, why should it be necessary to insist in the precise analogy of the second? (Hear, hear.) With respect to the functions exercised by the Legislative Council, there is a precise analogy between that body and the House of Lords, and the same may be said of the first estate. We find that Her Majesty's representative does pursue a course precisely similar to that adopted by Her Majesty at home. This Parliament is called together by the Governor's Proclamation. The Queen does the same. We also find that when His Excellency goes in state to open Parliament, he proceeds to the Upper House, where members of the Assembly are summoned to hear the speech which opens the Session. The same course is followed in the British Parliament. Thus, though the analogy is not complete, it exists to the extent I have pointed out. I therefore can see no reason why the Legislative Council cannot exercise all the functions and powers which devolve upon the House of Lords at home, and no more. With regard to the course pursued by the hon. members who have proposed and seconded the amendment, I certainly do regret that we should have amongst us two individuals attempting to set aside the rights of the people, and that of those two, one should be a representative member for the South. I consider he has acted derogatory towards his constituents, and I only regret, that instead of "Justice to the South," he did not inscribe upon his banner "Justice to the North."

Mr. COLE—I feel called upon to give expression to my feelings on this important occasion. It seems likely that no division will take place on the resolution before the House, and in that case those who have not spoken and who give a silent vote might be considered inimical to the matter in hand. In supporting the resolution, I have no idea that any feeble remarks I may make will add to the weight of evidence which has been so ably brought to bear upon the question now before us. But, I consider it my duty as an Englishman—and I feel proud of the name—I feel that I should have been guilty of a great dereliction of duty, were I not on the present occasion to state my convictions on the matter at issue, were I not to do so, I should be abusing the trust which has been reposed in me by those who have placed me in the honourable position I now occupy. It has been said by a great man that there is a time when resistance becomes a virtue. I believe the time has now arrived when that virtue must be tested. Can it be supposed for one moment that the people of this colony—that the members of this House anticipated that the merits of this question—that the privileges of this House were to be defined by mere technical expressions—by mere legal verbiage? I am certain that the sense of the country is in favour, not of a technical explanation, but of a common sense view of this question, and that is the view they will take. Can it be supposed for one moment, that this Assembly is to be dragged, as it were, at the chariot wheels of an irresponsible oligarchy—a pseudo aristocracy? Never! If I stood alone I would raise my voice against it. It has been said, and very pointedly too, that the Ministers have "managed" the members of this House. But, Sir, is it to be supposed that we, and the country at large are to be driven here and there as a herd of cattle or a flock of sheep, wherever one, two, or three gentlemen choose? Never, Sir! Allusion has been made—in fact, I have seen it in print—that the Legislative Council have nailed their colours to the mast. Be it so. Shall we flinch from nailing our flag to the mast? No. I believe that every member in this House, with the exception of some miserable one or two—(loud

laughter)—would agree with me, that on our banner should be inscribed, not only "Justice to the South," but "Justice to South Australia, and no surrender." This is a time when our privileges, our rights, and our immunities, must be preserved sacred. If we give way in one point, there is no knowing what the next may be. Let us, then, stand firm by the Ministry in the present instance, and we shall not go far wrong. I will not take up the time of the House longer, seeing the time is so much advanced, neither should I have risen to speak but for the reason already stated, namely, that any member who had not spoken might have been thought inimical to the resolution which has been moved by the Chief Secretary. I trust the Legislative Council will, after the decision of this House, acknowledge that they are in the wrong, and come to their senses—(loud laughter)—that they will see the necessity of coming forward and making a grace of necessity in a graceful manner. (Laughter.) We ask no favour—we claim no privilege but that which has been conceded to us. Is it possible that the boon which has been so graciously conferred upon us by Her Majesty the Queen is to be torn from us by a junto of eighteen members of the Upper House? Can that junto feel happy in witnessing such an expression of public opinion as is now being manifested in this House? But whatever position is assumed by them, I believe that ultimately ours is the victory. At present, we have not the influence of the press to support us. I cannot, however, go so far as some hon. members in denouncing that press, because that press, in former days, has fought great battles for us. (Hear, hear.) Let us not, for one slip of that press, altogether condemn it. Let us stand by the press firmly, while that press acts consistently. (Hear, hear, and roars of laughter.) Let us, in our judgment, remember mercy. It is true that the press has gone out of its path, but it has not gone too far to come back. I hope it will not be very long before it sees the error of its way. (Loud laughter, amidst which the hon. member resumed his seat.)

Mr. DAWES, I should not have attempted to speak on this occasion had it not been declared criminal to give a silent vote. It has been said that the Bill which was sent up to the Legislative Council, and which has caused this discussion, was not one, after the alterations which have been made by that Council, at which we ought to cavil. I am quite of a different opinion, and think it fortunate for the country that it has thus early brought the subject of Privilege under consideration without waiting for more important subjects to raise a question which might, at another time, have caused considerable inconvenience both to this House and the country at large. We are told that we are under a Responsible Government, but it is a farce to call it by that name if we are to leave it in the hands of a body of individuals who are irresponsible to the country. (Hear, hear.) If I took any other view of the case I should be guilty of a great dereliction of duty and be a traitor to my constituents. There is one point to which I wish to allude, though unwilling to make any attack upon the hon. member for Encounter Bay, who has already had so many adversaries that I think he should now be treated with some little leniency. (Laughter.) There was, however, one remark made by that hon. member which, I must confess, excited my indignation. It was in reference to certain States of America having repudiated their just debts. Speaking of the possibility of no reconciliation taking place between the two Houses, he seemed to think that circumstances might arise which would induce this House to repudiate the just debts of this colony, and that in such case the Legislative Council would prove our safeguard. Now, Sir, I treat that imputation with the greatest scorn, and am very sorry, the hon. member should ever have contemplated such a thing. Sir, I think too much importance has been

given in this discussion to what has appeared in the papers of the day, and I cannot help remarking that Mr Anthony Forster has been flattered over much (Laughter) I am satisfied, myself, that the good sense of the country will not permit the sophistries of the *Register* to have any weight. With regard to the constituency I have the honor to represent, I can safely say, so far as I have had an opportunity of judging of their sentiments, the feeling is unanimous upon the question at issue, and they would, I am sure, consider any member of this House guilty of a gross dereliction of duty if they did not support the Ministry in the stand they have taken on this vitally important question. With these remarks I beg to support the resolution.

Mr HARVEY. Mr. Chairman, I must only make the same excuses as other members for addressing the House. The path has been trodden so fully, that it is useless for me to say more than that I fully concur in the observations of the Ministry and other members who have expressed their opinions on this important matter. My own opinions were, that the Upper House had a right to deal with Money Bills. I considered, also, that in the first clause of the Constitution Act there was a kind of loophole left, for by the word "originate," which led the members of the Legislative Council to claim equal privileges with this House. My doubts had been set at rest by the explanation of the Treasurer, and I now consider that the Upper House should not have the power to alter any Money Bills sent from this House. It was shown how that would interfere with the business of the country. I am satisfied that there was an error as to the meaning which attached to this word. I have taken pains for some years to study political matters, and I considered it a great boon when that Constitution was given to the people of this colony, and there was to be no taxation without representation. The other House was only to act as a check, and could place a veto on measures repugnant to themselves, indeed, I never heard the Government here, or the press, argue otherwise until very recently. The papers have been so well handled, that I agree with the last speaker that too much importance has been attached to the gentleman who holds the position of editor. The press, Sir, is a part of the State, and the paper alluded to has been a most efficient organ, and well conducted, but I hope no one will be misled by it. I believe, if the members of this House are led like a flock of sheep, as was stated by one hon. member, on this important question, they will not be led by the press, and made to believe that their right will be handed over so cheaply as birthrights were in the early days, when Esau sold his. The duty of this House is to protect the rights of the people, and the Ministry are doing right in taking that part which their position demands. As one of the sheep I shall be happy to be led by such an able shepherd as the Chief Secretary, when he can hold out such good pastoral views, and that a flock of this kind would always follow him when he was right. If the member who defended the Legislative Council had a bell round his neck, the path he has pointed out to-day is so arid that no sheep would follow him. The quietness of the people shows their feeling of the conduct of this House. This is what I have considered to be the construction of the Constitution Act by the Lower House—that as they represent the people, they should have charge of the money and be responsible. If they were likely to squander it, and not give an account of their stewardship, the Upper House could be a check on them. I consider, however, that they will have so little to do, that they will scarcely be required. It was said that they would be a check on this House, and that they would take up that position, but I do not think they ought to be kept up to check the people's House. In fact, I thought they were not wanted at all. The

members of that House thought there was so little to be done in the House that they would be able to manage their affairs. Mr Reynolds has ably remarked that they now show a disposition to do more than was anticipated at that time, but it is no trifling matter they wish to deal with. In fact, they wished to infringe upon the rights and privileges of the people of this colony. Reason would point out, looking at the common sense view of the case, this is what the Constitution Act was expected to be. This, however, has been fully explained, and it has been fully shown, that by the analogy between the English Parliament and the Colonial Parliament, that it was not only intended, but supposed at the time, that the functions of both Houses should be the same as in England. The member for Encounter Bay has quoted May and others, but the points he cites tend to show that the Ministry are right, and therefore they ought to have been left alone. The silence of the country on the question shows that the constituencies of this House agree in the line of conduct the House is pursuing. With reference to the dissolution of the House, I cannot see what is to be the result, but if it is to be dissolved, I hope the members of the Upper House will come forward and resign. If they do, many of those who have "Honorable" attached to their name will not have it any longer, and a number of new seats would be taken amongst them by those who would not infringe on the people's rights and the privileges of this House.

Mr. BABBAGE rose to reply; but, amidst vociferous cries of "divide, he resumed his seat.

The CHAIRMAN, having read the resolution and amendment, put the question—"That the words proposed to be struck out be part of the question."

A division was called for, and there appeared—Ayes, 26, Noes, 1.

Mr BLYTH moved that the House resume, and the Chairman bring up the report.

The CHIEF SECRETARY seconded the motion.

Mr. BABBAGE wished to move an amendment, but was again compelled to resume his seat without obtaining a hearing.

The House then resumed, and the report, having been brought up, was adopted.

The House then adjourned.

LEGISLATIVE COUNCIL.

TUESDAY, JULY 28.

PETITIONS.

Mr Forster presented a petition from 39 persons resident at Hahndorf, praying that the present restrictions on distillation be removed, and that an Act be passed for the purpose of enabling the growers of produce to make spirits for exportation, &c.—Received, read, and ordered to be printed.

Mr. Younghusband presented a petition from the District Councils of Talunga, Mount Crayford, Tungkillo, and Barossa West, praying that a railway or tramway be constructed through their districts from Gawler Town to the Murray.—Received, read, and ordered to be printed.

LEAVE OF ABSENCE.

The President read a letter from the Surveyor-General, stating that that hon. gentleman was about to start on an exploring expedition, and begging that three

months' leave of absence be granted him by the Council.
—Motion to that effect was put and carried.

OFFICIAL PAPERS.

The Commissioner of Public Works laid on the table the report of an expedition to the North by Mr. Goyder, and returns of exports from the colony.

SELECT COMMITTEE ON RAILWAYS AND TRAMWAYS.

Mr. Baker, as Chairman of this Committee, asked for a further extension of time for the bringing up of the report.—Motion put and carried.

House adjourned until Thursday next.

HOUSE OF ASSEMBLY

TUESDAY, JULY 28.

PETITIONS

Mr. Hay presented a petition from certain inhabitants of Mount Barker and Hahndorf, in favour of free distillation.—Received and read.

Mr. Dunn presented a petition from 370 persons of the Mount Barker district, with reference to the new Road Act.—The Speaker called attention to the fact that the petition was informal, there being no signatures on the body of the petition.

Mr. Cole presented a petition from the South Australian Abstinence Society, against any movement in favour of free distillation. Received and read.

POINT OF ORDER.

Mr. Babbage rose to a point of order. The question was this.—During the debate of Friday last, the hon. member for Noarlunga (Mr. Mildred) used words which were reported as follow:—"It appeared to him that the members of the Legislative Council were open to a charge of having obtained their situations by hypocrisy, and then turning round and treating the people with treachery, that by cant they obtained their places, and then turning round and expressing themselves as they did, to his mind there was trickery." He regretted the hon. member for Flinders was not in his place, or he probably would have taken it up. The hon. Mr. Macdermott rose to take up the question, and Mr. Mildred then said that even stronger language should have been used. The Chairman of Committees then said the words used were not unparliamentary.—The Chief Secretary called attention to the fact that the Chairman merely said the words made use of were not unparliamentary.—Mr. Babbage submitted that the purpose for which Mr. Macdermott rose was, that the member for Onkaparinga might be called to order. He apprehended the words, as used, were out of order, and he hoped such language would not be allowed as a precedent.—The Treasurer said he was sorry to hear that any language should have arisen in either House which was likely to obstruct the amicable settlement of the subject. Still he thought it was not a fit time to introduce the question. It ought to be remembered that the first stone was not thrown in that House. He would just refer to the speech of Captain Bagot in the other House, and ask them if the language used by Mr. Mildred approached it in offensiveness. Captain Bagot had said that he could find no words in parliamentary language to express the baseness of certain members of the other House, and he would just suggest that when hon. members of that House were anxious to discuss questions arising there, and to refer to individuals, the press was not the place for such statements. Such expressions of opinion should take place in the House. He would further add that the hon. gentleman had most unwarrantably charged him with vacillation.—Mr. Reynolds alluded to the expression of Mr. Babbage in the late debate, accusing certain hon. members

of being jackalls, although the hon. member's speech, as it appeared in the *Register*, had misreported him. He would also allude to the hon. gentleman's written statement in yesterday's *Register* with reference to him.—The Attorney-General asked if there was any record before the House as to the language used.—Mr. Reynolds said there was the record of the *Register*, which was incorrect.—Mr. Babbage said that his reason for resorting to the columns of a newspaper was, that he had no other means of replying to some twenty members who twitted him. Still, he would beg the hon. Mr. Reynolds's pardon if there was anything in his letter which he considered offensive.—The Attorney-General said the way was, when an improper expression was used in that House, to order it to be taken down. They had nothing to do with reports which did not proceed from persons authorised by that House. With regard to Mr. Babbage's letter, he must confess that when he saw three or four columns on one subject, he did not read a word of it. It might allude to himself, but if so, he was in ignorance of it.—Mr. Babbage then withdrew his question, and stated that if the course he adopted with reference to the letter was incorrect, it was owing to his ignorance of Parliamentary usage.

THE PRIVILEGE QUESTION.

The Chief Secretary moved that the resolution the House had come to on the Privilege question, on Friday last, should be transmitted to the other House.—The Attorney-General seconded.—Mr. Bagot suggested that no good could be expected from the proposed message.—The Chief Secretary withdrew the question for the present.

THE OFFICIAL REPORT.

The following resolution, as suggested by Mr. Burford, was agreed to with reference to the debates on the Privilege question.—"That copies of the debate be printed as a Council paper for the use of the members of the Legislature, and that 1,000 copies be printed for the public, to be purchased at cost price."

CONFERENCE.

The Attorney-General asked how a Council paper headed "Conference with the House of Assembly," came on the table.—The Speaker said it came from the Legislative Council, and was filed in the usual way with the other Parliamentary papers.

MESSAGES TO THE LEGISLATIVE COUNCIL.

The Chief Secretary postponed his resolution on this subject until next day.

IMMIGRATION AGENT.

The Commissioner of Crown Lands moved the second reading of the Bill to provide for the appointment of an Immigration Agent. The Bill was read a second time and committed. The several clauses were agreed to.—The preamble was amended, the word "Parliament" being struck out, and "Legislative Council and House of Assembly" inserted.

PUBLIC WORKS BILL.

The Chief Secretary moved the second reading of the Bill to provide for the more efficient and economical conduct of certain public works, by entrusting their management to the Commissioner of Public Works.—The Bill was read a second time and committed.

IN COMMITTEE.

The preamble was read and agreed to.—Mr. Reynolds, on the reading of the first clause, enquired whether the Waterworks and Drainage Works were being rapidly progressed with. There was some doubt on the subject out of doors, and the present was a good opportunity for the Government to explain the matter.—The Chief

Secretary said he had made enquiries, and was enabled to say that the Waterworks were being rapidly progressed with. As to the Drainage, that was delayed for the present, until a full enquiry had been made into the estimates and other matters connected with that work. All information, however, would be before the House in a few days. If the estimates were found to be fallacious, and under the requirements, the House would, of course, have to be applied to for a further vote.—The clause was passed, the report brought up and adopted, and the third reading made an Order of the Day for Friday.

HOUSE OF ASSEMBLY.

WEDNESDAY, JULY 29.

PETITION.

Mr Mildred presented a petition from Mr. Henry Alford, late Inspector of Police.—The petition was received and read. It stated that the petitioner had served in the police force in various capacities during a period of sixteen years, and prayed the House to take his case into consideration.

STANDING ORDERS.

The Chief Secretary called the attention of the House to two or three questions of principle involved in the Standing Orders. He would introduce them in the order they stood. In the first place, referring to Standing Order 125, he would move that after the word "Clerk" shall be inserted "who shall immediately return." Seeing the limited staff they had at their disposal, and the necessity of avoiding inconvenience, it was essential that the Clerk, after having delivered a message to the House, should not be detained. The motion was the more especially necessary after the remark of one hon member of the House that the Clerk's detention was the fault of the House of Assembly.—The Attorney-General seconded the motion, which was agreed to.—The Chief Secretary moved an alteration in Standing Order 127. It was.—"And a message reply, if any shall be necessary, shall be sent by the Clerk so soon as it had been ordered by the House."—Agreed to.—The Chief Secretary would now move another resolution with regard to the Standing Orders. But he would observe in connection with the subject, that the existing explanations as to Standing Orders were merely preceding a general revision, which he said would be made at an early day. He would move—"That the 26th Standing Order shall be suspended during the further pleasure of the House." He thought while the question of privilege was pending, it was important to send no other papers to the other House, than mere formal messages; for, if papers were sent to them, they might consider themselves in official possession, and might proceed to take action on them. For instance, if they sent a Bill, or a copy of the Estimates, to the other House, they might concurrently proceed to take action thereon. The Upper House had shown a disposition to invade their privileges in every possible way. In a debate on the 10th June last, one hon member in the other House contended that they (the Lower House) could not pass any resolution without first sending it up to the other House. Not content with interfering with Money Bills, the other House endeavoured to checkmate them in every possible way. He would refer to a report of Mr Baker's speech on the 10th June.—Mr Bagot objected to take the evidence of the newspaper, but the Chairman decided that the Chief Secretary was in order.—The Chief Secretary continued.—To prevent the Upper House taking up their questions before they had passed that House, it was important not to send them until that House had given their decision.—The resolution was agreed to.—The Chief Secretary would now move a corresponding

resolution to the last, it was "That no papers or documents not forwarded to this Council in messages from the Legislative Council should be filed by the Clerk." He would mention that he held a copy of a paper in his hand, which had been transmitted from the Legislative Council. In expressing his opinion as to the conduct of the other House in transmitting such a paper, he would say they had not only committed an insult on the House of Assembly, but a gross insult. He had, nevertheless, reason for saying that the Upper House had never ordered such a paper to be printed. The paper was headed "Confidence in Legislative Council." He believed the paper must have been sent down by some subordinate, but there was one part for which the Legislative Council were responsible, for they had ordered it to be printed. The hon gentleman then read various extracts, from which it appeared that the document was merely a petition of thirty-nine persons expressing confidence in the Legislative Council. He imagined that the paper had been exchanged in the usual way between the Houses, but that it was not a formal message. It was probably the consequence of leaving such matters to subordinate officers in the House.—Mr Reynolds wished to express himself as a member of that House. He felt that the petition of that House was an insult to himself and the rest of the House. He imagined that the members of the other House had too much self-respect to send such a document. He certainly had expected that the gentlemen of the other House, who were supposed to include their most able and trusty legislators, would have avoided such an undignified course. In such a case Parliamentary usage was very applicable, and an old precedent as to kicking out would be well timed. He would therefore suggest that the proper way to treat the paper was for every hon member in the House to get up and kick the paper out.—The resolution was agreed to.—The Chief Secretary moved—"That having been informed of the grounds upon which the Legislative Council objected to receive the messages of this House presented after its adjournment, the Assembly will consider the forms to be adopted with regard to messages between the two Houses when the Standing Orders are again brought forward, with a view to the adoption of the course most conducive to the dispatch of public business. In the meantime, the Assembly will again forward the messages before refused."—Agreed to.

FREE DISTILLATION.

Mr. WATERHOUSE moved—

"That, in the opinion of this House, all restrictions on the free exercise of distillation should be abolished, and that such alterations should be made in the tariff as will provide for any deficiency in the revenue that may arise from the repeal of the Distillation Act."

He confessed that the restrictions imposed on distillation by the present Act were as few as possible, consistently with the present Act, which was to protect the revenue, at the same time he would say they were opposed to the wishes and interests of the colonists. Having detailed the restrictions under which the distiller laboured, he observed that no branch of industry could flourish with such restrictions, and although some might exist under the like, they could never compete with free industry. He paid no attention to often repeated assertion that spirits made in this colony could not compete with foreign spirits. It was impossible to say what the country could do until the people were permitted a fair trial. Notwithstanding the difference of soil and climate, the system of cultivation here had been hitherto the same as in the mother-country, but it could not be allowed to remain so. They heard of the introduction of other crops, and the people who have to cultivate whatever would be found to pay them best. The manufacture of wine and brandy were profitable pursuits elsewhere, and they

were likely to be more so in this colony than in most other countries. The produce of the land could be carried to market cheaper in that form than any other. Whatever the evidence that had been adduced before the Select Committee, they were agreed that this colony was eminently adapted for the production of wines and spirits. Hon members were aware that in consequence of the prevalence of the vine disease in the principal wine-making countries, that the wines and brandies were both scarce and dear. Even if the disease was likely soon to disappear, some years must elapse before prices could return to their old rates, and the present was a most favourable juncture for giving an impetus to a branch of industry in its infancy, indeed, but from which such important results could be calculated (Hear, hear). He thought the House would be greatly to blame if the present opportunity were allowed to pass unimproved.

Mr BLYTH supported the resolution. He did not believe that drunkenness depended on the price of spirits, but in the habits of the individual. Nature had pointed out this as a wine-growing country. The vine took most kindly to the soil, and the gift within their reach would be diminished greatly, if there were restrictions on the manufacture of its produce.

Mr. BURFORD was an advocate of unrestricted freedom of production, and taxation should, in his opinion, rest on the land, and not on its productions. They would never extricate themselves from difficulties until they made the real property of the colony bear the burdens of the country.

The COMMISSIONER OF CROWN LANDS would not oppose a gradual diminution of duties, but he did not see, if they were to have free distillation, how they were to make up the deficiency in the revenue.

Mr HUGHES thought it would be unfair for that House to adopt resolutions which would affect the revenue and embarrass the Assembly. It should have stated from what source the deficiency in the revenue would be made good.

Mr. SMEDLEY supported the resolution, and observed that it was the wish of the country to have all difficulties in the way of distillation removed.

The TREASURER moved, as an amendment the recommendation of the Select Committee, that wine-growers should have the spirit necessary for the purpose of wine-making duty free out of bond.

Mr. BABBAGE argued in favour of the resolution.

The debate was then adjourned.

RETURNS.

Mr. BAGOT moved—

“That there be laid on the table a return showing the number of deeds, documents, and bills of sale, respectively, registered at the Registry Office of this province since the date of the last return—August, 1854; specifying the numbers paying the different registration fees of five shillings, ten shillings, fifteen shillings, and one pound”—Agreed to.

Also—“That there be laid on the table a return showing the number of wills proved and letters of administration granted, and the several amounts paid into the Treasury with respect to the same, also a return showing the amount of fees paid to the Receiver of Fees in the Supreme Court on account of common law and equity proceedings.”—Agreed to.

Also—“That there be laid on the table a continuation of the returns showing the amount of land sold

since the 7th November, 1854, in the counties of Light, Gawler, Stanley, the Burra, and in that part of the District of Flinders not contained in such counties, and the price realized, also, the amount of public money expended in such counties and district since such returns, also, the number of miles of main roads formed and metalled, or in the course of formation and metal-ling, in such districts”—Agreed to.

THE CEMETRY

Mr Bagot asked the hon the Chief Secretary what steps, if any, have been taken respecting the removal of the Cemetery from its present site, in pursuance of the report of a Select Committee appointed on the 6th September, 1854, and what policy the Government intend to pursue respecting it.—The Chief Secretary said the Government had taken no steps to carry out the recommendation of the Committee. He thought it desirable to have another Committee, as the Government had doubts as to whether a better site could be obtained.

LEGISLATIVE COUNCIL.

THURSDAY, JULY 30

MESSAGES FROM THE HOUSE OF ASSEMBLY.

The Clerk of the House of Assembly presented the subjoined messages, which were read by the President:—

Message dated 30th July, informing the Legislative Council that Standing Order No. 126 had been amended by the House of Assembly by the insertion of the words “who shall immediately return” after the word “Clerk”

Message dated 30th July, informing the Legislative Council that Standing Order No. 127 had been amended by the House of Assembly by the addition of the words—“And the message in reply, if any shall be necessary, shall be sent by the Clerk so soon as it has been ordered by the House” Also a message informing the Council that Standing Order 26 was suspended, in accordance with a resolution of the House agreed to on the 29th instant, during the pleasure of the House

Message dated June 4th, forwarding a copy of certain resolutions agreed to on the subject of immigration. Also a message, dated June 12th, informing the Council that the House of Assembly stood adjourned till the 21st July. Also a message, date 12th June, informing the Legislative Council of the passing of the Chinese Bill in the House of Assembly. Also a message, dated 4th June, forwarding the Standing Orders of the House of Assembly, and directing the attention of the Council to that portion of the Standing Orders having reference to the mode of communication between the two Houses.

Mr BAKER was desirous of knowing whether the Standing Orders of the House of Assembly had received his Excellency's approval, because under the Constitution Act the law was, that the Standing Orders, when agreed to, should be forwarded to his Excellency for his sanction, and they were not Standing Orders until they had been so sanctioned.

The COMMISSIONER OF PUBLIC WORKS could not speak as to the proceedings in the House of Assembly.

Mr BAKER said there was one other subject in reference to the Standing Orders upon which he would address the President. Yesterday, he (Mr Baker) asked the Clerk of the Council for a copy of the votes and proceedings of the House of Assembly, and the Clerk told him that application had been made for them to the Clerk of the House of Assembly and also at the printing-office, and the applications had actually been re-

fused, so that the Legislative Council were in the position of having had refused to them the votes and proceedings of the other House, required for their (the Council's) information. He looked upon this as part of a petty system of warfare carried on against the Council by the House of Assembly, or else there must have been some improper conduct on the part of the officers of one or other of the Houses. He would state that in his capacity of member of the Legislative Council he would not hesitate to bring forward any instance of misconduct that might arise with the officers of the Council. Therefore he asked the present question in order that the Council might at once set their face against any misconduct, if there had been any, on the part of their officers. It was only right that both the House and the country should know who was in fault. He did not do this to fan the flame which existed, but to do away, if possible, with the misunderstanding that was injuring the public interest.

The PRESIDENT said that during the present week the Council not having received copies of the votes or proceedings in the House of Assembly, he caused application to be made to the proper department of the other House, and he had been informed that the Clerk had been instructed not to forward the documents. He then read a correspondence between the Clerk of the Council and the Government Printer, from which it appeared that the latter had been instructed by the Speaker of the House of Assembly not to furnish the Legislative Council with their papers direct from the Government Printing Office.

EXCHANGE OF BILLS.

The PRESIDENT stated that he had forwarded to the House of Assembly the resolution introduced by Major O'Halloran, and passed on the 23rd instant. To that message he had received the following reply —

“ House of Assembly, July 27, 1857,

“ Sir—I have the honour to acknowledge the receipt of your letter of the 25th instant, enclosing a resolution of the Legislative Council passed on the 23rd, requesting copies of all Bills introduced in the Assembly, for the use of the members of each House respectively.

In reply, I have to express my regret in not being able to comply with your request, for two reasons—first, that I can only recognise messages from the Legislative Council when officially transmitted to the House by the proper messenger, and, secondly, that I could only comply with the wish expressed in your letter after the House of Assembly had come to a resolution, on motion, to the effect similar to that of the Legislative Council.

“ I have, &c,

“ G. S. KINGSTON, Speaker.

“ The Hon the President of the
Legislative Council, &c.”

IMMIGRATION FUNDS.

In answer to Mr Forster, the Commissioner of Public Works stated that \$20,000, in addition to the sum left in the hands of the Commissioners, had been sent home for the continuance of emigration.—Mr. Forster would give notice, enquiring on what authority the \$20,000 had been sent home.

CLEARING THE MURRAY.

In answer to Dr Everard, the Commissioner of Public Works said \$8,000 had been granted in accordance with the address of the House of Assembly for a snag-boat for the River Murray. Captain Cadell had been entrusted with the management of the matter, and, in accordance with this opinion, it was considered advisable to have the machinery constructed at Sydney, but the boat itself would be constructed at the Goolwa.

CHINESE BILL.

Read a first time. The second reading was made an Order of the Day for Tuesday next.

DATE OF ACTS BILL.

This Bill passed through Committee, and the third reading was made an Order of the Day for Tuesday next.

Adjourned till Tuesday next.

HOUSE OF ASSEMBLY.

THURSDAY, JULY 30

PETITIONS.

Mr Blyth presented a petition from William Denam, of Port Adelaide, to secure an invention, and the exclusive right to use the same for fourteen years. The petition was received and read. It had reference to railway carriage wheels. It prayed for an Act to grant him a patent for his invention.—Mr Dunn presented a memorial from the inhabitants of the neighbourhood of Mount Barker, in opposition to the new Road Act, and expressing confidence in the Central Road Board.—Received and read.

STANDING ORDERS.

The Chief Secretary moved that the amendments to the Standing Orders passed yesterday, should be transmitted to the Legislative Council.—The Commissioner of Crown Lands seconded the motion, which was agreed to.

ROAD SURVEYING.

Mr KRICHAUFF moved that the Speaker leave the Chair, and that the House resolve itself into Committee in order to consider the resolution standing in his name.

IN COMMITTEE.

Mr KRICHAUFF moved—“ That an address be presented to His Excellency the Governor-in-Chief, requesting that he will be pleased to place a sum of £2,000 on the Supplementary Estimates of 1857, for the purpose of surveying and defining main roads not yet surveyed or defined.” He thought that he was in a different position now to that of a few weeks since, inasmuch as the Government had introduced the new Road Act. He spoke generally in support of the motion, but in a tone almost inaudible to the gallery.

Mr HALLET was sorry to say that he was obliged to oppose the motion, as it appeared to him too vague and undefined. It appeared to him to be entirely a matter belonging to the Executive. It also seemed to him a very bad time to introduce the question now that the new Road Bill was pending.

The COMMISSIONER OF CROWN LANDS said the motion, if passed, would to a certain extent tie up the hands of the Central Road Board. The work of surveying main roads had fallen on Mr Goyder, the Assistant Surveyor-General, and he (the Commissioner) must say that he had performed that duty very satisfactorily. He therefore thought that no special appropriation was necessary.

Mr BABAGE suggested that Mr Krichauff withdraw his motion. He thought the matter referred to should be left with the Executive.

Mr BLYTH, in answer to a remark of Mr Krichauff, would say that the Central Road Board had no funds in hand available for the purpose in question. The money in hand was already appropriated.

Mr. HUGHES trusted that the hon gentleman would withdraw his motion, on the ground that there was already a constituted authority to such matters. The tendency of the motion was to interfere with the functions of the Government

Mr. KRICHAUFF explained that the Central Road Board had declined to attend to the road.

Mr. BAGOT would suggest that the motion be altered to make it general, and not to ask for any special sum. He would therefore suggest as an amendment, that an Address be presented to His Excellency to have a sum appropriated for the purpose of surveying and defining main roads not already surveyed.

Mr. PEARKE concurred in the suggestions of Mr. Bagot

Mr. KRICHAUFF would beg leave to withdraw his motion.

Agreed to and the House resumed.

CONVICTS PREVENTION BILL.

Mr. Waterhouse moved the second reading of the Convicts Prevention Bill.—The Bill was read a second time and recommitted, and its further consideration was made an order of the day for Thursday next.

BUILDING ACT.

Mr. Dutton moved the second reading of a Bill entitled "An Act to regulate certain buildings and party-walls, and for preventing mischiefs by fire in the city of Adelaide"—The Bill was read a second time, committed, and its further consideration made an order of the day for the 12th August.

RETURN OF MARRIAGES.

Mr. Bakewell moved, that a return be made showing the number of marriages celebrated in South Australia during the year ending June, 1857, and how many were celebrated by the clergymen and ministers of the various religious denominations respectively, and how many by the Registrar and Deputy Registrars of the said province.—Carried.

FREE DISTILLATION.

In Committee.

The debate on this Bill was resumed, and again adjourned.

PARLIAMENTARY REPORTS.

Mr. Waterhouse moved, that copies of the tenders that have been forwarded to the Government for the printing of full Parliamentary debates be laid upon the table.—Carried.

HOUSE OF ASSEMBLY.

FRIDAY, JULY 31.

PETITIONS

Mr. Reynolds presented a petition from the agents and shareholders of the Fire Insurances in Adelaide, objecting to certain clauses in the proposed new Building Act.—Received and read.

Mr. Babbage presented a petition from the Committee of the South Australian Agricultural and Horticultural Society in favour of free distillation.—Received and read.

Mr. Waterhouse presented a petition from the rate-payers of the district of Payneham, praying the House to throw out the new Road Bill.—Received and read.

DEBATES ON THE LEGISLATURE

The Chief Secretary laid on the table certain papers respecting tenders for printing the parliamentary debates

FREE DISTILLATION

The adjourned debate on this question was proceeded with in Committee

Mr. REYNOLDS thought the proposed Act would not serve the interests of the farmer, because if free distillation were allowed, spirit might be distilled from sugar, or fruit, or other produce. That would be contesting with free trade. But he thought it a perfect delusion that farmers would benefit by free distillation. When it was considered that at least fifty per cent. of the expense of their gaols, courts, and police force, was owing to spirit in one or other shape, he thought it was a very fit article to be taxed. He could see no oppression under which any class of the community laboured by the existing laws. The hon gentleman then went on to express himself feelingly with regard to certain "filthy stuff," the produce of the grape. Still, it was possible that the vine growers had some cause for complaint, but he did not think it was of sufficient force to cause them to throw over some £60,000 of the revenue. There was another point to be considered. If the House intended to adopt free trade in distillation, did they intend to allow free trade in the sale of spirits by doing away with the licenses. If a man were to be allowed to distil spirits from his murphies or peaches, without restriction, it would be only fair to give the storekeepers equal facility for selling it. He then took a moral view of the question. He considered that the result of free distillation would be an extension of "fuddling" or semi-drunkenness. The best way to treat the question would be to refer the matter to a Select Committee.

Mr. COLE opposed the resolution. He avowed himself an advocate of teetotal views, and expressed himself earnestly as to the controlling power the Government should exercise on public morality.

The TREASURER moved that, in the opinion of this House, it is expedient to pass an Act this session to remove all restrictions on distillation, and at the same time to reduce the duty on imported spirits to an amount that will not operate as a protective duty, and to make up the loss of revenue occasioned by such reduction and from the substitution of free colonial distilled spirits for the duty paid imported article by raising the duties of Customs upon other imported articles. Such Act to come into force and take effect from and after a day to be appointed by the Governor by proclamation in the *Government Gazette*.

Mr. WATERHOUSE would accept the amendment if words were introduced to secure the boon of free distillation within eighteen months.

The TREASURER explained how detrimental it would be to the revenue to fix a time for the alteration of the duties. He would pledge himself that it should be done as soon as possible.

Leave was given for the withdrawal of the original motion and amendment of the Treasurer, and the substituted amendment of the hon. the Treasurer agreed to.

The House resumed and the report was brought up and adopted.

IMMIGRATION ACT.

This Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council.

PUBLIC WORKS BILL.

Read a third time and passed.

ROADS BILL.

Second reading postponed until that day week.

STEAM POSTAL BILL.

Postponed until the following Tuesday.

ELECTORAL LAW AMENDMENT BILL

The CHIEF SECRETARY moved the second reading of the Bill. It was intended, he said, to remedy the existing and expensive system. The amendments had been principally suggested by the Returning Officers. At present the Legislative Council was elected by the whole colony as one district, and upon a single vacancy occurring, the same cost would be incurred as if that whole Parliament had to be re-elected. It was proposed to remedy that evil, to divide the colony into six districts, so that only one-sixth of the colony need be disturbed in filling one vacancy. The existing districts had been so grouped that those which returned six members to the House of Assembly should return one to the Legislative Council. There were various other amendments in the Bill. For instance, it had been found inconvenient to expunge from the electoral roll the names of persons who had not voted. It was found that where there was no contest, and consequently no voting, that the electors of the district were disfranchised until replaced on the roll. Then with regard to certificates, that requirement was found to have acted expensively and inconveniently, so it was proposed to abolish it. It had been thought desirable to give power also to every candidate to address electors freely up to the day of election. On that day alone they should not address the electors. It had been found that the moment a vacancy occurred candidates make haste to address the electors before the writ was issued. This was an evasion of an impolitic law, which it was now proposed to abolish. The Bill also proposed that the Legislature should fix the polling-places. That would relieve the Returning Officers from the imputation of party feeling in complying with, or refusing applications to appoint new polling-places at the last moment. It was proposed also to leave a square space in each voting-paper opposite each candidate's name, the voter to put a cross in the square opposite to those he voted for. By this means the chances of mistake would be reduced, as it had been found that in some cases the electors obliterated, under the present system, the names of all the candidates. Notices also could be sent through the post. In the existing Act it was prohibited to have a polling-place within a certain distance of a public-house. That was found inconvenient, as it was not easy in town to get a place the required distance from a public-house, and it would have been convenient and economical to have hired rooms in such houses. Schedule C contained a mode of remunerating the Returning Officers. The existing Act was very defective in that respect; and while it imposed a most onerous duty on the Executive, was neither satisfactory nor economical.

Mr REYNOLDS thought that instead of amending the present Act, they should have one comprehensive measure on the subject. He was also opposed to the alteration of the single constituency. It was intended that the Upper House should represent the whole colony, and not any interest or district. Unless they were prepared to concede the powers claimed by the Legislative Council, they should not consent to the proposed division of the constituency returning that House. Members returned for a particular district would feel it to be their duty to stand up for the interest of that particular district. He admitted that there were difficulties in the expense of re-electing members to fill vacancies. But he saw no occasion to go to the expense of an election at every vacancy, or even at every half-dozen vacancies. They could be allowed to remain until the next general election. There was a

mode by which the expense could be saved; that was by assimilating the franchise for both Houses, and having but one electoral roll. He was also opposed to the gagging clause, and concluded by moving the previous question.

Mr. WATERHOUSE seconded the amendment.

After a general expression of opinion the Speaker put the question—"That the Bill be read a second time."

The House divided with the following result —

AYES, 7.	NOES, 8.
The Chief Secretary	Mr. Babbage
The Attorney-General	Mr. Bagot
Commissioner of Crown Lands	Mr. Blyth
Mr. Cole	Mr. Burford
Mr. Dawes	Mr. Dutton
Mr. Hatvey	Mr. Krichauff
Mr. Hay	Mr. Macdermott
	Mr. Waterhouse

House adjourned until Tuesday next, at 1 o'clock.

LEGISLATIVE COUNCIL

TUESDAY, AUGUST 4.

MESSAGE FROM THE HOUSE OF ASSEMBLY.

The President informed the Council that he had just received a message from the House of Assembly, stating that the House had passed the Immigration Bill and the Public Works Bill.—The Commissioner of Public Works moved that those Bills be read a first time.—The motion was seconded and carried, and the Bills were read a first time.

THE PRIVILEGE QUESTION

Major O'HALLORAN said he was desirous that the opinion of that House should be made known to the public as soon as possible on this vexed question. With that view he had prepared some resolutions, which he believed were in strict conformity with the Constitution Act. He would move that they be read.

Agreed to.

The Clerk then read the resolutions, as follows —

"1. That in consequence of the course adopted by the House of Assembly in reference to the amendments made by this Council in the 'Tonnage Duties Repeal Bill,' and in the recent discussion of the question of privilege raised by that House as arising out of such amendments, it is expedient that this Council should place upon record its opinion as to the powers and privileges conferred upon it by the 'Constitution Act,' so far as regards its powers in dealing with Money Bills

"That this Council is of opinion—

"2. That it is its bounden duty to maintain inviolate its rights as an elective representative portion of the Legislature of this colony, and that the power of protecting its constituents and the colony at large from oppressive or unjust taxation or burthens is essentially and necessarily an ingredient in such rights

"3. That the Constitution Act empowers it to originate any Bills which it may think necessary for the order and good government of the colony, except Money Bills, which can only be originated in the House of Assembly.

"4. That it has the power to consider and discuss all Bills transmitted to it by the House of Assembly, and to alter, modify, or reject such Bills. That the House of Assembly has similar power with reference to all

Bills sent from this Council, and that the powers of the two Houses of Legislature are concurrent, except as to the origination of Money Bills

"6 That it is empowered to revise all Money Bills passed by the House of Assembly, with a view of checking, and, if necessary, of reducing the taxation of the country, and that such power, judiciously exercised, will operate more for the benefit of the colony than the power of voting to which the House of Assembly is desirous of restricting it.

"6 That, in case the House of Assembly should, in any Money Bill sent by that House to this Council for its concurrence, propose to subject the people of this colony to a greater amount of taxation than this Council, in the exercise of its judgment, might think just and proper, or propose so to apportion the revenue as to give an unjust advantage to any particular part of the colony, the only result which must necessarily flow from the attempted restriction by the House of Assembly of the right of this Council to reduce the proposed amount of taxation, or to modify its appropriation, would be to arbitrarily compel this Council to reject the Bill, the consequence of which, in the case of an Appropriation Bill, might be most disastrous to the colony

"7 That the limited power of saying 'Yes' or 'No' to a Money Bill—of absolutely passing it in its entirety, or rejecting it in its entirety—is inconsistent with the advanced position of this colony in political rights. That such a restriction of power was not contemplated by the constituency who elected the members of this Council, and that this Council would be wanting in fidelity to that constituency and to the country were it to admit such restrictions

"8 That, as this Council represents the province as one constituency, it would be unreasonable to prevent it from reducing any vote which might, in its opinion, press too heavily upon the people

"9 That the exclusive power of originating Money Bills and finally dealing with them, vested in the House of Assembly, gives to that House the control of the public purse, inasmuch as it alone has a right to decree what taxes shall be imposed, and how they shall be appropriated, and to represent that this Council is desirous of wresting the control of the purse from the House of Assembly is calculated to mislead the public as to the real merits of the question at issue between the two Houses

"10 That the maintenance of the views now expressed need not be detrimental to the harmonious working of the two Houses. That the consideration of all money questions by each House would tend to a more safe and economical administration of the public finances than could be secured by the consideration of such questions by one branch of the Legislature only, and that the denial on the part of the House of Assembly of the right of this Council to deal with matters of finance is inconsistent with the Constitution Act, and much to be regretted.

"11 That the exercise of concurrent powers of legislation by the two Houses (always excepting the originating of Money Bills by the Legislative Council) would not interfere with the proper dispatch of public business, and that the advantages that would result to the country from the revision of Money Bills by this Council would more than compensate for any delay which might arise from such revision

"12 That any difference which might arise between the two Houses with reference to matters of legislation resulting from the exercise of such concurrent powers should be adjusted by a conference

"13 That this Council should uphold the powers and privileges conferred upon it by the Constitution

Act for the protection of the interests of its constituency and the people at large, unless the voice of that constituency, clearly expressed to this Council, shall demand an alteration of the Constitution Act, for the purpose of restricting those powers and privileges"

Major O'HALLORAN suggested that the resolutions should be read *seriatim*. He would move that the first resolution be agreed to

The COMMISSIONER of PUBLIC WORKS suggested that time should be allowed for consideration

Major O'HALLORAN would ask the hon the Commissioner of Public Works if he objected to the passing of the first resolution, if not, he would go on with it, and then move that the other resolutions be postponed till Thursday next.

The COMMISSIONER of PUBLIC WORKS said he had no objection to that clause.

Mr. GWINNE suggested a verbal alteration in the resolution. He proposed that the words "right of action in the passing of" be struck out, and that the words "its power in dealing with" be substituted

Mr. ANGAS seconded the amendment.

The resolution was passed as amended.

It was moved, seconded, and carried, that the consideration of the other resolutions be an Order of the Day for Thursday next

EXCHANGE OF PAPERS.

In answer to Mr. Baker, the President said the votes and proceedings of the House of Assembly had not been transmitted to the Council yet, and he might add that he had been obliged to purchase copies of votes and proceedings for the last fortnight. Even then he had some difficulty in getting them

EXCHANGE OF BILLS.

Major O'Halloran moved, pursuant to notice, that the resolution of this Council in reference to the exchange of Bills with the House of Assembly be rescinded, and he did this because it had appeared that the resolution carried was informal—Captain Bagot seconded the motion, which was put and carried—Major O'Halloran then moved that copies of all Bills initiated in this Council be transmitted to the House of Assembly for distribution amongst its members; and that the House of Assembly be requested to order the transmission, in return, of copies of all Bills initiated in that House for the use of the members of this Council—Captain Bagot seconded the resolution, which was put and carried—It was resolved that a message be forwarded to the House of Assembly, informing that House of the passing of the above resolutions.

MONEY BILLS

Mr. Baker asked leave to make various modifications—verbal alterations—in the notice of motion standing in his name, which was allowed, and the motion read as follows—"That, inasmuch as a difference of opinion exists between the two Houses of Legislature in this province as to the power and authority of this Council in reference to Bills which are called 'Money Bills,' an address be presented to his Excellency the Governor-in-Chief, requesting him to cause to be obtained and laid upon the table of this Council the written opinion of the Attorney-General and Crown Solicitor, with the reasons and grounds for their opinion, as to the extent or limit of the powers of this Council under 'The Constitution Act,' to alter, vary, or modify any Money Bill which shall be originated in and passed by the House of Assembly, and transmitted by that House

to this Council for its concurrence, and as to whether, except as regards the first introduction of the Bills mentioned in the proviso in Section 1 of that Act, the powers of this Council in reference to those Bills are not co-extensive with the powers of the House of Assembly, or whether there is any and what difference, and how such difference, if any, is created. And also as to the proper definition of the term 'Money Bill,' within the meaning of 'The Constitution Act,' describing what particular Bills are 'Money Bills,' and which, as such, require to be originated in the House of Assembly, and, particularly, whether the Bill 'Tonnage Duties Bill was a Money Bill or not'—Agreed to

CHINESE BILL

This Bill was read a second time,

DATE OF ACTS BILL.

Read a third time, and passed

HOUSE OF ASSEMBLY.

TUESDAY, AUGUST 4.

PETITION.

Mr BAKEWELL presented a petition from the clergy of the Church of England, respecting the proposed Marriage Bill—Received and read—The petition termed the proposed Bill a desecration of marriage.

STEAM POSTAL BILL

IN COMMITTEE.

The CHIEF SECRETARY moved the reading of the first clause, and that it stand part of the Bill

The clause was read.

The CHIEF SECRETARY moved that the blank be filled up with £12,000

Mr HUGHES would simply follow the course he had always done, by meeting the clause with a direct negative. He thought it was not consistent with the interests of this colony to pay £12,000 in order that their letters might go round by way of Melbourne. He was surprised at the pertinacity of the Government in the matter. For his part, looking at the state of the shipping interest in England and other parts of the world, he believed that they could get a much cheaper direct communication.

Mr BLYTH understood that at the conference in Melbourne they had only agreed to allow £1,000 for the branch service. He hoped the Chief Secretary would explain the matter.

The CHIEF SECRETARY said the Home Government clearly recognised the principle of paying half the subsidy. That being the case, they still held out as an inducement to the House, that the colonies generally would pay their proportion of the branch service as well as the subsidy. They had nothing to do with the Melbourne conference. That which he had mentioned was the only condition on which they could join in the contract. Since the Bill was last under consideration he had received a despatch from the New South Wales Government, stating that they would not concur in the arrangement for the branch service calling at Kangaroo Island. He had received no answer from Victoria on the subject, but in the meanwhile he had addressed a communication to both these Governments for an official answer. Some time ago this Government was requested to send a delegate to Victoria to join the conference in considering the branch service, but as this colony had not come to a decision on the matter, no delegate was

sent. The conference met, and passed a resolution granting £1,000 for branch service. It was further resolved to refuse the conveyance of the mails of any of the colonies by the contract service, which colony did not join with the terms decided by the conference. The resolutions of the conference were sent on 16th July, but there was no proof that the Victorian Government had adopted them. He would repeat that this Government would not become parties to that contract unless every condition they had already stated was fulfilled, but in the meantime it was necessary that the Government should be put in a position to act in the matter.

Mr. WATERHOUSE confessed that it appeared to him extremely injudicious to enter into the proposed arrangement until further information was given, and until they had more definite information as to the branch service. He thought it would have been better if the Chief Secretary had given them the information before, and he would now object to place the Government in a position so as to have the management of the details. He would be glad to see adopted one of the alternatives mentioned in the Treasury minute. With that view he would move a resolution to the effect that the clause be withdrawn, and that the Government be authorised to levy a rate of postage to meet the additional amount of expensæ incurred by sending by the contract service.

The ATTORNEY-GENERAL objected to the language of the hon gentleman (Mr Waterhouse) who called on the House to refuse the Bill because of the conduct of the Government in the matter. It was, in fact, asking the House to say they had no confidence in the Government. If that was their opinion, the sooner it was pronounced the better. He repeated that the Bill offered the best arrangement that could be made, and it was not correct to say that the House had even decided against it. He observed that the Chief Secretary had pledged himself to see the Treasury minute carried out.

Mr BAGOT had full confidence that the Home Government would see justice done to them under such an arrangement as the hon Mr. Waterhouse proposed. If such a plan had been adopted, and the Victoria people refused to put their mails on board the steamer, he had confidence that the Home Government would interere in the matter. The difficulty he found in this matter was when the Government gave a pledge. On questions that had come before them the members of the Government had so differed in opinion that it was difficult to know which opinion was to be considered a pledge. Therefore, the difficulty was to know when the Government gave a pledge, but he had no doubt that if they happened to fall into the same view, they would act up to the pledge. With regard to the question before them, he must say that if the Government considered that they were pledged to carry it, the country hereafter would have reason to regret the adoption of such a measure.

Mr. BURFORD pointed out that only yesterday the gentlemen of the Chamber of Commerce had again gone into the question, and had decided against the course pursued by the Government. His desire was to accept the alternative allowed by the Home Government to pay the extra postage, to that course the Chamber of Commerce was willing. He considered that the second reading of the Bill had been obtained by a sort of trap.

Mr MILDRED hoped that it was not insinuated that the trap was obtained through him. Speedy and regular communication was what they all wished, and no doubt they would all willingly pay double or even

treble postage to obtain that boon. Now the remedy proposed was the best before them, and it should not be hastily thrown aside in the absence of any other tangible plan whatever. The proposed plan of calling at Kangaroo Island would even give them a peculiar advantage over Victoria, inasmuch as they would have a communication with England in two days less time. The sum of £12,000 was not unreasonable for their share of the subsidy, when it was considered the whole service cost £180,000. On the other hand he would hesitate before sanctioning a resolution passed at the Melbourne conference, should they not accord with the Treasury minute. In the event of the House not joining the subsidy, they could not ask the Home Government to pay half of a second subsidy for their especial benefit.

Mr. REYNOLDS remarked that the Attorney-General had said the Government had never been beaten on the subject.

The ATTORNEY-GENERAL said that he had merely stated the House had not come to a decision on the matter.

Mr. REYNOLDS did not know, in that case, what was meant when the House passed the previous question. The intention of the Bill brought before them on the 6th May was for a period of twelve months. That Bill was shelved by the House. The Bill now before them was the same, except as to the word "annual." He understood the Treasury minute to mean, that if they did not join the contract they would have to send their letters to Melbourne, and the letters to this colony would have to be sent here. They would still go by the mail steamers, and the Postmaster-General in Melbourne would have to keep an account current of the expense of these letters, and send it to this Government. He must say that to pass the Bill would not satisfy the country, and he therefore put it to the Government whether they would not consent to withdraw the measure. If they at once committed themselves to the contract, they would have to adhere to it for six years. They were not bound to the contract with this monster company yet, and he hoped they would not put their necks into the noose. The other colonies would be glad to escape, but they were bound to the contract and had no choice. The alternative allowed of calling at Kangaroo Island was far preferable to the course proposed. With regard to the Melbourne conference, he thought it showed a hostile spirit, and the conditions they insisted upon were an additional reason why he opposed the Bill. The Chief Secretary had said he had confidence in the Home Government, that they would see the conditions of the contract strictly carried out. Now, he (Mr. Reynolds) thought that after the Home Government had come to such an arrangement without asking the feeling of South Australia in the matter, there was left but little ground for confidence in that quarter.

Mr. BABBAGE said the Bill before them was very different, and to his mind, more objectionable than the Bill rejected by that House and referred back to the Government. He could not escape the conviction that on this question of postal communication, the Government appeared to have been retrograding for the last twenty months. The 6th of May appeared to be a fatal day to the Government on this question, for whereas the former Bill was referred back on the 6th May, 1857, he found that on the 6th May, 1856, a similar Bill was rejected by a majority of nine. Twice had the Bill been rejected by that House, and, on the last occasion, the Bill was not thrown out, in order that the Government might modify it to suit the wishes of the House. They had not done so, and he for one must oppose the present measure with all his force. He was sorry the

Ministry had not supported Sir Richard Macdonnell in his despatch on the subject, wherein he so nobly expressed the opinion of the country on the matter, and maintained the claims of their geological—(laughter)—geographical position.

The CHIEF SECRETARY objected to an hon. member introducing the name of his Excellency into the discussion, his intention was to pit the Government against his Excellency, which, if persevered in, would require explanations which the Ministry could not fairly give.

The CHAIRMAN decided that the hon. Mr. Babbage was out of order.

Mr. BABBAGE said, that from a calculation he had made, he agreed with the Chief Secretary that their share of the subsidy would be about £10,000, but he objected that the bulk of the expense of the branch service should fall on this country. He must say that he thought it would have been better that the Government should have obtained accurate information rather than merely offering estimates. He could not help thinking that the Government had shown great inactivity in the matter. He would support the amendment.

The TREASURER observed that several gentlemen who opposed the measure appeared to differ very materially, the one party finding fault with the Government for inactivity, the other considering they had exceeded their powers. With regard to the allegation of inactivity, he would observe that they could not act until the power was given to them to do so, and until the House placed them in such a position, they were necessarily prevented acting in the matter. With regard to the geological position of the colony, he did not see it had much to do with the matter. (Laughter.) The hon. gentleman for Encounter Bay had said he did not understand how the Government could redeem the pledge. Now, he did not readily expect that the hon. member could understand the course they adopted. The fact was, they had given the Government of Victoria a pledge that they would introduce a certain Bill, and they had done so. It was not from any mistaken point of honour that he urged the Bill forward, he had no other object than to carry out what he considered, was the best measure that had been proposed for the interests of the colony. No other tangible scheme was before them. By joining the present contract, they would at once send their letters by what he conceived, the best scheme for speedy and economical postal communication. He would say that the despatch of New South Wales to them was indicative of a very cheerful disposition with regard to the slight delay of 11 hours, which would be caused by calling at Kangaroo Island, but that did not affect the main question they had to deal with. It had been stated that the Government had acted incorrectly in not bringing directly before the House the information they had obtained incidentally, that, he thought, had been sufficiently answered by the hon. Attorney-General. Still, he might add, that the proceedings of the conference at Melbourne were generally known—in fact, the information was elicited by the knowledge of an hon. member. After all, he thought, that the object and scope of the Bill had been much misunderstood, it was not to bind the House to the contract. The Bill merely required that the House should put the Government in a position to act in the matter—to negotiate either with the Home Government, in terms of the Act, or otherwise. That was all the Government required of the House.

The CHIEF SECRETARY would address himself to the observation of the hon. member for East Torrens, which was, that certain information was dragged out of the

Ministry. He stated at the time his reasons for not giving that information, which were that he had had no reason to suppose that the resolutions of the conference had been adopted by the Victorian Government, and he thought that, pending such a negotiation, it was not wise to lay every despatch relating to the subject on the table. With regard to the accusation of torpidity on the part of the Government, he thought the persevering conduct of the Government in the matter was a sufficient answer to the question. Their present object was that the House should enable them to join the whole scheme, in order that they could ask the Home Government to step in and prevent the Victorian Government infringing the contract. They had no means of compelling the Victorian Government to send their letters by the mail service. The Postmaster at Melbourne might, by the orders of his Government, send their letters ashore from the steamer every time after they had been placed on board, and the Home Government could not prevent it except by sending out a frigate to enforce the contract. So that it would be seen that there was the greater reason for granting to the Government the power sought for.

Mr. BLYTH observed that the Postmaster-General in Melbourne was a member of the Victorian Cabinet, and he (Mr. Blyth) had no doubt that the course adopted by him, in sending the resolutions of the conference to this colony, was in accordance with the intentions of his Government. He objected to the Bill because it was placing them in a very unfair position, and would materially prejudice the interests of the colony. To pass the measure was putting it out of their power to adopt any better measure for the next five or six years.

Mr. NEALES believed that none of the colonies agreed with the contract except the Melbourne Government. With his views he would not vote one sixpence for the measure. He believed that he was quite safe in saying the measure would never pass that House. With regard to the conduct of the Government in withholding the Postmaster's letter, he would remind the House that they readily availed themselves of the private letter sent by Mr. Rowland Hill, and endeavoured to induce the House to take immediate action upon it. Now, he could not help thinking that the letter of the Postmaster-General was of a more public character.

The ATTORNEY-GENERAL would ask the House if they thought they could obtain direct steam communication as speedy and complete as that now proposed, for twice £12,000; he believed that no one in the country would say so. He then addressed himself in reply to the various arguments that had been urged against the measure.

Mr. MACDERMOTT thought that if they adopted the alternative allowed by the Treasury minute, the cost of their letters would equal the amount of the subsidy, and that for the future their letters would certainly be sent by private ships. He would support the Bill.

Mr. WATERHOUSE's amendment not having been seconded, the question that clause 1 do stand as amended (by the insertion of £12,000) was put, it resulted as follows:—

AYES, 15

The Chief Secretary	Mr. Hallett
The Attorney-General	Mr. Macdermott
The Treasurer	Mr. Marks
Commissioner of Crown Lands	Mr. Mildred
Mr. Bakewell	Mr. Milne
Mr. Dawes	Mr. Peake
Mr. Dunn	Mr. Scammell
	Mr. Smedley

NOES, 12.

Mr. Babbage	Mr. Hay
Mr. Bagot	Mr. Hughes
Mr. Blyth	Mr. Neales
Mr. Burford	Mr. Reynolds
Mr. Cole	Mr. Waterhouse
Mr. Duffield	Mr. Young.

Mr. BAGOT would propose that arrangements with the contract service should only last twelve months.

Mr. MARKS asked the Chief Secretary if they would join the contract on such a condition.

The CHIEF SECRETARY would not vote for the amendment, and if the House adopted it, they would take from the Government the power to enter into the contract.

The question was put, and a division took place, which resulted in a majority of one against the motion.

The clause was passed as amended.

Mr. WATERHOUSE called the attention of the hon. the Chief Secretary, that he had said he would introduce a clause repealing the Acts of 55 and 56.

The CHIEF SECRETARY would support such a clause, if introduced.

The Preamble was adopted, the House resumed, the report was brought up, and the third reading made an Order of the Day for Friday next.

RETIRING ALLOWANCES.

In answer to Mr. Hughes, the Chief Secretary said, that a measure would be brought in this session with reference to the Retiring Allowances.

POST-OFFICE, KOORINGA.

Mr. Peake asked the hon. the Chief Secretary whether it was the intention of the Government to erect a Post-Office at Kooringa or the Burra; and, if so, when such building would be begun.—The Chief Secretary said it had not been the custom to erect Post-Offices in the country, but to hire suitable premises, and the Government had no intention to do otherwise in Kooringa.

LEGISLATIVE COUNCIL.

WEDNESDAY, AUGUST 5.

ADDRESS TO THE GOVERNOR.

The President announced that he had presented Address No. 4 to his Excellency, and that his Excellency had been pleased to receive the same.

HARBOUR TRUST.

The Commissioner of Public Works laid on the table a report of the progress of the works under the Harbour Trust.—Ordered to be printed.

MAIN ROADS.

The Commissioner of Public Works laid on the table a report from the Surveyor-General on the main roads of the colony, asked for by the hon. Mr. Baker.

MESSAGES TO THE HOUSE OF ASSEMBLY.

Mr. Morphett moved that the two messages ordered by the Council on the previous day be transmitted to the House of Assembly by the Clerk of the Council.—Agreed to.

VOTES AND PROCEEDINGS OF THE HOUSE OF ASSEMBLY.

Mr. Baker moved that this Council being informed

by the President that the usual delivery of the printed copies of the votes and proceedings of the House of Assembly for the use of this Council has been discontinued, and it being essential to the proper conduct and dispatch of public business that it should be in possession of those votes and proceedings at the earliest opportunity, the House of Assembly be requested to direct that printed copies of its votes and proceedings, from the 21st July last to the 4th August instant, both inclusive, be transmitted to this Council for such purpose as soon as they are printed and ready for delivery. He thought it was not necessary to say anything to convince the House of the importance of the resolution, since the hon. the President's recent allusion to the inconvenience he had experienced in obtaining the papers of the other House. It was also important as a matter of economy, inasmuch as the cost of printing would be greatly increased by those documents being withheld. Already inconvenience had resulted from a Railway Committee having been appointed in both Houses at one time. Thus was the time of witnesses wasted, and the cost of printing increased. The resolution before the Council was limited to the votes and proceedings of the other House, but he thought all documents likely to be of interest to one House should be supplied by the other. He would not refer to the subject which gave rise to this resolution, but he would remark that both Houses were bound to see that every Bill passed through all its proper stages of legislation, and that they would not do without access to the papers in question.—Mr Forster seconded the motion.—The Commissioner of Public Works remarked that in reference to this subject, he believed there was not the slightest intention on the part of the Ministry to withhold any information necessary to the Council. It appeared to him that it was the Speaker's direction to the Government printer, which prevented these papers being delivered.—Mr. Baker pointed out the fact that the Chief Secretary introduced the motion of rescinding the 26th Standing Order.—The motion was agreed to, and the resolution was forwarded by message to the House of Assembly.

CHINESE BILL

In Committee.

Clause 1—"Interpretation Clause." The last two lines of this clause, "Any male adult native of China or its dependencies, or any of the islands in the China Seas, or any person born of Chinese parents," were amended, the words "male adult" being struck out. The clause was passed as amended. Clause 3—"Master to state number of Chinese on board." Passed. Clause 3—"Number of passengers a ship may carry." Agreed to with a verbal amendment. Clause 4—"Rate to be paid by each Chinese." The consideration of this clause was postponed. Clause 5—"Summary proceedings." Passed as read. Clause 6. Passed. Clause 7—"Commencement of Act."—Mr. Hall thought the 1st November would be too early to bring the Act into operation. He would suggest that the 1st January, 1858, be the day named.—Mr Forster objected to the extension of time.—Mr W. Scott thought the 1st December would be late enough for the Act to come into operation. The amendment proposing that the 1st December be the day on which the Act shall come into force was agreed to.—The report was brought up, and the Committee obtained leave to sit again next day.

HOUSE OF ASSEMBLY.

WEDNESDAY, AUGUST 5

RETURNS

The Commissioner of Crown Lands laid on the table certain returns with reference to the sale of town lots of Crown Lands.

The TREASURER gave notice that on Friday next he would move that the House go into Committee, to consider the resolutions of the Legislative Council on the Privilege Question.

REPORTS

The Treasurer called attention to a report which appeared in that morning's paper, in which he alluded to the hon. member of Encounter Bay as not in the habit of speaking the truth. He begged to contradict it, he merely referred to the hon. member's flowery language as to facts and figures.—Mr Babbage never understood his hon. friend to accuse him of want of veracity any more than he (Mr Babbage) on a former day termed himself a jackall.—Mr Waterhouse gave notice that he would move for leave to introduce a Bill to amend the Electoral Law.

CONSOLIDATION OF ACTS

Mr. BURFORD moved, that it is in the opinion of this House that the laws which have been passed in this colony should be consolidated and codified, and that this system be carried out for the future. The hon. gentleman dwelt at length upon the desirability of consolidating the Acts in a complete form. It was their duty to bring the various Acts before the public eye, in a clear and simple form. It would be a permanent benefit to the community. The Attorney-General had made an allusion to the subject, but had also intimated that the time had not come. The advantages of the proposed Bill were so obvious that he would not detain the House on the question.

Mr WATERHOUSE would second the resolution. It was only fair that those who had to observe the laws should have easy access to them. Although the work of codifying the whole of the laws of the province could not be expected at the present time, yet such an arrangement might be effected by degrees, with a view to have each Act complete by itself.

Mr BAKEWELL said the labour involved by the measure would be very heavy, and to carry out the work completely was almost impossible for this colony. Many of their laws which descended from tradition would have to be written. The code Napoleon was one of the greatest works effected by that great man—(hear, hear, from the Attorney-General)—and would be remembered as long as any of his great victories; but to consolidate the English laws would be a work of far more difficulty. As an instance, in England it was found by the Commission which had been appointed to enquire into the subject, that in the reign of Richard the Second, there was a certain law against allowing Irishmen to live in the country at all except under certain conditions. (Laughter.) That was one of the least difficulties. The Commission had sat in England for six years without being able to effect any results. He did not think that they had the talent to effect the objects it view, in this colony, and he certainly thought any money devoted to that purpose would be wasted. (Hear, hear.) From that conviction he would oppose the Bill.

Mr BAGOT would move as an amendment, that it be expedient that laws hereafter passed in this colony shall be consolidated as far as was consistent with due economy. With regard to the difficulties of the ancient law, he would mention that in Ireland there was a certain law which adjudged that if a man committed a certain injury to a goat, to be sentenced to death. He witnessed an instance where a prisoner, for such an offence, was sentenced to death under this law by the Recorder; but, of course, he was afterwards pardoned. That law, in common with many others equally curious, applied to this colony. He did not think the difficulty could be overcome in this colony for the present, and for that reason he moved his amendment.

Mr. BLYTH seconded the amendment.

Mr. NEALES thought that the resolution only referred to the laws passed in this colony, but even then he considered the labour impracticable. He, therefore, supported the amendment.

The TREASURER could not agree either with the resolution or the amendment. To codify completely they must include the common statute law of England. That was a work that would cost at least £2,000 a-year, and it would be necessary to place a sum on the Estimates for that purpose. The Legislative Council, he imagined, had found out the difficulty of the question, for the first Bill they had passed was a Bill of reference. He would move, as an amendment, "that in future amendments of the law, consolidation shall be kept in view as far as consolidation will permit."

Mr. BABBAGE said the amendment of the Treasurer strongly reminded him of the course adopted by that hon. gentleman on the distillation question. On a previous occasion he believed he had heard that hon. gentleman dwell upon the distinctive niceties of tweedledum and tweedledee. He found that on referring to the Acts of this province that of the Acts of 1856, four out of six were to amend. If in the recent Legislature they had so many Acts to amend Acts, he could not but think that many of the additions tended to make "confusion worse confounded." He could see nothing in the Treasurer's amendment which was not in that of the hon. member for Light, and that he should support.

The COMMISSIONER of CROWN LANDS thought a middle course was best. While admitting the great difficulty attending a complete codification of Acts, he thought it was very necessary that the work should be dealt with to a certain extent. Corporations were especially in want of a complete Act for their guidance. Four or five Acts relating to corporate bodies had been passed in this colony, and it was now a considerable item of expense to Corporations to purchase copies of them for the several members. With regard to the Commission which had been appointed to consolidate the English law, he would remark that they would have probably have made more progress if they had been selected from gentlemen not in the legal profession. Two great legal luminaries had formed part of the Commission, and, if he mistook not they met seven different times to define the word wilful, and finally gave up the attempt. Now, he could not but think that the object of the Commission would have been more readily obtained by having it composed of persons whose niceties as to the definitions of the words were not so acute. He would certainly support a measure for the consolidation of the colonial law, and, with that object, would support one or other of the amendments.

Mr. PEAKE thought that either of the amendments would meet the necessities of the case.

Mr. BURFORD said the objections raised were with reference to the trouble and expense the resolutions would entail. As to trouble, what would be the trouble of codifying four volumes of Acts, many of which had been repealed, compared to the waggon-loads of law which were codified at Constantinople by Justinian? As to the expense, the work could be performed by two competent persons in twelve months, at an expense of £1,000. He regretted that much of the opposition to his resolution came from members the profits of whose profession were extended by the existing state of the law. He wished to have the law simplified, then the mistake known as "justice's justice" might be avoided. He had no doubt that many gentlemen who were called

on to administer the law, when referring to the maze of amended Acts, often found themselves perfectly flabbergasted. He would urge on the House the importance of carrying out the work promptly.

The Treasurer's amendment was carried.

GAWLER RAILWAY EXTENSION BILL.

The Chief Secretary brought up the report of the Select Committee, and moved that it be read.—It was read, and ordered to be printed.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

The following messages were received.—Message from the Legislative Council, enclosing the following resolutions for the consideration of the House of Assembly:—"That copies of all Bills initiated in this Council be transmitted to the House of Assembly for distribution among its members; and that the House of Assembly be requested to order the transmission, in return, of all Bills initiated in that House, for the use of the members of this Council." A message from the Legislative Council, informing the House of Assembly that it had passed a Bill intitled "An Act for giving effect to Acts of the Parliament of South Australia from the date of the passing thereof, and for shortening the language used in such Acts," and desiring the concurrence of the House of Assembly to the same.—Mr. Waterhouse understood that the Parliamentary practice was for persons in either House who held similar opinions to communicate with each other. He would, however, inquire whether it was so, or was there any other means by which action could be secured in one House on Bills passed in the other House.—The Speaker was understood to say the hon. gentleman correctly understood the Parliamentary practice.

CAPITAL PUNISHMENT.

Mr. Burford allowed his motion respecting the abolition of capital punishments to lapse.

INDEX OF BLUE-BOOKS.

Mr. Neales moved—That it is the opinion of this House that a new and better arranged index of the transactions of previous Councils, from the Blue-Books of all former Sessions, should be prepared by the Clerk of this House, with the necessary assistance, such index when prepared, to be bound in a portable form for the use of the members of this House.—Agreed to.

REVISION OF TARIFF.

Mr. Marks asked if it was the intention of the Government to prepare a revised form of tariff.—The Treasurer said such was his intention, but, the recent decision of the House put, he feared, an uniform tariff out of the question.

PAYMENT OF MEMBERS.

Mr. Krichauff moved—That, in the opinion of this House, members of the House of Assembly should be paid after the next general election, and that an address be presented to His Excellency the Governor-in-Chief, requesting him to place on the Estimates a sum of money to provide for the payment of the members of the House of Assembly, when attending.—Not seconded.

POSTAL CORRESPONDENCE.

Mr. Blyth moved—That there be laid on the table of this House copies of all letters that have been sent to or received from the Government of Victoria, with reference to postal communication with Great Britain, since the 1st of January, 1855, also, a copy of the resolutions adopted by a recent meeting of delegates on the postal question, held at Melbourne, with their report; and a copy of the despatch forwarded to the Government of Mauritius, on the subject of postal communication with England.—Carried.

LEGISLATIVE COUNCIL

THURSDAY, AUGUST 6.

THE PRIVILEGE QUESTION

The COMMISSIONER of PUBLIC WORKS stated that before the resolutions on the privilege question now before the House were finally disposed of, he would move the following amendments upon the resolutions respectively named.—

Amendment to Resolution No 2—"That the power of this Council protecting its constituents and the colony at large is limited to the absolute rejection of measures decreed by the Council to involve oppressive and unjust taxation."

Amendment to Resolution No. 4—"That the claim be denied to this Council which extends to the assertion that it has power to 'alter' or 'modify' Money Bills transmitted to it from the House of Assembly, and that it possesses current powers with the House of Assembly so far only as the 'origination' of Money Bills. That the expression of 'origination' made referable to Money Bills has its own Constitutional meaning developed by the British Parliamentary use thereof as attached to those Bills, and implies the sole right of the people's House to make offer of the produce of the labour of the people for the supplies necessary to Government."

Amendment to Resolution No 5—"That the claim to this power be denied to the Legislative Council on the grounds that the Constitution of this British colony is, and was intended by the people of the colony to be, a reflex of the British Constitution, embodying the first principle of free Government, the birthright of Britons, the cause and guarantee of their civil and religious liberty, namely—That men are bound to pay taxes only in the way and to the degree in which their representatives impose them, and so long as they are paid over to an executive held responsible to the people for their legitimate and economical disbursement, also, because the Legislative Council is a second and Upper Chamber of the Legislature, specially created as a body distinct from the first Chamber or House of the representatives of the people, is endowed with power to act as a constitutional check or balance, is a middle and mediatory power between the remaining two estates of the realm, and to this end is erected on a position independent and irresponsible expressly that it may function by a powerful will of its own, free from undue influences of the Crown on the one hand, or the House of the people on the other, and, therefore, so soon as this Legislative Council surrenders its high and independent position of check and mediation to assume to itself the constitutional character of representatives of the people, it resigns its legitimate functions and invades the constitutional sanctity of representative Government, which holds its true and legal existence in the people's or first House alone."

Amendment to Resolution No. 7—"That a practice held to be of vital importance in Great Britain cannot be objectionable on the ground that it 'is inconsistent with the advanced position of this colony in political rights;' that the electors of this Council did contemplate a restriction of its powers in reference to Money Bills analogous to that imposed on the second, or House of Lords Chamber of the British Constitution."

Amendment to Resolution No 9—"That the rights claimed by these resolutions over Money Bills, other than by entire assent or rejection, would, on grounds stated in amendment to No 4, disturb the constitutional powers vested solely in the House of the people's representatives in respect of the control of the public purse."

Amendment to Resolution No. 10—"That the al-

leged necessity for the adoption of the powers claimed by those resolutions, in conducting to harmonious action between the two Houses, is without foundation, since it is patent to all that, practically, a detrimental interruption to a healthful co-operation between the two Houses has already sprung up, without apparent indication of its total removal until the question at issue be settled."

Amendment to Resolution No 11—"That by the exercise of the concurrent powers herein claimed, responsible Government would be fettered, and inconvenient and injurious delays to public work would be necessary consequences."

Amendment to Resolution 12—"That this resolution is objectionable, if generally taken, because it would bind the subscribers to it not to change the Constitution unless the constituency clearly asked for it, though the Council themselves might see it most desirable to do so, and for effecting which it possesses carefully guarded powers granted in the Constitution Act itself, and because it limits such change to restriction of its powers and privileges, whereas it may become manifestly desirable to enlarge those powers and privileges, and if the resolution is to be taken specifically, as under the question of money rights, that the evidence of the views of the electors of the colony is sufficient, as already exhibited, namely, that out of the fifty-four representatives of the joint Houses, the large majority of thirty-six have given their firm and deliberated decision against granting to the Legislative Council those extended money powers, to which decisions, too, the marked silence of all constituents may be regarded as giving their strong consent. Also, because the Constitution Act grants and was intended to grant to this colony a Government responsible to the people—the creation and being of a representation elected under universal suffrage, and that in conformity herewith, the Act provides for a constitutional origination of Money Bills in the people's House alone. And, therefore, that so soon and by so much as the responsible representatives of the people shall yield to a Second Chamber their sole right to regulate taxation, and shall cease to control public expenditure, so soon and by so much will they cease to hold responsible the Government constitutionally held to be such; and so soon and by so much will the existence and working responsible Government be defeated. Also, because, viewed practically, since no responsible Ministry could stand the ordeal of two Finance Committees in two Chambers, of distinct origin and divided responsibilities, without their freedom of action, as the Executive of the ruling majority of the country, being constantly exposed to be impeded or crushed, the Executive of the country intended to be constitutionally responsible to it, renders itself liable to become obstructed, enslaved, and weakened by the incubus of an additional power independent of and not subject to that ruling majority, whose indefeasible and necessary right it is to constitutionally regulate the Government of the day. Also, thus further disturbing the balances of the Constitution, and increasing the power of the Crown in regard of money matters and patronage, which the Constitution Act designed to limit. Also, denied, as inconsistent with responsible government, as inexpedient, and as admitting a principle dangerous to the liberties of the people." He gave notice in order that the amendments might be recorded, but with the understanding that he should be able to move them on that day, if necessary

SNAGBOAT FOR THE MURRAY.

Mr Forster moved, that there be laid on the table copies of all letters or proposals received by the Government with reference to the construction of a snagboat for the River Murray, together with the replies of the Government thereto.—The Commissioner of Public

Works said; the correspondence should be laid on the table of the Council.

THE PRIVILEGE QUESTION.

IN COMMITTEE.

Major O'HALLORAN moved the adoption of the second of his resolutions.

Mr AYERS seconded.

The Commissioner of Public Works would move the first amendment he had read.

The amendment was not seconded.

Mr. BAKER spoke in support of the original motion.

Mr FORSTER hoped the hon. the Commissioner of Public Works would take some other step than that of urging a fruitless war, without effect and without meaning, to the views of the Council.

The Commissioner of Public Works did not intend to move any other amendment, since the first was not seconded.

The resolution was put and carried.

The other resolutions were moved by Major O'HALLORAN, and seconded by Mr. AYERS, *seriatim*, and carried without comment.

The Committee adjourned, and the report was brought up and adopted by the House.

The House then adjourned.

HOUSE OF ASSEMBLY:

THURSDAY, AUGUST 6.

PETITIONS

The Treasurer presented a petition from Mr Samuel Tomkinson, praying that the House do proceed with the measure for the amendment of the law of marriage. The petition was in opposition to a memorial lately presented by certain clergymen of the Church of England, which prayed that the Marriage Law Amendment Bill should be thrown out.—Received and read.

Mr Milne presented a petition from the settlers in the District of Onkaparinga against the Road Bill.—Received and read.

PRIVILEGE.

Mr REYNOLDS drew the attention of the House to a report which appeared in a morning paper as to what took place in the Legislative Council the previous day. He then read the following extract from Mr. Baker's speech—

"Already inconvenience had resulted from a Railway Committee having been appointed in both Houses at one time—in the Legislative Council first, and the House of Assembly afterwards. Thus was the time of witnesses wasted and the cost of printing increased." Now, he thought that statement was likely to prejudice that House in the opinion of the country, and it appeared to him to be very unfair on the part of a member of the other House to cast such reflections on them.

The SPEAKER said it was the rule not to take notice of what the other House did.

Mr. BAGOT asked the President if a member of that House was in order to take up newspaper reports, without further enquiry, and make comments on the

conduct of members so reported. He thought if such a practice were allowed, it would lead to great confusion and inconvenience.

The ATTORNEY-GENERAL concurred in the opinion that the dignity of the House of Assembly would be far better maintained by not commenting upon the proceedings of members of the other House, but he thought that in some cases the practice was rendered necessary, when, for instance, remarks made in the other House were of such a nature as to lessen the usefulness of that House in the opinion of the country.

The SPEAKER agreed generally with the remarks of the hon. Mr Bagot and the Attorney-General.

RAILWAY THROUGH THE MOUNT LOFTY RANGES

Mr Krichauff asked the hon the Commissioner of Crown Lands whether the Engineer Officers of the Government have been ordered to proceed with the survey of a line of road for a railway, adapted to locomotive or animal power, from Adelaide through the Mount Lofty Ranges, and thence to the River Murray.—The Commissioner of Crown Lands said that orders had been given to proceed with the survey, and two survey parties were now out, with orders to inspect the most practicable route.

NATURALIZATION:

Mr. KRICHAUFF moved that an address be presented to his Excellency the Governor-in-Chief, praying that a Bill might be prepared for altering the fees payable for naturalization to a sum which would cover the actual expenses incurred.

Mr BAKEWELL rose to second it; but

The SPEAKER reminded the hon. member that the hon mover was not off his legs.

Mr. KRICHAUFF then moved for a Committee of the whole House to consider the question.

The CHIEF SECRETARY thought it would be the most desirable course for the hon gentleman to introduce the question in the shape of a Bill. He would, therefore, ask him to withdraw the motion for the present.

Mr. WATERHOUSE thought it was extremely desirable that they should legislate on the subject. It was only the other day that his Honor Mr Mann mentioned in Court that there was a defect in the Alien Act, and it was very important that that defect should be remedied. He therefore hoped the hon. member (Mr. Krichauff) would be allowed to proceed with his amendment.

Mr HUGHES considered that the House had not been duly prepared for discussing the whole question of the Alien Act; if Mr Krichauff wished to go into the whole matter, it would be better for him and for the House that he introduced a Bill on the subject.

Mr. BAGOT would be most happy to support the motion before the House.

The ATTORNEY-GENERAL would ask the hon member for Mount Barker to withdraw his motion, and ask leave to introduce a Bill. A measure prepared by the Government would be less satisfactory to the parties interested. He could assure the hon member that the House cordially sympathised with him.

Leave was given Mr Krichauff to amend his motion, and to ask for leave to bring in a Bill.

A Committee of three were appointed to prepare the Bill.

MR TOLMER

Mr. WATERHOUSE moved that a Select Committee be appointed to enquire into and upon the petition of Mr. Alexander Tolmer. It would be well remembered that Mr. Tolmer not only organized the gold escort, but carried it out to the great advantage of the colony. It was a trite remark that the public favourite of one season was the neglected public servant of another period. That the question might be fairly set at rest, whether Mr. Tolmer had unrecognised claims or not, he trusted the motion would be agreed to.

Mr. SMEDLEY seconded.

Mr. MILDRED moved as an amendment that the Committee which was to sit and enquire into the petition of Alexander Tolmer should enquire into the petition of Henry Alford. He spoke warmly in favour of the valuable nature of the services of both these gentlemen.

Mr. WATERHOUSE would have no objection to embody the amendment in his own motion.

Mr. BURFORD dissented from the proposition which had been brought before them, that the two individuals should be united by the action of the Committee. His objection was, that the interests of one of the parties might be prejudiced thereby.

The ATTORNEY-GENERAL would support the amendment, but would hesitate before supporting a Committee to examine into a single petition. Grave charges had been made by Mr. Alford against Mr. Tolmer, and the proper enquiry should be conducted by the same Committee.

Mr. BLYTH objected, to the petition of Mr. Henry Alford being referred to the Committee which was appointed to enquire into Mr. Tolmer's case.

Mr. NEALES considered Mr. Tolmer's position was exceptionable, and that he had a right to claim a Committee of enquiry, but he did not think Mr. Alford had equal claims. If the amendment were allowed, it would open the field to a large number of petitions from old public servants to have their cases referred to Committees.

The TREASURER would support the amendment, in order to elicit the whole truth. It might appear as, he (Mr. Alford) had alleged, that he had been ill-used. In a Committee of this nature, their object was not merely to enquire into particular acts of a meritorious nature, but to have a complete investigation. Now, in this case, it so happened that the case of one gentleman could not be completely gone into without introducing the other.

Mr. SCAMMELL was disposed to support the amendment. He certainly thought the country owed much to Mr. Tolmer for originating the overland escort to this colony. But each of these gentlemen had rendered great services to the country, and, as had been observed, there was a special reason why the cases should be investigated by the same Committee.

The CHIEF SECRETARY reminded the House that Mr. Tolmer claimed to be placed on the pension list, to which a period of twenty-one years' service would have entitled him. But Mr. Tolmer did not retire from the service under the provisions provided for twenty-one years' service, but only for fourteen or fifteen. Now, if the House should decide in favour of the petition, they would therefore pass a measure of relief. He did not, for his part, think Mr. Tolmer had any claim on the House, but he should not oppose the amendment.

Mr. REYNOLDS said Mr. Tolmer's case was very different to that of Mr. Alford. Mr. Tolmer's claim had already been before the Legislature for two years, and the last enquiry was but partially gone into. He would suggest that the new Committee should begin where the former Committee left off. He would not connect the two enquiries, and in reference to the petition of Mr. Alford, he thought it rather singular that, if he had grounds for a claim on the Government, he had not sent it in before. He could not help thinking that it was an afterthought on the part of Mr. Alford.

The motion as amended was then carried.

The following gentlemen were appointed to the Committee—Messrs. Hay, Scammel, Mildred, Smedley, Burford, and Waterhouse. To bring up their report on November 4th.

CONVICTS PREVENTION BILL.

IN COMMITTEE.

Clause 1.

Mr. WATERHOUSE moved that the clause stand as read.

Mr. HUGHES objected to that part of the clause requiring convicts to be sent back in irons.

Mr. WATERHOUSE thought that it would be an undue punishment.

The ATTORNEY-GENERAL would direct legislation rather against the masters of vessels who brought convicts here, than against the convicts themselves. He would impose heavy penalties against the masters of the ships bringing them. He was disposed to object to the clause. It proposed to deal with persons found in the colony more harshly than with persons convicted of serious offences in the country.

Mr. WATERHOUSE said the clause allowed Justices a discretionary power. He thought that if the term of imprisonment were limited to two years, it would meet the object. He also assented to alter "being worked in irons" to penal servitude.

The clause, as amended, was agreed to, clause 2, requiring proof that passengers from Western Australia were free.

Mr. HUGHES moved a clause as an amendment requiring shipmaster's to procure a certificate of the absolute freedom of each passenger in their vessels, before landing, on penalty of £25 for each omission.

Agreed to.

The clause was passed as amended.

Clause 3—Imposing a penalty of £100 on shipmasters and others for violating the law.

Mr. HUGHES proposed that the words "of a fine of £100," be struck out, and that "a fine of £25 for each such passenger so landed" be inserted.

The ATTORNEY GENERAL suggested that the words "with the knowledge of such master, or such other person" should be inserted in the third line.

Agreed to.

The ATTORNEY-GENERAL objected to the amendment of Mr. Hughes. The object of the clause was merely intended as a punishment for a misdemeanour, and in the eye of the law the master would be as guilty for bringing one convict as any number.

Mr. HUGHES withdrew his amendment.

The clause was passed as amended

Clause 4 Passed as read

Clause 5—"No person to land from Western Australia, except unper certain conditions"

Passed with a slight alteration.

Clause 6 Struck out.

Clause 7. Agreed to with verbal alterations.

Clause 8—"Forfeiting the property of offenders under this Act"

Agreed to

Clauses 9 and 10. Passed as printed.

Clause 11 Amended The "Justice" to be replaced by "two or more Justices"

Clause 12—"Appropriation of penalties"

Mr. HAY moved that the words "giving half the penalties to informers" be struck out

Mr. HUGHES seconded. He objected to encourage informers in this colony.

The amendment was agreed to.

The Clause was passed as amended.

Clause 13—"Withholding the right of Appeal."

Mr. HUGHES thought, the House should object before passing this clause. It was only fair that parties should have the right of appeal

The ATTORNEY-GENERAL thought it would be right to strike out the words forbidding an appeal to the Supreme Court, but he would add—"the proceedings not to be quashed for want of form"

The clause was passed as amended.

Clause 14.

An amendment was proposed by the ATTORNEY-GENERAL, who objected to two points as unconstitutional. The first one proposed that to empower a Judge to deprive a plaintiff of damages awarded by a Jury, and the giving of treble costs to the defendants.

The clause was passed as amended.

Clause 15. Agreed to

Mr. WATERHOUSE moved that the blank be filled up with the words "from the 1st January, 1858"

Mr. NEALES called attention to the fact that most of the convicts available from Swan River would have come to this colony before then. A vessel now in the Port was about to sail to Swan River, and one was shortly expected. It was only that morning that he passed a gang of ten men at Murhead's corner, and he was quite sure they were convicts. Their appearance was that of men who had not got their living honestly for years. He was assured of that, although not a policeman (Laughter) He therefore pressed for an early day for the date of the operation of the Act

The date was fixed at two months after the passing of the Act

The Committee adjourned and the House resumed.

The report was brought up and adopted, and its further consideration postponed till that day week.

PUBLIC ACCOUNTS.

Mr. WATERHOUSE moved, that there be laid on the table copies of all correspondence relating to the auditing of the public accounts that has passed between the Government and the Audit-Office since the 20th Octo-

ber last year, and also copies of the general instructions which regulated the local audits of accounts and stores under the late form of Government, especially those instructions adopted from England or from any neighbouring colony. The Auditor-General necessarily stood in the position of being a check on the public accounts. He thought the House should have the fullest information of the way in which the accounts were audited. It would also give information as to the changes which had occurred in that department, and whether such changes had been beneficial or otherwise.

Mr. HAY seconded.

The CHIEF SECRETARY thought the House would not support the latter part of the resolution, if they wished to respect Responsible Government. They should not put it in the power of subordinate officers to embarrass the Government to become members of parties, and, as political intriguers, place in the hands of the Opposition means of embarrassing the ministry. It would, in fact, be establishing a system of espionage, which must utterly destroy the character and influence of the Government. Any information that might be required should be sought from the Government and not from their subordinates. They were willing to give every information as to the expenditure and auditing regulations of the accounts. He would ask the hon gentleman to withdraw that part of his motion

The TREASURER moved as an amendment, that a report be laid on the table of this House, explanatory of the method of auditing the public accounts, indicating the nature of such alterations (if any) have been made therein since the 20th of October last, together with the copies of all general orders and instructions tending to elucidate the subject.

After some discussion the motion was withdrawn and the amendment carried.

HOUSE OF ASSEMBLY.

FRIDAY, AUGUST 7.

PETITIONS.

Mr. Reynolds presented a petition from seventy of the residents of the District of Sturt, praying that the new Road Bill might be rejected.—Received and read.

Mr. Mildred presented a petition from the ratepayers of Aldinga, praying that the new Road Bill might be disallowed.—Received and read.

Mr. Young presented a petition from sixty-five electors of the District of Noarlunga, praying that the new Road Bill be rejected.—Received and read

NOTICES OF MOTION

Mr. Mildred gave notice that on Wednesday next he would move for a return of all persons holding more than one appointment under Government, the nature of the appointments, and their emoluments.

Mr. Mildred gave notice of motion with reference to certain returns of road expenditure from the year 1850.

MONTHLY POSTAL BILL.

The CHIEF SECRETARY moved the third reading of this Bill.

Mr. REYNOLDS thought the question should not be taken out of its course. It was quite possible that hon. members might intend to throw it out, but that they had not attended yet, seeing that it was placed after Main Roads Bill in the order of the day.

The CHIEF SECRETARY said it was customary to proceed first with Bills requiring a third reading.

Mr. REYNOLDS thought it was not generally understood. If such an arrangement existed, it ought to be distinctly expressed in the Standing Orders or otherwise.

Mr. WATERHOUSE thought the Bill should not be proceeded with out of its order, especially with such a thin House. If it were proceeded with now, he should certainly oppose it.

The TREASURER thought the House would not follow the hon. member, who had just sat down, in his attempt to obstruct the legislation of the Government. Hon members knew that the Government intended to bring in the Bill, and it was their duty to be present. After all, it was a useless discussion, for the Government could allow the Main Road's Bill to lapse, and then proceed with the measure before them. He would assure hon members that it was the rule to proceed first with Bills which were to be read a third time.

Mr. YOUNG was taken by surprise that any alterations should take place in the notice paper. He thought the conduct of the Government would have been more dignified had they introduced the measure before a full House. He objected to the precedent of departing from the business as arranged in the notice paper.

The SPEAKER put the question, that the Bill be read a third time. He declared the ayes had it.

A division was called, which resulted in a majority of two against the third reading.

AYES, 10.	NOES, 11.
Mr Harvey	Mr. Reynolds
Mr. Bakewell	Mr. Neales
Mr. Mildred	Mr Blyth
Mr Smedley	Mr. Waterhouse
Mr Marks	Mr. Dunn
Mr. Milne	Mr. Hay
The Treasurer	Mr. Bagot
The Attorney-General	Mr Babbage
Commissioner of Crown Lands	Mr. Young
The Chief Secretary	Mr. Cole
	Mr. Krichauff

MAIN ROAD BILL,

The CHIEF SECRETARY moved the second reading of this Bill. The necessity for the measure had been foreshadowed in a former session, when it was urged that the main road system was a monster grievance, and one that should be grappled by the Government. They had done so, and the long time the Bill had laid on the table had given them ample means of ascertaining that two of its principles were generally distasteful to the public. With regard to the system of country roads, he believed it was misunderstood, or it would not have been objected to so generally throughout the country. It was in fact the extension of the District Council system to larger areas. The great tendency of District Councils was to isolate themselves, with a view to have their rates expended in the locality where they were collected. The object of the county system was to correct that too great tendency to subdivision. However the clause relating to such a modification had been struck out. Should the House not admit in the Bill the provisions of local assessments for main roads, he was convinced they must soon come to that point by other means. The two great features of the Bill as it stood were that the public revenue was inadequate to maintain all the main roads, and that they must be reduced to such a limit as the province could maintain. The second was the total extinction of the Central Board of Main Roads, the Ministers holding that no Board should be entrusted with the outlay of public funds they did not raise. According to the Surveyor-

General's report, the main roads, in the schedule, were as follows:

1. MAIN NORTH ROAD.

From Adelaide to the Burra, via Gawler Town, Sheoak Log, Greenock Creek, Kapunda, and outwards

West Branch—To Clare from Kapunda, via Forrester's Head of Macaw Creek, Auburn, to northern limit of Clare District Council

East Branch—To site of Accommodation Stockyards east of Truro, from Greenock Creek via Nurootpa Township.

2. MAIN NORTH-EAST ROAD.

From Adelaide to Blumberg, via Teatree Gully, Little Para Bridge, Morning Star, and Gumeracha.

3. MAIN SOUTH-EAST ROAD.

From Adelaide to Wellington, via Crafer's, Echunga, Macclesfield, Strathalbyn, and Langhorne's Creek.

Eastern Branch—To Narre and Scott's Bridge via Hahndorf.

South Branch—From Strathalbyn to Milang.

4. MAIN SOUTH ROAD.

From Adelaide to Encounter Bay, via Willunga and Goolwa.

East Branch—To Meadows Township via Clarendon.

5. MAIN ROAD TO GLENELG.

From Adelaide.

It would be observed in that reduction of main roads, they had retained all the great trunk lines which were most urgently required for traffic. The impossibility of applying £2,000 per mile for the maintenance of 668 miles of road was obvious, amounting, as it did, to £1,336,000 in three years. It was equally obvious that at no very distant period the maintenance of main roads must be derived from local resources, and the present Bill was a step in that direction. Under the late form of Government, every representative was urged by his constituents to obtain roads through their districts. Those claims were advanced against a powerless Government, as all its influence through the nominees was withdrawn in questions of expenditure. Under that system an injudicious multiplication of main roads resulted, it had grown to a great evil, and the Ministry felt called on to reduce that evil. With regard to the Central Road Board, the Government had no control over their expenditure. The Government had endeavoured to elicit information on several occasions, but they had to struggle with the opposition of the Board for the last two years, and it was only after great difficulty they got what they sought for. He deemed that the true principle on which the public funds should be spent, was under the direct control of the House. Now, the Central Road Board was irresponsible to that House, and their powers to control the management of their funds, could only be effected by an act repealing such powers. He perceived, in some of the memorials which had been laid before the House, that the memorialists seemed to attach undue importance to the Director of Main Roads. Now, he considered there must be one central head to control the various district surveyors, and that was the sole object of his appointment. The word Director had been employed by the Government as least offensive, but at the same time they did not propose that he should have any power which was not granted to the Commissioner of Public Works. He would have no power over contracts. The Director would have to carry out all the executive duties of the present Central Road Board, and would be under the control of the Commissioner of Public Works. The clauses regarding wheel-tires were so clear that he thought they required no explanation.

It was known that much injury had resulted from narrow wheel-tires, and the clauses respecting them were intended indirectly to reduce the expenditure on the roads.

Mr. HUGHES was taken by surprise at the Government asking them to pass the second reading of that Bill, considering the short time that had been allowed to consider it in its amended form. He did think that it was the wish of the colony to remove the Road Board. Few subjects connected with the expenditure of public money were more important than the extending of the means of internal communication. It appeared to him that the best plan for the maintenance of roads would be, for the House to appropriate particular sums for the various roads, and to appoint officers for the several localities to see that money properly expended. He thought that Boards generally seriously interfered with the executive officers. So far, he would support the Government. On the question of regulating wheel-tires, he concurred with the Government, but there was one subject which he thought they had omitted, which was, that the occupiers of Crown Lands should contribute towards the support of the roads. It appeared to him that if an assessment were put on the runs, the holders could not object to it. The agriculturist had to pay an assessment to the District Council, and it appeared to him only fair that those who held land for pastoral purposes should contribute something like an equivalent share. It appeared to him that the Bill was pushed forward with too much haste, and he felt that he, for one, was not properly prepared to consider the alterations the Government proposed. He thought there was only one course for them to adopt, which was, to move the previous question. He should do so.

Mr. WATERHOUSE seconded the amendment. He did not wish to throw out the measure entirely, but he would oppose the second reading. If it were thrown out, it would preclude the House from passing any measure of that nature for the present session. If the second reading were passed, it would affirm the two principles mentioned by the Chief Secretary, one was to limit the number of main roads to twenty-two. That principle he decidedly objected to, because in numerous cases persons had purchased Crown lands on the faith that certain main roads would be formed. The other principle they were called on to affirm was, the abolition of the Central Road Board. Undoubtedly, some months ago, the Board was very unpopular, but the very persons who then condemned it were now satisfied with its continuance. It had the advantage of having its proceedings published. Every question that had come before that Board had been looked at more in a colonial than a local point of view. Now, it was proposed to do away with the publicity. As regarded the effect of placing the roads under the Commissioner of Public Works, they would have no longer that publicity which was now given to the proceedings of the Central Road Board. His decisions would only be known, and, as to the contracts, his motives would be frequently impugned, however upright his conduct. Again, in many other respects, it might be alleged the Commissioner would not be so impartial and strict in dealing with the contracts as the Board. Further, the Commissioner would have to learn his duties, and to acquire by degrees what was now known by the Board by long experience. It would be remembered that the Commissioner would be a member of the House, and as such it would be difficult for him to answer many questions impartially which might be put to him from his own constituency. Again, he would be more fully aware of the wants of his own particular district. These remarks could in no way apply to the Central Road Board. It was also to be feared that he might attach undue importance to the wishes of members of that

House—at least, such objections might be urged. He therefore thought the appointment of a Commissioner very undesirable, and that the House would oppose the principles suggested by the Chief Secretary. At the same time, he would like to see the Central Road Board modified with regard to the election of its members. He must oppose the Bill in its present form.

The COMMISSIONER OF CROWN LANDS rose to support the Bill, chiefly on the ground of the reduction of the number of main roads. To his mind, it became a question of roads or no roads. It was a question whether the outlying districts should have a communication with the capital or not. Some of the parallel roads must be abolished, for it was quite ridiculous to suppose that some districts should have two parallel main roads, and that others should have none. With regard to abolishing the Central Road Board, while admitting its present efficiency, it ought to be remembered that they were legislating for the future, and its constitution was decidedly bad. Again, it must be admitted, that a Board could not exercise the immediate control over their officers that a single head could. As a matter of economy, a Board was necessarily more expensive than would be the management of a single officer. The expenses of the Central Road Board had certainly been great, but that was the fault of the system under which it was constituted. With regard to what had been said to the Commissioner showing partiality in dealing with contracts, he thought there was no probability of it. In other departments, there had been no precedent for such an objection. Hon. members had alleged that it would be unjust to purchasers of land to abolish main roads. He did not attach any importance to the assertion that the public interest was imperative. With regard to grants of money to support roads, he hoped the time would soon arrive when the funds required for their maintenance would be obtained from other sources than the House. With regard to the holders of pastoral leases, it appeared to him most unfair to tax them. They bought their leases on certain conditions, and it was certainly not equitable to come down upon them and require them to pay additional cost. No doubt they would not object to the support of local matters and roads within their district. With reference to wheel-tires, he had no hesitation in saying that thousands of pounds had been thrown away on roads, in consequence of the absence of any regulations on the subject. He therefore supported the Bill.

Mr. MILDRED supported the amendment. While admitting the improvements in the Central Road Board, he thought its change was brought about by the presence of a number of persons out of forty, who attended and gave the benefit of their experience at the meetings of the Board. But they could not vote, that power was possessed but by the few members of the Board, and, as a consequence, he had often seen private interests sacrificed to what was called the public good; and, further, he had often observed local interests sacrificed owing to the want of local representation in the constitution of the Board. He would instance the village of Houghton and the Port-road. The interests of the Port residents in that road was entirely set aside. The same with the Gawler Town Road. They were told there would be a railway soon, and therefore their road could not be maintained. With regard to the direct tax for maintenance, he believed that it would be found to be the most satisfactory to have all the roads in the colony made public roads under the supervision of the Commissioners—one for each district, to be appointed by the District Councils. By such a proceeding they would have seventeen Commissioners, instead of forty speakers without votes. These seventeen Commissioners should form a Board of Main Roads, and the Commissioner of Public Works should be at their head.

Once a year they should call on Parliament to make and grant a supply for the expenses of the year. For maintenance, he would put a ground-rent tax on all the property in the colony, say 5 or 10 per cent. on the rental. By this means they would make every class of property holders, including mine proprietors and absentees, pay towards the maintenance of main roads. Such a plan would produce a good revenue. The duty of the Commissioners should be to raise annual assessments, according to the wants of their districts. Supposing his suggestions were embodied into the Bill it would affect an entire alteration in its construction. He therefore supported the previous question.

Mr NEALES objected to the last speaker's views *in toto*, and doubted if he could get a seconder. He thought that the Central Road Board might relapse into the same disease which had already affected them, for it was constitutional, but he did not go as far as the Chief Secretary. He did not believe in placing the control of the main roads under one head. One of the monstrous evils which the Central Road Board had been guilty of was the yielding so facilely to the Inspector-in-Chief. The Bill before them had been so modified that he would certainly vote for the previous question, if it were only in order to see if there were any beauties or redeeming points in it.

Mr REYNOLDS did not complain that they had not had time to consider the Bill which had been so long before the House. He objected that in many respects the Bill was not in accordance with the public wishes. The Central Road Board had been constantly complained of as the monster grievance, and he was quite prepared to find that the Government proposed to do away with it. But, on the other hand, it appeared to him very doubtful that their duties would be satisfactorily carried out by the Commissioner of Public Works. Looking at the great interests and responsibility, he was hardly prepared to place the entire control of main roads under the absolute management of that officer. He thought it was a most impracticable scheme. He would suppose that four Commissioners were elected by the colony as a board of advice to the Commissioner of Public Works, in the place of the Central Road Board. They would join an open Board, and could receive the advice of District Council Chairmen. He thought the great error was to imagine that they were to construct 668 miles of road at the present moment. Why, they had not the money nor the labour. So long as the Land Fund existed the money could be readily provided, but should it fall off, then the Government could allow grants to the District Councils. They could not open up every main line at present; the most urgent works should be attended to. He thought that he would be obliged to vote for the previous question, because if that were passed, it would enable the Government to bring forward a measure more in accordance with the wishes of the people.

Mr KRICHAUFF was understood to approve of the Central Road Board generally, although he thought it would admit of improvement. He would do away with the distinction of main and district roads, and if they had not the money to support them, let each district support its own roads.

Mr. BURFORD thought the great difficulty they had to contend with, was the doing away with some of the main roads altogether. They would have to do so sooner or later. As had been well said by the hon. member for Sturt, they had neither money nor labour to carry it out. The question was, whether they should construct all the roads marked out, they had formerly been too liberal in marking them out, but he did not think that was any reason why they should not contract them. He was in favour of a Commissioner of

Roads, as being the most efficient, and as characteristic of unity of action. One head in any department was the most decisive, and, in this case, he would be controlled by that House. There was room, no doubt for a master mind—there was room for a master mind in every science, and why not in road making (Laughter.) Perhaps they had that master mind, although unknown to fame. His idea was, that all the property of the country should contribute by taxation to the general revenue of the country, and that all public expenditure should come out of that revenue. There they came to simplicity of design (Laughter.) He would support the idea of a Commissioner, to whom the several district chairmen could severally represent their wants. The idea of the member for Noarlunga as to the multitude of Commissioners would, he considered, create endless confusion. He thought all the objectionable clauses of the Bill had been expunged. He was not aware that the present Surveyors under the Road Board were responsible, they were not liable to pay for deficiencies or failure. (Oh, oh.) He was glad to be corrected, if wrong. On the whole he was decidedly in favour of supporting the second reading of the Bill, but he would suggest that the hon. the Chief Secretary would not press it that day, but would defer it for a week.

Mr BLYTH said if the present form of Government was not a popular one, he did not know what was. If it was, then the *vox populi* should, in some measure, influence them. Now the voice of the country was quite opposed to the Bill. He thought the Bill had been before them sufficiently long. For his part he had had ample time to consider it, and he should certainly vote for the previous question. He was not one of those who considered that in no case should Boards have the expenditure of public money. He thought the Central Road Board a very fit body to have such control. For instance, the department of the Commissioner of Public Works was a Board, and having the control of its expenditure, and that Board had been found to work satisfactorily. Both for the working of the Central Road Board, and for the advantage of the country it would be very much better to settle the question at once.

Mr. BARBAGE said they had all their nostrums about the best way to effect the management of main roads. They had heard several that day, and he would now give his. He agreed with the principle of the Central Road Board, but thought it should be divided into four trusts for the four chief road districts, each trust to consist of three trustees, with a chairman at their head, to meet their own districts. They could then attend to the immediate local wants. In that way they could have four Boards of local trusts elected by the District Councils, presided over by some persons appointed by the Commissioner of Public Works. He quite agreed that the executive officer of the Central Road Board did not wish well with it. He knew of several instances where the engineer of a Board proposed an economical plan in opposition to the wishes of a Board. When he was engineer to the Board of the Port Railway, he laid down Barlow's rails under protest of the Board, and against their expressed wish. He mentioned that to show what difficulties engineers to Boards had sometimes to contend with. If the Government had proposed some modifications of the Central Road Board, he should vote for the previous question. He believed it was the almost unanimous wish of the House that the Government should withdraw the Bill and remodel it.

Mr. MARKS would certainly oppose the second reading of the Bill. The hon. the Commissioner of Crown Lands had contended that it would be a breach of faith for the Government to impose an additional tax on the

squatters Now, he contended that it would be an equal breach of faith to close up roads which adjoined land that had been bought up on the faith of such road being formed He thought that every interest in the colony which benefitted by the roads should be equitably taxed to maintain them He did hope that the Ministers would withdraw the Bill If they could not consistently give his vote to a measure which had been so materially altered until the country could consider the new provisions.

The TREASURER stated the reasons why a portion of the Bill was struck out It contained four principles, one of which the country was determined should not be passed, and that was struck out It was as to the imposition of taxes to maintain district roads Should the second reading of the Bill be rejected, it would have the effect of throwing it out altogether for this session Whereas, if they admitted the second reading, it would be in the power of hon members to suggest such amendments as they thought proper He would mention that quite half of the main lines that the Government proposed to maintain had been already made, that fact had been overlooked in the arguments of one hon member It was an important condition that the District Councils would only receive grants, on the condition of raising an equal amount If they depended on the general revenue, it was quite certain that for years to come, they could only vote £50,000 for the roads, and no permanent benefit could be derived from such a sum, unless it were spent on particular works, and that was what the Government now asked Their object was to prevent the public grant being frittered away instead of being employed for the advantage of the most urgent works With regard to the Central Road Board, it was not long ago that the general feeling was to abolish it, but the feeling had now changed, agitation had changed it He could not understand how the House could continue to affirm that an irresponsible Board should have the control of large public funds The Central Road Board was a deliberate rather an executive body Again, the system of allowing the District Chairmen to state and deliberate on the several wards of the district at the meetings of the Board, necessarily often resulted in giving preference of the most clamorous and noisy applicants Even these District Council Chairmen might have private interests unfavourable to their own districts He therefore affirmed the principle that the House itself had lately affirmed, that the expenditure of public money should be directly from themselves With regard to the reduction of the number of the main lines, he thought the proposed reduction did no injustice The roads still existed, although no longer main lines But that occurred every day—that main lines are so altered that they no longer passed land they did originally pass It did not follow that because a main line was declared, that a large sum of money should be expended on it Whereas, if money were frittered away amongst so many of them, the holders of land would be injured by reason of the country being injured All enactments were found to be injurious to some people, even the art of printing injured some people, but the principle he affirmed was, that they must not set aside the interest of the country for the interests of the few Still, he was not bound to any particular line, he merely affirmed the principle that they must first proceed to form great trunk lines He regretted that they had hitherto been induced to yield to the various claims for minor roads, whereby much money had been uselessly frittered away in thinly populated districts, for the future they were determined to make a stand, and he hoped the country would back them in altering that vicious system He held this principle to be an indispensable requisite of the Legislature, and if he could see how, he would rather compensate the claimants for minor roads than make their roads But

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he would say the Government did not wish to press the measure. (Hear, hear) The Government were willing to afford hon members all reasonable time to consider it But he must inform the younger members of that House what would be the result of passing the previous question, it was that the question would be thrown out for the session (No, no) He would say yes, so far as the Government were concerned He would again observe that amendments could be made in committee after the passing of the second reading. He would, therefore, press for the second reading, or else a postponement.

Mr DUNN said they had heard a great deal of raising money on false pretences, but he thought that to obtain money from country purchasers on the faith of making roads, and then failing to do so, was conduct which might be so characterised. He should vote for the previous question.

Mr BAGOT thought the remark of the Treasurer to the younger members of the House, was likely to mislead them The hon gentleman had said that the passing of the previous question would entirely set aside the Bill for the session. Now, he would instance the proceedings under the Postal Bill to the contrary. It appeared to him merely a method of postponing the measure He would vote for the previous question.

After some further discussion the question was put, which resulted in a majority of six against the second reading.

AYES, 9	NOES, 15
The Chief Secretary	Mr Babbage
The Attorney General	Mr Bagot
The Treasurer	Mr Blyth
Commissioner of Crown Lands	Mr. Dufield
Mr Burford.	Mr. Dunn
Mr Cole	Mr. Harvey
Mr Hallett	Mr Hay
Mr Peake	Mr Hughes
Mr Scammell.	Mr Krichauff
	Mr Marks
	Mr Mildred
	Mr Milne
	Mr. Reynolds
	Mr Waterhouse
	Mr Young

House adjourned until the following Tuesday.

LEGISLATIVE COUNCIL.

TUESDAY, AUGUST 11.

MESSAGE FROM THE GOVERNOR.

The President informed the House that he had received Message No 3 from his Excellency the Governor It was as follows:—

No 3 The Governor-in-Chief informs the Legislative Council, in reply to Address No. 3, of the 4th inst, that he has been advised that it would be unconstitutional for him, as representing the Crown, to interpose in any question of privilege which has arisen, or may arise, between the two branches of the Legislature, and that it would be a breach of the privileges of Parliament for the Law Officers of the Crown to give an opinion upon such a question, unless for the purpose of guiding the decision of the Government or Governor in any matter in which the exercise of the powers of either would be regulated by this opinion.

PETITION.

Mr Gwynne presented a petition from a number of the inhabitants of Kensington, praying that certain pro-

visions of the proposed new Marriage Act be rejected by the Council — Received, read, and ordered to be printed.

IMMIGRATION RESOLUTIONS

The COMMISSIONER OF PUBLIC WORKS stated that he was not in a position to proceed with the consideration of the immigration resolutions on the paper for that day, in consequence of the Ministry having found it necessary to tender their resignation, through not having been able to obtain a majority in the other House on several important measures which they had introduced. The Ministry at present merely held office for the purpose of keeping the business of the country in operation until his Excellency had made fresh arrangements. It was not necessary that he should explain the circumstances under which the result referred to had been brought about, and all that devolved upon him to do, was to express his personal acknowledgments to the Council for the courtesy which had upon all occasions been extended to him, and in doing so, he might take the opportunity to regret that, through unavoidable circumstances, there had not been more than one Minister of the Government in that Council—a circumstance which had been the cause of much inconvenience. (Hear, hear)

Mr BAKER, if permitted, would say a few words in reference to what had just been said by the hon. the Commissioner of Public Works, and first of all, he would express his great satisfaction at the manner in which the hon. gentleman retired from his post. He was of opinion that when a Ministry found themselves unable to carry on the business of the country they should retire with dignity, and that was what the hon. gentleman had done. (Hear, hear) He had not reported to recrimination, but had expressed his intentions in the most dignified manner. He (Mr Baker) was sure that there was but one feeling prevailing in that Council on the subject, and it was one of unmitigated satisfaction at the way in which the hon. gentleman had conducted the Government business in that House, and, although that hon. gentleman was now obliged to retire, he thought that if he again found himself in a position to take office, his doing so would be hailed with satisfaction by the public at large, as well as by that Council. He should follow the hon. gentleman's example, and not express any opinion adverse or otherwise with regard to the late Government, but he would say, without throwing any blame on the conduct of the Ministry, that if they had conducted themselves as the hon. gentleman who represented them in that House had done, the present resignation need not have happened. (Hear, hear)

Mr. FORSTER thought that it was necessary that some notice of motion for an adjournment should be given, in order that his Excellency might have time to take such measures as he might think fit for the formation of the New Ministry. He would, therefore, move that the Council do adjourn a week on its rising that day.

Mr ANGAS seconded the motion,

Carried.

RAILWAY AND TRAMWAY COMMITTEE.

The Report of the Committee was brought up and read.—The report was ordered to be printed.—Mr. Baker said he had intended to move that the report should be adopted on that day week, but in consequence of the adjournment he would postpone the notice.

The Council adjourned till 2 o'clock next Tuesday.

HOUSE OF ASSEMBLY.

TUESDAY, AUGUST 11.

PETITIONS

Mr. Blyth presented a petition from Richard Gilbert, farmer, of Port Elliot, asking that the laws of this province be rightly administered with reference to a certain impounding transaction.—Received and read.

Mr Waterhouse presented a petition, signed by many of the inhabitants of Kensington, against Mr Blyth's Marriage Law Amendment Bill.—Received and read.

RESIGNATION OF THE MINISTRY.

The CHIEF SECRETARY said, before he proceeded to the statement which he had no doubt would be expected from him that day, he would lay on the table certain returns with reference to public works. He had now to make an announcement for which the House was no doubt prepared. It was, that he, for his part and on the part of his colleagues, had tendered their resignation to his Excellency the previous evening. He had received their resignations, but they were not yet accepted. In the meantime, he would state to the House that they were no longer an acting Ministry. The motives of the Ministry in doing so must be evident—the want of confidence on the part of the House being the most prominent. The Electoral Law Amendment Bill was refused in a way which showed that the House would grant the Ministry no quarter. Then as to the Postal Bill, they were met with technical objections. Every obstacle had been interposed to prevent that Bill coming into operation. In spite of all that, the Bill had passed through Committee, then they were met by delays, and the Bill was finally thrown out. That was a Bill of vast importance to the country, and he hoped it would not be lost. He would say that those gentlemen who opposed the Bill were really opposing a scheme for direct communication. They had proposed no other tangible scheme whatever that could be realised in two or three years. That important measure had been thrown out by a side wind. The Government never expected that a Bill of that nature would be thrown out on the third reading. It was not, merely a discourtesy, it was an effect of faction. The two Bills, to which he had alluded, were a manifest proof that the House would not trust them in matters of management. Much had been said about the Government introducing the Postal Bill for the third reading before its order, now, the course they took was that which they invariably did with reference to Bills requiring a third reading. Then, with regard to the Road Bill, the measure was not one of management, it was one of principle. The Government had, in this case, to meet the difficulty which had so often come before them owing to the unnecessary number of main roads. He considered that the House had dishonestly interpreted the conduct of the Government.

Mr. WATERHOUSE rose to order.

The SPEAKER ruled that the words used were out of order.

The CHIEF SECRETARY would consider the words objected to as not used. He asserted that the Government had introduced the Road Bill in a form they believed to be a complete measure, but finding the country opposed to two of its principles, they had struck out the obnoxious parts. The rest of the Bill they presented in its entirety. With regard to the complaint of want of time to consider it, the Government expressed themselves willing to allow time, but that was not what the House wanted, they shelved the Bill by moving the previous question. Those were the chief reasons for the Government resigning, and, in doing

so, he considered that they had acted in accordance with their duty to the Constitution Act, after having lost the confidence of the House.

Mr WATERHOUSE was surprised at the course of the Chief Secretary, in attacking his opponents in such a manner. The hon gentleman had personally singled him out, and had accused him of discourtesy. Now, he would mention that on the question referred to, he merely supported the views which had been previously expressed by Mr Reynolds. He stated at the time he should vote against the third reading of the Bill, should the Government persevere in bringing on the measure out of its order. The hon gentleman had called the conduct of the opposition a ruse; but he thought the ruse was on the part of the Government. As to their conduct being factious, he would appeal to the feelings of the country on the subject. The question would probably soon be remitted to the country, and it would be then seen what was the general feeling in the matter. He would observe with regard to the new Ministry, that whatever it might consist of, he would not be one, and he would ever continue to persevere in his past policy, which was to support moderate measures. He would move that that the House on its rising, adjourn till that day week.

Mr HUGHES thought that the Ministry could not expect continued confidence from the House when they differed amongst themselves on so many important questions. He defended himself from any imputation of factious opposition.

Mr DUTTON said they had now come to a difficulty which they must have all foreseen, and there was no means of meeting that difficulty but by the resignation of the Ministers.

The discussion was continued, and resulted in Mr. Waterhouse's motion being carried to adjourn the House for one week to allow the formation of the new Ministry, and enable them to prepare their measure.

LEGISLATIVE COUNCIL.

TUESDAY, AUGUST 18.

THE FORMATION OF A MINISTRY.

Mr MORPHETT said he would take the liberty to ask the hon Mr Baker whether there was any truth in the current report that he had been sent for by His Excellency the Governor to form a Ministry.

Mr BAKER said he would give what information he could. He had had the honour of being sent for, and, having received His Excellency's commands to form a Ministry, which took place yesterday, he had proceeded to do so. But he was not yet in a position to make any further statement to the House with regard to the steps he had taken, and he would rest satisfied in answering the question put to him by saying that he had received His Excellency's commands to form a Ministry, and negotiations were now in progress for doing so. He might add one remark to this statement, and that was that the chief objects he had in view were to adjust the difference which existed between the two Houses, and to take further steps to amend the Electoral Law, so that if circumstances should render a dissolution necessary, the country might not be left in that unjust position which would result from so great a disfranchisement as would occur under the existing law. With regard to the question of privilege it would be very difficult—indeed, he might say, it would be impossible—for any Ministry to be formed that would stand whilst that question was still unsettled.

Mr MORPHETT would put one other question to the other hon gentleman. Seemg that he had stated that he had been requested by His Excellency to form a Ministry, he might be in a position to explain why the country was allowed to stand in its present anomalous position, having no Ministry at all. He believed that the constitutional form was that when a Ministry tendered their resignation, it was not accepted, or that they held office until their successors were appointed. In this instance it appeared that the Ministry sent in their resignation; then a short time elapsed, and then there was a *Gazette* notice to the effect that the resignation had been accepted. Yet there was no new Ministry, and consequently the country was left without any constitutional Government. That was a most anomalous and unconstitutional position for the country to be in, and he would be glad if the hon gentleman would explain why His Excellency was advised to gazette the notice of resignation before a new Ministry was formed.

Mr BAKER said the question put was a very natural one, and one which would occur to any person who took an interest in public affairs and watched the progress of events. He, himself, had seen that much inconvenience would arise, and he took upon himself, to point out to His Excellency at their first interview, when he asked His Excellency if the course adopted was the usual one, and expressed his fear that some inconvenience would arise, His Excellency then gave him an explanation, and, seeing that the question would no doubt arise, had also given him a minute, of which he (Mr Baker) would place the House in possession. It would appear that the resignations were sent in and received, and at that time His Excellency thought it would be best for the Ministry to hold office until a new one was appointed. Shortly afterwards some business required the attendance of the Ministry at the Executive Board, and His Excellency, thinking that they were still bound to attend and advise him as members of the Government, sent for them, but they refused to come, and then His Excellency thought there was nothing else to be done but to gazette the resignation. His Excellency thought they were bound to assist him whilst they were officers of the Government, and when they ceased to do so he gazetted the resignation. However, he would read a copy of the minute, so that there might be no mistake. It was as follows:—

“Mr Finnis—Having received from the Clerk of the Executive Council yesterday certain previously-adopted recommendations of the Ministry to some appointments which required the sanction of the Governor in Executive Council, and being also desirous that the current routine business of the colony should not be interrupted, I directed the Clerk to summon the members of the Executive Council to my presence. He soon afterwards informed me that Ministers had verbally declined obeying my summons, on the ground of it being indelicate in them, having tendered their resignations, to meet in Executive Council and offer any advice to the Governor.

“So long as the Ministers hold office they are *ex officio* Executive Councillors, and cannot strip themselves of the duty of obeying the Governor's summons to attend meetings of that body, though circumstances might make it as indelicate in them to offer as for the Governor to require advice on matters involving grave considerations of general policy.

“I had wished the holders of Ministerial office to remain in office till the appointment of their successors or the reconstruction of your own Ministry, nevertheless, a refusal so direct even in formal matters, in a capacity made by law inseparable from the tenure of office, convinces me that further hesitation to accept the tendered resignation of yourself and your colleagues

would establish a pernicious precedent, opposed to constitutional practice in England, and subversive of a positive enactment here

"I am, therefore, reluctantly compelled to accept at once the resignation of yourself and your colleagues. I cannot do so without assuring you that although thus forced to terminate our long official connection, I am fully sensible of the zeal, integrity, and ability to promote the public interests which have been so continuously manifested by yourself and your colleagues during that period, and I beg you will convey this assurance to them.

"RICHARD GRAVES MACDONNELL,
"Governor.

"August 12, 1857"

That was all the explanation that he had to offer

Mr DAVENPORT said that reference having been made to the subject on which the hon Mr Baker had read a minute, it was not his duty to remain quiet. But he felt that he was in a very delicate position in having to remark upon any matter connected with a minute from the Governor. However, his motives were honest, and if, in his words, he were carried beyond the proper limits, he should be most happy to make any apology for it. He felt bound to say, as a member of the late Ministry, that though he might not be so well acquainted as he should be with the constitutional history of Great Britain, he still believed that he had done his duty honestly. And he said that, as one of the Ministry, with all respect to His Excellency, with regard to constitutional usages, if he had failed to recognise what was right, and it was shown him that he had done so, he was willing to apologise and make good his error, for, if he had failed in his proper duty, it was through ignorance, and that must be his excuse. In the minute, he would remark, it was stated that they were requested to attend, and that they sent back a verbal reply. Now the appeal to the Ministry was a verbal appeal, and came through the Under Secretary or the Secretary of the Executive Council, so that the impression which would be produced by saying it was a "verbal reply" would be lessened if it were considered that the request was verbal also.

Mr BAKER would ask the hon gentleman whether or not it was usual for the summons to be verbal?

Mr DAVENPORT said it was usual for them to be in writing, and to the best of his belief he had never received one verbally. But he would say, wrong or not wrong, the impression on his mind which led him to decline attending was, that as he had, with the other Ministers, constitutionally resigned; he considered he was put out of position to give responsible advice to His Excellency. His idea of the meaning of our present form of Government was that it should be carried on by responsible Ministers only, and when he (Mr Davenport) ceased to be one of those Ministers, he thought he was incapable of tendering advice which he was not any longer responsible for. He felt bound to make this explanation, and he would add that when the resignations were tendered it was stated distinctly that the Ministers were anxious to carry on the mere formal duties of Government until His Excellency had appointed another Ministry.

Mr BAKER said it was not necessary to discuss the subject, but it was only fair to His Excellency to state that the minute said—what had been contradicted—that the business for which the Ministry were required was "certain previous-adopted recommendations of the Ministry with reference to appointments." These were, he believed, appointments of Justices of the Peace. He made this remark because His Excellency was not represented in the Council, and he felt that the fullest

explanation should be given because an impression had gone abroad that His Excellency had acted hastily in gazetted the resignations.

Mr MORPHEE moved that the memorandum read by the hon Mr Baker be entered in the journals of the House and printed. He thought it was only fair to His Excellency that the paper in question should go to the country in order that the public might see that the course adopted by His Excellency was a satisfactory one, for before this explanation many persons had thought it questionable.

Captain BAGOT seconded the motion, which was put and carried.

Mr BAKER would move the adjournment of the House for one week, in order that time might be allowed for the formation of a Ministry consisting of himself and some other persons.

The motion was agreed to, and the House adjourned till the following Tuesday.

HOUSE OF ASSEMBLY.

TUESDAY, AUGUST 13.

PETITION.

Mr Scammell presented a petition from certain of the inhabitants of Brompton, Bowden, and Hindmarsh, praying that a level-crossing might be made over the Adelaide and Port Railway at Drayton-street.—Received and read.

NOTICE OF MOTION.

Mr Waterhouse gave notice that on the first day the Council meets he would move that the various notices of motion on the last notice-paper be taken in their order.

THE MINISTRY.

Mr WATERHOUSE said he had been requested by His Excellency to move that the House on its rising do adjourn for another week. His Excellency had requested him to state that such a course was rendered necessary in order to form a fresh Ministry, his efforts not having been successful. He (Mr Waterhouse) had received His Excellency's commands on Wednesday last to attend, but in consequence of illness under which he was suffering at the time, he had been unable to comply at once, and delay had consequently taken place. Since then he believed that His Excellency had placed himself in communication with another gentleman, the result of which he was not in a position to inform the House, except that in order to mature such an arrangement, His Excellency wanted a fresh adjournment for another week. His own reasons for declining to join or take office in a new Ministry would not be out of order, perhaps, if stated on the present occasion. It would be with the recollection of the House that about two months since, he stated his intention not to accept office, should a new Ministry be required. That statement having been deliberately made, he should adhere to it, and although the change in the Ministry had taken place sooner than could have been reasonably anticipated, he had intimated to His Excellency that such was his determination. Again, he did not consider that the fact of opposing the measures of a Ministry necessarily pledged any hon member so opposing to take part in any new Ministry that might be formed on the resignation of the former. The fact of opposition to one Government did not necessarily imply that an hon member should form one of their successors. Consistently with his desire to do his duty to

his constituents, he did not feel himself bound to accept office at all hazards, because so situated. If such a course were to be expected from hon members, as a consequence of differing from a Government, it would deprive them of that freedom of action which was essential. There was no positive demand of him to take office and having previously stated his objections to enter office; he now reiterated his intention to adhere to his expressed determination. He did not stand up on behalf of any Ministry, but simply at His Excellency's request to move that the House on its rising do adjourn till that day week.

Mr HANSON would say a few words before the question of an adjournment was put. He felt it his duty to say on the present occasion that he thought that the freedom of action which the hon member for East Torrens claimed for himself was inconsistent with the proper performance of his duty to his constituents. Hon members should be prepared, if circumstances required it, to submit themselves to the trammels of office. He did not pronounce any opinion as to the line of conduct adopted by that hon member, but he protested against the principle enunciated by him.

Mr BAGOT expressed his regret that the previous speakers had not given the House any explanation of the position in which the House was now placed. It was important to have some explanation of the reason why no representatives of the Crown were present. At home it was not usual to accept the resignation of a Ministry until another was formed, he therefore requested some explanation of the unusual form of proceeding.

Mr NEALES, as an independent member of the House, felt very dissatisfied with the present state of affairs. They ought to have been told why their position was such as they now found it. Eight days had elapsed, and yet they had no information as to whether a Ministry had been formed or even called. They did not assemble to hear a blank statement. Either the late Ministers had retired with too great haste, or their resignations had been too readily accepted.

Mr HUGHES concurred with the last speaker. He pointed out the great inconvenience to public business, owing to the absence of public officers.

Mr. REYNOLDS joined in protesting against the trifling conduct which had been manifested towards that House. No satisfactory explanations had been given either by members of the late Ministry or by the gentleman who appeared as the speaker for his Excellency. There was a rumour out of doors that a certain hon member of the Upper House had been called on to form a Ministry last Saturday, and yet even up to the present time that gentleman had not given an answer. That was trifling with that House and the country. Again, was that House prepared to have a Chief Secretary in the other House. He could not help thinking that if that gentleman did form a Ministry it would be a very mushroom one.

Mr. WATFHOUSE thought the expression of trifling with the House was uncalled for. He would repeat that his Excellency had requested him to ask of the House a further adjournment, to enable him to form a Ministry. Hon members seemed to think that he knew more of the matter than he really did. He was not in a position to state whether there was a Ministry or not at the present time. What had been done by another gentleman he could not say. All he knew was that there was no Ministry early that morning. When a Ministry was formed, it would be their duty to give full explanations. With regard to the informa-

tion called for by the hon member for Light, he did not think it a proper time to bring it forward.

Mr HANSON said he thought there had been a grave irregularity in the introduction of his Excellency at all. The hon member for East Torrens had done that which was inconsistent with the rules of debate, but he (Mr Hanson) thought he had done right in refusing to give further explanation. At the present time it would be premature to do so.

Mr FINNISS said that the late Ministry had offered, after their resignations had been accepted, to act until a new Ministry was formed, but that the offer had been declined.

The motion was carried, and the House adjourned for a week.

LEGISLATIVE COUNCIL.

TUESDAY, AUGUST 25

THE NEW MINISTRY.

The CHIEF SECRETARY said if there was no other business before the House, he would take the opportunity of informing the House that he had been commissioned by his Excellency to form a Ministry, and that he had succeeded in the attempt. In doing so some delay had arisen from the difference which had lately existed between the two branches of the Legislature. Having now succeeded, he would state that the sole policy of the new Ministry would be to settle the difference which existed between the two Houses, and to introduce an Act which, by amending the electoral law, would give the means of voting to those districts which had become disfranchised, and to the electors who had been struck off the existing roll. Until this great difference had been settled, he believed that it would be impossible for any Ministry to carry on the Government of the colony. If they succeeded in settling that question, they would be prepared to go on with other important measures, or give up the reins of power to others. Should the Ministry be unable to settle the difference, they would recommend an appeal to the country, because that would settle it. What he would suggest, and what he believed the House would assent to, was that a conference should be asked with the House of Assembly, and if they did not succeed, he hoped they would not be condemned for resorting to what may be deemed an irregular course, while knowing themselves to be in the right. He believed the difference was one more of imagination than reality, and that it was more a question of conducting their business than a question of privilege. He would, therefore, regard this as a matter of privilege, and at once move that a conference be asked for with the House of Assembly, and that the resolutions previously passed by the Council be forwarded to that House. He then proposed—That the adjustment of the difference of opinion now existing between the two Houses of Parliament as to the construction to be put on the Constitution Act, so far as it relates to the dealing with money Bills, is of such vital importance to the interests of the province, as to justify this Council in requesting a conference with the House of Assembly upon these differences.

The ATTORNEY-GENERAL seconded the motion.

The House went into Committee, and the resolution was carried.

The CHIEF SECRETARY moved the next resolution:—That the resolution of this Council, adopted on the 6th August, be forwarded by message to the House of As-

sembly, and that a conference be requested thereon in terms of No. 12 of the said resolution.

Carried.

The CHIEF SECRETARY proposed that the subjoined resolution, defining the nature of money Bills, be adopted, and in doing so he would remark that he believed the resolution was definite enough, because if any doubt were left it might be settled in conference:—That the Council further declares its opinion that all Bills, the object of which shall be to raise money, whether by way of Loan or otherwise, or to warrant the expenditure of any portion of the same, shall be held to be money Bills.

Mr. DAVENPORT would submit whether it would not avoid confusion to refer in the resolution to the existing definition of a money Bill in the Constitution Act.

The CHIEF SECRETARY would be happy to consider any suggestion by way of amendment that might be proposed, but he would observe that it would be the policy of the new Ministry not to reply to any remarks with reference to their part in the passing of the Constitution Act.

Mr. DAVENPORT stated that he was not at all desirous to refer to past discussions. He would move the following amendment—That it be an object of such conference to determine what is the definition of a money Bill under prov. so of 1st clause of the Act.

The CHIEF SECRETARY objected to the amendment. His own resolution was to define what a money Bill was, and the amendment would throw the burthen of doing so upon somebody else.

The amendment was not seconded, and the motion was carried.

The CHIEF SECRETARY moved the next resolution—That it shall be competent for this Council to suggest any alteration in any such Bill, and in case of such suggestions not being agreed to by the House of Assembly, it shall be referred to this Council for reconsideration, in which case the Bill shall either be assented to or rejected by this Council as originally passed by the House of Assembly.

Mr. DAVENPORT would not make any further amendment to the question, as his views had already been sufficiently expressed.

Captain BAGOT proposed, as an amendment, that in appropriation Bills the Council should have the power to suggest alterations in all items under the head of "Public Works and Improvements."

Mr. MORPHETT seconded the amendment.

The CHIEF SECRETARY, in answer to Mr. Hall, explained that it was not intended by the resolution that the Council should have the power to deal with the territorial revenue.

Captain HALL would then oppose it, because he believed the right to deal with that revenue the most important of their powers. He would propose an amendment to that effect.

The resolution with Captain Bagot's amendment was passed.

The COLONIAL SECRETARY proposed the next resolution.—That this Council, whilst claiming the full

right to deal with the monetary affairs of the province, does not consider it desirable to enforce its right to deal with the details of the ordinary annual expenses of the Government. That on the Appropriation Bill in the usual form being submitted to this Council, this Council shall, if any clause therein appear objectionable, demand a conference with the House of Assembly to state the objections of this Council, and receive information.

The ATTORNEY-GENERAL seconded the motion, which was passed with a slight alteration suggested by Mr. Morphett.

The CHIEF SECRETARY moved.—That a message be conveyed from this Council, requesting that a conference be granted to this Council in reference to the powers of the two Houses in respect to money Bills, with a view to arranging a mode of exercising those powers which shall conduce to the furtherance of public business without compromising the constitutional right of either branch of the Legislature, accompanied by the resolutions passed by the Council on the 6th August, and those passed this day; and that Messrs Gwynne, Morphett, and Forster be managers of this conference on behalf of this Council.

Agreed to.

SOLICITOR-GENERAL.

Mr. Morphett asked the Chief Secretary whether the appointment of Solicitor-General was under the Constitution Act? He was desirous of knowing under what authority the appointment was made.—The Chief Secretary said the appointment was made with the sanction and advice of the Ministry. As to the power of making the appointment, he was aware of nothing in the Act which prevented it.

ELECTORAL ACT.

The Attorney-General laid on the table a Bill to amend the Electoral Act.—The President said notice must first be given.—The Attorney-General then addressed himself to the Council in stating the grand object of the new Ministry, which was to bring about a settlement between the two Houses of Legislature, and to prevent the Constitution Act becoming a great sham, to prevent its being destructive to the best interests of the colony.

HOUSE OF ASSEMBLY.

TUESDAY, AUGUST 25.

PRIVILEGE.

Mr. HANSON called the attention of the House to a point which he considered of great importance. There was a stranger in the House. By the Constitution Act of 1855, it provided that any member accepting office as a public officer, with profit for such duties, his seat became thereby vacant. Now, he saw that Mr. Bagot had taken his seat. By a notice in the *Gazette* he saw that gentleman had been appointed by His Excellency as Solicitor-General, the appointment being without salary, but the clause was not affected by the consideration of salary. The fact of drawing no salary did not prevent the office being one of profit. The question was simply whether the office was one of profit in itself, and he thought that no one would deny that. Now, this was a new appointment, and he did not know on what authority it was made. Even Her Majesty could create no new office, excepting by the sanction of the Legislature. This appointment of Solicitor-General must, therefore, have been made in accordance with a custom established in England. The appointment as Solicitor-General imposed certain duties

which involved the receipt of certain fees, and there was no doubt that the office was one of considerable emolument. He, therefore, called the attention of the Speaker to the fact that a stranger was in the House, that Mr Bagot, formerly member for Light, was now no longer so.

The SPEAKER considered that the fact of Mr. Bagot accepting an office of profit rendered his seat vacant, but it was for the House to declare it.

Mr. BAGOT said it was the privilege of every Englishman to defend himself when attacked. The hon gentleman appeared to think that there was some analogy between the Solicitor-Generalship here and in England. But it ought to be remembered that they were there under a written constitution. He agreed with the written interpretation given of the Act, but he joined issue on the statement that the appointment was one of profit. The hon. gentleman's argument appeared to him very flimsy. He remembered when the hon. gentleman had asserted in that House that all fees he received in his private practice had nothing to do with his public appointment as Attorney-General. Now he (Mr Bagot) would not obtain a sixpence from his appointment. His public duties were merely those of a legal adviser to the Government and the House. If the argument used were allowed, it would be considered much more immediately affecting his friends on his right and left (the Treasurer and the Commissioner of Public Works). Should the House, by any resolution, decide that he had not the right to sit there, he was perfectly willing that the country should judge between them. The motion had a direct tendency to embarrass the Ministry by a side-wind.

Mr HUGHES regretted that a more definite explanation had not been given of the duties of the Solicitor-General. If the duties were merely those of advising the Executive and the House, then the appointment was merely superfluous. It appeared to him that a knowledge of the law would be as useful to the Commissioner of Crown Lands as a knowledge of the wine and spirit trade. (Laughter)

The TREASURER rose to order.

The SPEAKER ruled that the hon. gentleman was in order.

Mr HUGHES said the strongest analogy he could see between the present position of the Treasurer and his position on a late occasion, might be expressed in his own language, the point of which was the allegory of Balaam's ass. (Laughter)

Mr REYNOLDS said it was always understood that the office of Solicitor-General was one of emolument. In a previous Legislature it was intended to attach to the office of Solicitor-General a salary of £700 or £800 a year. He thought that the conduct of the hon the Solicitor-General was that of a gentleman, who, by a side wind, wished to get into an office of emolument.

Mr NFALES objected, on principle, to creating an office to which no emolument was attached. The precedent would be productive of much danger to the liberty of the Constitution.

Mr FINNISS considered this conduct on the part of the Executive a most unwarrantable act. In the constitution of the present Ministry he saw men who had publicly pledged themselves in opposition to responsible government, and he now saw that their first act was opposed to responsible government. The members of the Cabinet had been increased, and on the same principle, he did not see why the majority in the House

might not be appointed to the Cabinet. The principle it involved was exceedingly dangerous. Such a Cabinet would have the power to overthrow responsible government. They could advise the Government and rule the House. If they merely delayed carrying out the Constitution Act, they could altogether neutralise its effect. He hoped, therefore, that the House would not allow the first blow to be struck at constitutional government.

In answer to Mr. Blyth,

The SPEAKER said it was for the House to decide whether the office of Solicitor-General was one of emolument. It appeared to him that it would be better for the House to appoint a committee to consider the matter.

Mr. BLYTH said that it was both the belief of himself and his colleagues that the appointment of Solicitor-General did not involve any profit. He quite agreed that it would be better to appoint a committee. Still, he was pleased to see that the case was not rendered personal. The question was simply whether the office was one of profit and emolument. He could most emphatically say it was not. It would be found at no distant day that it would be very advisable to have a legal officer to advise, who would not be influenced by salary.

Mr. HANSON moved that a vacancy has occurred in this House by reason of the acceptance of the office of Solicitor-General by John Tuthill Bagot, late member for Light. The question was not whether Mr Bagot was to have any emolument, he had no doubt that it was the intention of Mr Bagot not to accept profit directly or indirectly. But the question was whether the office of Solicitor-General was one of profit, and he would say unhesitatingly it was.

Mr BURFORD seconded the motion. He considered the hon. the Solicitor-General was there in the character of draughtsman to the House, to draw out Bills so that members could express their own minds. It was preposterous to suppose that Mr. Bagot would perform such duties without emolument.

Mr. HUGHES moved, as an amendment, that the House appoint a Select Committee to enquire into the duties of the office of Solicitor-General, and as to emolument.

Mr HAY seconded. He thought they were bound to take the statement of Mr Bagot. It might as well be said that profit was attached to the appointment of J.P., which some gentlemen had received.

Mr. YOUNG supported the motion of the hon member for the City (Mr Hanson), because he considered that the appointment of an additional member on the Treasury benches was an infringement of the Constitution. He considered it was only his duty as an humble individual to stand up for the rights of the people, which the present movement tended to reduce to nothingness and insignificance. He had intended to support the new Ministry, but this new element in it he objected to *in toto*.

The TREASURER, in explanation, said that, owing to circumstances, it was impossible for them to have a legal officer in that House without the appointment of Solicitor-General. That appointment had been offered to the hon. Mr Gwynne by the late Ministry. He considered that the present Cabinet had merely followed out that useful hint which they had now taken advantage of. He would point out that the very *Gazette* notice of the appointment of the Solicitor-General

decided that there was no salary attached to the office. On the very face of the question there would be no ground in support of the argument raised by the member for the City. It appeared to him that the chief object of the opposition was to embarrass the Ministry before they had time to put forward their programme. Should the opposition be followed out in the same spirit it would necessitate the resignation of the present Cabinet. He would support the motion for the select committee. With reference to the appointment, there could be no question but that it would be necessary to have a legal officer in the House. He would again say that such was the view of the late Ministry.

Mr. TORRENS said that many arguments had been used to show that no salary was attached to the office of Solicitor-General, who had carefully avoided the consideration of emoluments. Now, it was known that certain emoluments and unconsidered trifles might occasionally fall in, which the hon. gentleman would be unconscious of, for instance, through his clerk. The fact was that the hon. gentleman could not help benefitting by emoluments. The very honorary office, to which term the hon. gentleman laid such claim, would be productive of emoluments as necessarily following such public appointment. The case was very plain that it would lead to business, that position was not to be controverted. He therefore could not see the necessity of a Select Committee. It would be a pure waste of time, as the House was now fully competent to judge. The point was not whether it was improper of the late Ministry to propose to make the appointment of Solicitor-General. The question was, had the acceptor vacated his seat or not. The question was, was that seat vacated by the hon. gentleman accepting an office of profit. With respect to the assertion of the Treasurer that the late Ministry offered the appointment—

The TREASURER rose to explain.

Mr. TORRENS would assert that the late Ministry never offered that appointment of Solicitor-General to Mr. Gwynne or to any other gentleman. He was aware that Mr. Gwynne had been sounded on the subject. He would distinctly assert that the question never came before the late Cabinet, although a single member might have entertained such an idea. He was not prepared to say, if the question had come before the Cabinet, that it would not have been decided on, but he would assert that if Mr. Gwynne had been appointed by them, he would have had to vacate his seat. It was not factious on the part of the House to express its opinion, still, he would say, the fewer allusions made in that House tending to shake the character of the Bench the better, and he, therefore, regretted some remarks which had been used by the hon. member for Gumeracha. He could not support the amendment. In conclusion, he would reiterate that the real question before the House was whether Mr. Bagot should vacate his seat or not.

Mr. BAGOT regretted to see the spirit in which the late Treasurer had spoken to the question. He could understand that that gentleman having held office for several years with pay, would not like an honorary office. But he (Mr. Bagot) acted for the good of the country. (Laughter.) He was a different sort of man, and, if the House supported him, he hoped to have full opportunity of bringing forward measures beneficial to the country, even although not in the receipt of a salary. There was his quarrelsome friend, the member for Sturt. Now, he would tell that hon. gentleman that he was more capable of seeking emoluments by a side-wind than he (Mr. Bagot) was. He was prepared to act for the good of his country

(Applause, ironical, in the gallery.)

The SPEAKER mentioned that if any further interruption proceeded from the gallery, he would order that part of the House to be cleared.

Mr. BAGOT would hope that the rights of the people were dear to every member of the House. The hon. member for Noarlunga had spoken at length about the rights of the people. Now, he would read the Act relative to their rights. (He did so.) Now, if any member would get up and deliberately state that the office of Solicitor-General was really one of profit and pension—(hear, hear)—he would willingly resign. Why, the argument was flimsy, and he never could have expected it, except by way of opposition from the late Government. Rather than an office of emolument, it would, to a certain degree, interfere with his own business. Without the wish of the House the appointment could never be attended by profit and pension. He trusted that the common sense of the House would see that the question could be only brought forward for the purpose of embarrassing the new Ministry. (Oh, oh.) And who were the leaders but the late Ministry, who were afraid of the policy of the new Ministry—(No, no)—and who considered that they were the only fit rulers of the people. The late Ministry knew that if the question that was before the House was carried, not only he would resign, but that the rest of the Ministry would do so. When they saw the ominous combination of the late Attorney-General and the late Treasurer—who wished to be Treasurer again—directing their forces in support of such a flimsy argument, their intention was but too evident to the House. He would say that Responsible Government should never suffer at his hands. Had the hon. Mr. Finnis had his way, they would never have had Responsible Government, and he looked with great suspicion on his recent change of opinion. He challenged the House to show that he had ever changed his opinion. (Oh, oh.) He cared not for the sneers of hon. gentlemen, and he would maintain that in his present appointment, should the House confirm him in it, he would continue to maintain the constitutional views he had ever expressed. He did hope that the House would not inflict such a blow on Responsible Government as the present question involved.

Mr. TORRENS explained that all his observations had proceeded impromptu, and from the feeling of the moment. He denied that there was any combination to oppose the new Ministry.

Mr. REYNOLDS entered most heartily into the opposition even though it might be inferred that he formed part of the ominous combination. He would again repeat that the course adopted by the hon. Mr. Bagot looked like getting into office by a side-wind. Why did he say so, and why was he opposed to the hon. gentlemen with whom he might say he walked in sweet political council—(laughter)—but because the hon. gentleman had deserted his cause, and that both he and the gentlemen at his left had acted a treacherous part. Now, he would mention a little secret. Not many days since, the hon. Mr. Bagot urged an hon. gentleman not to join the new Ministry, on the ground that he could not do so consistently with his political reputation, and yet only two or three days afterwards Mr. Bagot himself accepted office under the same Ministry. Why did he do so, no doubt he sacrificed himself to the good of his country, with a view to save his hon. friend Mr. Hanson, whose character was at stake. What were they to infer, but that hon. gentleman (Mr. Bagot) had no political character to stake. He hoped that the magnanimity of the hon. gentleman, in sacrificing himself to office, would be gratefully remembered by an admiring posterity. It might be advisable to adjourn the debate for two or three days for the hon. gentleman to consider the propriety of resigning. He

would support the motion of Mr Hanson if pressed. With regard to the amendment, he viewed it as shelving the question

Mr BAGOT alluded to certain language of the hon member for the Sturt, as "a coarse sort of Billingsgate"

Mr. REYNOLDS asked that the words be taken down.

Mr BAGOT would withdraw them if offensive.

Mr HANSON agreed with the propriety of an adjournment of the debate, and would support a motion to that effect

Mr BAGOT would willingly withdraw his language, if offensive. But he would still say the hon gentleman had accused him of an act of which he would unhesitatingly assert he was not guilty. Some days since the hon Mr Hanson had done him the honour to send for him. He went there, and found several hon members present. He was rather late in arriving, and when he went in the hon Mr Hanson said to him—"Do you think I should join Mr Baker's Ministry?" He replied—"What is Mr Baker's policy?" Mr Hanson, with that inimitable shrug of the shoulders peculiar to him, said—"We all know what Mr Baker's policy is." He (Mr Bagot) then said he thought that Mr Hanson would lose votes by joining. He was informed that there was another political meeting of members at the hon Mr Hanson's office, at which he was not present, nor was he asked. He considered that he was not bound to act either way. He subsequently consented to join Mr Baker merely until the great question of privilege was settled, and then it was his intention to immediately resign. He would again assert that he felt entirely exonerated even from any implied pledge or course of action to the hon Mr. Hanson.

Mr HANSON had no complaint to make of the hon. Mr Bagot. He stated to that hon member, as well as to others, at the meeting referred to, that he was pleased at receiving their advice. His remarks would equally apply to the Commissioner of Public Works. So far he disclaimed any intention of accusing the hon gentleman of any discourtesy towards himself. But, on the other hand, he would say nothing could exceed his surprise and incredulity at hearing that those hon gentlemen had accepted office, and having heard their expressed opinions in the House and at that meeting.

On the motion of Mr. Andrews, the debate was adjourned till Friday next.

FRANCHISE

The Treasurer laid on the table a Bill to restore the franchise to electors who did not vote at the late election.

MINISTERIAL POLICY.

The TREASURER said it was his duty to make a statement on the subject of the Ministerial policy. The great object was to settle the dispute which existed between the two Houses of Legislature. That was a most important matter, and absolutely essential to the government of the country. The people had a right to expect a speedy settlement of the dispute. No public business could be carried on until that settlement was effected. If they waited for further cause of discussion to arise, the breach might become irreparable, and it was in the hope that, having a strong party in the Upper House, together with the strong opinions held by its members as to the privileges of the House of Assembly that the present Ministry hoped to settle

the question. He had been the seconder of the late Chief Secretary's motion, asserting the privileges of that House, and he accepted office in the hope of establishing the principles he then asserted. He hoped that by a moderate but firm expression of those opinions—by a studious avoidance of anything calculated to excite angry feelings—that the much desired object might be accomplished. Should they be so fortunate as to establish the question of privilege upon a certain basis, a great benefit would be conferred upon the country, which he was satisfied the House and the country would not be slow to acknowledge. That was the only policy which he could at present shadow forth. While the conference would be sitting, the only measure that could be brought forward would be that for the restoration of the franchise. When the privilege question was settled, he believed they would be able to place before the House measures that would meet with its support, if not, they would be happy to resign the reins of Government into other hands. In such case he trusted that he would rather imitate the conduct and language of the late Treasurer than that of another member of the late Ministry. It had been said that he was an enemy of Responsible Government, but he would say that he was an enemy of no measure that had become law. He had always, when the battle was lost, known how to give in as gracefully as any other man. He thought the fact of his having taken office was a proof of his desire to give effect to responsible Government. If the object he had in view was not carried out, they would have the two Houses in antagonism, and it should be borne in mind that they could not suddenly get rid of the Upper House. The House of Assembly should not let any plan pass by which the question could be settled without sacrificing their own privileges. If the propositions made by that House were agreed to, the matter would be settled, if not, the question would be reduced to its narrowest point—the actual differences between the two Houses set forth distinctly—and then they could go to the country upon that issue. There had not been time since the formation of the Ministry to discuss measures of general policy. He might say, however, that it was not intended to oppose those works which the House had decided on. The Gawler Railway Extension Bill would meet with no opposition from him. He opposed it, but the House having decided the question, it only remained for him to make the necessary financial arrangements to carry out the wish of the House. He could not say more at that moment, beyond that it was probable a conference would be demanded by the other House, and he trusted that no opposition would be thrown in the way of the so much to be desired arrangement. He moved that the House, on rising, do adjourn until the next day, at one o'clock.

Mr FINNISS expressed his conviction that there was some lurking compromise dangerous to the privileges of that House, under the Ministerial scheme for the settlement of the question.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

The Clerk of the Legislative Council handed in the Message with reference to a conference with that House.—The Treasurer moved that it should be printed.—The Speaker put the question, which was carried.

RAILWAY AND TRAMWAY REPORT.

Mr. HAY moved that a message be sent to the Legislative Council, requesting copies for the use of members of the House of Assembly of any report on the subject of railways and tramways, which might be in the possession of the Legislative Council.—Carried.

LEGISLATIVE COUNCIL.

WEDNESDAY, AUGUST 26.

THE ELECTORAL LAW.

The Attorney-General moved the suspension of the Standing Orders, in order that he might lay before the House a Bill intended to restore the franchise to persons who had been deprived of it by the present Act.

The Standing Orders were suspended, and the Bill read a first and second time.—The first and only clause passed in Committee.

The House adjourned till the following Tuesday.

HOUSE OF ASSEMBLY.

WEDNESDAY, AUGUST 26.

NOTICE OF MOTION

The Treasurer gave notice that, on the following day, he would move the request of the Legislative Council conveyed at the previous meeting be acceded to.

STEAM POSTAL COMMUNICATION

The Treasurer laid on the table various correspondence relative to Steam Postal Communication with England, including letters from the hon John Baker, Chief Secretary, the right Hon H Labouchere, and the Adelaide Harbour Master. The letters were received and read, and ordered to be printed.

APPROPRIATION ACTS

Mr Hanson asked the Treasurer if the Government intended to introduce the Appropriation Acts but after some observations from Mr Hughes and the Solicitor-General, who complained that the course was unfair, Mr Hanson gave notice that he would ask the question on the following day.

STEAM POSTAL BILL.

Mr Finnis asked the hon the Treasurer when he intended moving the third reading of the Steam Postal Bill?—The Treasurer said, beyond the correspondence which had been read, he believed he might say that the present Cabinet would not proceed further with the question. They did not intend to proceed with the third reading of the Steam Postal Bill, believing that in that respect they represented the views of the House.

GAWLER RAILWAY BILL.

Mr. Finnis asked the hon the Commissioner of Public Works when he intended to move the third reading of the Gawler Railway Bill?—The Commissioner of Public Works would give a distinct explanation in a fortnight.

WANT OF CONFIDENCE IN THE MINISTRY.

Mr TORRENS, in moving a want of confidence in the Ministry, said he was well aware of the feelings that would be excited—the calumny which would be directed against him. But he was actuated by a conviction that the rights and privileges of the people of South Australia were unsafe in the hands of the present Ministry for a single hour. He denied that his opposition was in the least degree factious, he had no intention to retard the business of the country, or damage its welfare. But in this case, he had no faith in the political reputation of those who held the reins of power, and he, therefore, considered it his duty to attempt to wrest such power out of their hands. They had been informed yesterday that certain Ministers had taken office for the simple purpose of removing a certain difficulty existing between the two Houses. Now, it was simply for the reason that he wished to settle the difficulty, that he wished to take the management out of

their hands. For an untried person to attempt what was confessedly the most difficult point which had arisen in this colony, was a delusion. He was astonished that untried men had assigned that as a reason for taking office. He did not believe that the measure was in the best hands, and he could not persuade himself that the Chief Secretary was the proper man to lead to such a settlement. The hon the Chief Secretary had stated that the point must be maintained in the conference which the House of Assembly denied to it—

The TREASURER said it was not fair to take an extract uttered before the formation of the present Ministry.

Mr TORRENS said his object was to show that the Ministers were politically untrustworthy, and the explanation of the hon gentleman confirmed him in his view of the time-serving policy of the hon the Chief Secretary. He did not think that the hon. the Treasurer had improved his position. He then read various extracts from the Chief Secretary's speeches on the privilege question. He observed that in those speeches were foreshadowed the policy of Mr Baker's Ministry, and now that policy was attempted to be carried out, and it would be if the House allowed itself to be cajoled as the Ministry had been. If the members of the Ministry had been cajoled, they were political renegades. He spoke with authority for what he said, that the Ministers were not the only persons who had been cajoled, by the plea of rushing to the support of his Excellency, and of rallying around him. That cajolery had been practised on his hon friend to the right (Mr. Hughes). The fact of the Ministers allowing themselves to be cajoled was so evident, that he, for his part, unhesitatingly believed that they could not be entrusted with the management of this affair, and he had at once opposed them. He would not have done so had it not been that this vital question had to be settled. Who was the cause of all this? Why there was not a man from Point Nepean to Cape Jarvis who would say that it was not Mr John Baker. He was the man who had originated this difficulty. On every occasion he had been the stirrer up of strife—the cause of all misunderstanding. Now, he had heard, as a specific cure, that a wound from a burn should be held to the fire till it was nearly roasted. That was the only way in which he could account for the hon gentleman being thrust on them. He was sure that the hon gentlemen of the Upper House would show no aversion to come to an amicable arrangement. He looked to their known patriotism, but not to the cajoleries of Mr. John Baker. He had already stated that he had no faith in the political reputation of the gentlemen who sat opposite to him. Those gentlemen had warmly expressed themselves in favour of the extension of public works, yet they had now joined a member who had avowedly opposed the extension of such works. He looked on those gentlemen as mere babes in the hands of the Chief Secretary. They were a nice batch, and it was clear had been effectually mesmerised by the hon. the Chief Secretary. He would now wish to rouse the House to a sense of the imminent danger to which the country was exposed. Let them not despise the power of the Chief Secretary. Deeply did he regret that those talents had not been exerted for the benefit of the country. The whole of his political career, with but one instance to the contrary, showed that he could not be trusted. Who could say that the hon gentlemen of the Ministry, to save their seats would not put the country to the expense of a fresh election, and thereby retain the reins of power in their hands for an indefinite period. He then moved a vote of want of confidence in the present Ministry, and that an address be forthwith presented to his Excellency embodying the views of the House.

Mr. REYNOLDS most cordially and warmly supported

the motion. It was not from any factious opposition. It was well understood that the present Ministry could not remain in office long. Was it from their incongruous elements? He could well understand their appeal to the House yesterday, "Oh, do give us a hearing" (Laughter). Now, knowing the miserable position of the hon. gentlemen of the Ministry at the present moment, he would take pity on them, and attempt to remove the cause of their misery, by supporting the motion of want of confidence. He would do so if only out of sympathy for them. How was it possible that such a Ministry, composed of such incongruous materials, could work for the good of the country? He maintained they could not, and never could, with such a head for management as the Chief Secretary. It was well understood that they would have to appeal to the country soon, and he hoped that the country would then duly estimate their sacrifice. After what the hon. the Chief Secretary had said yesterday, they might be expected to refer to him with due awe, but, he had before this, bearded the lion in his den in that House, and if necessary would do it again. He would say that the Chief Secretary was the obstructive spirit of South Australia—that he had ever obstructed progress in South Australia, that he had headed the present grievous difficulty, and that he could not do otherwise than be obstructive—it was in his nature. Such a question as had of late arisen, was not safe in the hands of the manager of the Ministry—he would place their rights and privileges in the power of the other House. That was the policy of the Chief Secretary to place the power of the House in the Legislative Council. An hon. member from the Treasury Bench had said, how was the country to decide the question without a dissolution of that House. But he would observe that the other House would remain, and what security had they that that House would give way. On that ground he would oppose any movement having a tendency to a dissolution. And yet that was the policy which proceeded from the Treasury Benches yesterday. He was afraid that, composed as the Ministry was of such heterogeneous materials, it was impossible that they could avoid confusion. During the last seven years the hon. the Chief Secretary had held a position in that House, and during that period he had brought forward five bills, of course with perfect disinterestedness. The Crown Lands Bill, which lapsed in Committee. Then the Claimants Relief Bill, in which of course he took no interest. Then the Preferable Lien on Wool Bill (Laughter). Honourable gentlemen might laugh, but of course the mover of that measure was not concerned in it. Then came the Bush Fires Prevention Bill. Of course it was patriotic that the hon. gentleman should wish to prevent bush fires. Then came the Railway Bill to Glen Osmond, the last, but not least, of his public acts. That Bill fell to the ground and lapsed—that railway Bill to give to the party intending to construct it the money for which he was to pay 6 per cent, and afterwards to return the railway on the Government at a very high premium. The gentleman to whom he had throughout referred was now at the head of the Government, and he would most emphatically say, he could not trust him. They were all well aware of the hon. the Chief Secretary's desire to cut down public salaries, yet he had now on his own responsibility appointed another public officer, without salary, of course, but still they were told by a member of the Government that he might have a salary. He did not mean to say that the hon. the Chief Secretary would accept salary if it were offered, nor did he believe that if that hon. gentleman was offered \$1,000 for his services to-morrow that he would accept it. No, he would rather have the glory and honour of performing a patriotic duty gratis. They were told that it was not far to quote the opinions the Chief Secretary expressed before his appointment, but that was a further motive which influenced him in not putting faith in

that gentleman—they could not trust him. He then read extracts from the speeches of the members of the Ministry on the Privilege question. Three of its members had no confidence in their chief, at least, in accordance with their expressed convictions, how, therefore, could they have faith in such a Ministry. He hoped the House would, out of humanity, put them out of the Ministry, by at once relieving them of the painful duties of office.

Mr BLOOR said, considering the importance of the question before them, which not only involved the fate of the present Ministry, but affected the liberty of the Constitution, he thought the country would treat the speech of the last speaker with the same contempt he did. That hon. gentleman had more than his contempt. He had confidence in the country that what he said would be believed. Having said this much, he would briefly address himself to the subject. The question before them was, would the present Ministry live long enough to live down calumny? Such a course as had been adopted towards them was without a precedent. The members of the Ministry came down simply to set the wheels of the Legislature in motion; that was the reason of their taking office. The question of confidence or of want of confidence, if viewed as the great gun—and the other gun had—would no doubt be determined against them; but he expected, as an Englishman, a fair trial, and that the House would really consider the question on its own merits. Should the House agree to arrange the conference, they must appoint the parties to act, and, as it was not a free conference, every word must be taken down in writing. Should the House not assent to the terms proposed by the Chief Secretary, they could come to other terms with a view to such a ready mode of arriving at a settlement. It had been said that it was a piece of the most egregious vanity that the Commissioner of Crown Lands should come forward and accept office. Was the hon. gentleman who said so the only giant fit for the office? It would be well for the House to go back and consider what was his past policy, and what were the sentiments of the Registrar-General; he thought they would find the expression of "a mob" applied by that gentleman to the people of South Australia. He would ask if it was fair that the hon. the Chief Secretary should be challenged as to what he might have said in the heat of debate, and yet that the hon. the late Treasurer should escape from such an ordeal? He would point out that if this vote of want of confidence was passed, it would entirely set aside the conference for the present, and thus the immediate prospect of settlement would be effectually shelved. (No, no.) For his part he would retire most willingly to private life. He had often heard of the sweets of office—(laughter)—but all he could say from his very short experience was, that the public honour he was supposed to have enjoyed had been productive of nothing but bitterness, and he would be most happy to grant to any hon. member the reversion of the sweets. He concluded by reiterating that, should the House pass the question before them, the great object for which the Ministry was formed, and for the amicable settlement of which the country and the Legislature were so earnestly desirous of, would be indefinitely delayed.

Mr TORRENS explained that he had never used the term "mob" as stated, though it had been attributed to him improperly in the *Register*.

Mr NEALES would support the motion, and the threat of a dissolution would only confirm him in that resolution. Any one who read the papers—which, notwithstanding all the complaints that were made, reported the speeches as fairly as it was possible to do in an abridged form—must see how hopeless a task the Ministry had undertaken. The hon. members of that

House said they would not yield a point from the position they had taken, and the members of the other House declared they would maintain their position. In such a state of affairs he believed that six men more unfit than the Ministry to settle the difficulty could scarcely be found.

Dr. WARR briefly supported the motion.

Mr MILDRD denounced the Ministry. He had witnessed their career as citizens and politicians, and he hoped every member would go with him in voting a want of confidence.

The COMMISSIONER of PUBLIC WORKS hoped the House would decide that evening whether they had confidence in the Ministry. There was, he was glad to think an appeal from the vote of that House. For himself, he would never advise a dissolution. It would, no doubt, be attended with some expense, and perhaps more anxiety to some hon gentlemen, although he would have none in meeting his constituents, for he had acted a straightforward and honest course. The great attack of the House seemed to him on the present head of the Administration. It was said that he could manage the Upper House, but the question would be referred to managers, who must act under the orders and directions of the House. He had, however, the pleasure of knowing that whatever Ministry came in, they would find that the first step had been taken towards a settlement of the privilege dispute. If the House had not confidence in the Administration, he would cheerfully resign what, in common with the Solicitor-General, he had not felt to be the sweets of office. (A laugh.) He would, moreover, cheerfully assist any administration that took up the question of privilege to settle it.

Mr. ANDREWS spoke in support of the resolution.

Mr HANSON had no confidence in the present Ministry, and he considered no confidence could be expected from a combination of such heterogeneous materials. He would say that the principal reason why he refused the offer made to him was because of the opinions he had expressed in that House. If he were to have joined the Chief Secretary, he would have absolutely forfeited any reputation which he had in the country. He thought also that those hon members who stood by his side, and expressed similar sentiments, would, by joining the Chief Secretary, also forfeit their political reputation with the country, and, as he should have felt that his claim to public confidence was destroyed by joining that gentleman, he thought the claims of those gentlemen were in like manner destroyed by the same principle. He had no confidence in the present Chief Secretary in the conduct of the great public measures which must engage the attention of the House. He had, he might say, grave doubts as to the power of the Governor to create such an office as Solicitor-General. Her Majesty might have that power without the consent of the Legislature, but it did not appear that she had delegated that power to his Excellency the Governor. He felt tolerably confident that the Solicitor-General would find in those doubts the best means of escaping from the dilemma. It had been attempted on the part of the Ministry to justify themselves on the ground of some alleged overtures made by their predecessors in office. Now, he might state that no overtures whatever were made by the late Ministry. He had some conversation with Mr Gwynne on the subject of the composition of the Ministry, and he remarked to that gentleman that it would be useful to have a law officer of the Crown in both Houses. The remark was made in justice to those conversations which persons who had confidence in one another were accustomed to

share in. Now, that hon gentleman said he would never take the office of Solicitor-General, he therefore never brought the question under the notice of the Cabinet. So far as he was concerned, the appointment of Solicitor-General without salary was something that he never contemplated. Instead of seeking the sanction of the Legislature before the office was filled up, they had created it on their own responsibility without any authority to justify them.

Mr KRICHAUFF could not put any confidence in the present Ministry. He viewed the present question of appointing a conference quite beside the point at issue.

The COMMISSIONER of CROWN LANDS said he had been termed presumptuous in undertaking the office he held. Now, the Chief Secretary had called on him, and stated that it was his desire to form a Ministry in order to settle the important question at issue. That hon gentleman expressed to him his ideas very fully as to how to settle the question. He felt satisfied from the hon gentleman's statement that an arrangement would be come to. At the same time he intimated that he would rather remain simply as a member of the House than accept office in the Cabinet. The hon the Chief Secretary was, however, pleased to remark that he would be useful to the Ministry. He, therefore, considered it a matter of duty to make what he considered was a personal sacrifice. He would state that the distinct understanding was that the Ministry, the moment this question was settled, were at liberty to resign, and he, for his part, had pledged himself to resign the moment that object was attained. He, therefore, hoped he might be excused from any charge of presumption. Many remarks had been made about the incongruous elements of the Ministry. Now, it occurred to him that that condition was the very way to bring about a settlement of the question. It was seen that they had already induced the Upper House to ask for a conference. The resolutions which had been just passed in the Upper House, showed that that House was prepared to take a stand on its rights, but there was not ground for concluding that they would insist on those rights. He was satisfied, if the Ministry had been allowed, they would have brought the question to a successful issue. The hon. Mr FINNISS had alluded to the Upper House as being under the management of the Ministry; now he thought such language, to say the least, was very offensive. The present Ministry had brought about the first step towards an amicable settlement, and he felt assured that on that ground they were entitled to the thanks of the House. They had been accused of undertaking a task they could not perform, at least, he was prepared to say they would have done their best. He was not desirous of a dissolution, but was animated with a desire to avoid it, by coming to a settlement with the other House. So far as he could judge from the Cabinet meetings of the Ministry, they were actuated by a most unanimous desire to maintain the privileges of the House of Assembly.

Mr BABBAGE opposed the motion. His first reason was that he did not think that those gentlemen had had time for the full development of their policy to the House. After having developed that policy, then was the time for the House to say they had no confidence in them. After the statement of the hon. the Commissioner of Crown Lands, it seemed to him that the first step of that policy had already been taken. Because he thought it was a line of policy the country would approve—he would support it, and he thought the House should do so.

Mr FINNISS supported the motion. In doing so he did not doubt the honesty of intention on the part of

the members of that House who formed part of the Ministry, but because he had no confidence in them after the views expressed by the hon. the Chief Secretary. In that gentleman's remarks the previous day there was an appearance of concession, but there was no real concession. There was nothing in the course of the hon. gentleman's career which would lead him to suppose that he would yield, he would have no faith in him if he did. The difficulty had emanated entirely from that hon. gentleman himself. What did a conference mean but compromise? The other House knew they would not yield, and therefore of what use would be a conference? Whence had arisen the obstruction but in the other House? Was it likely the other House would consent to remove the difficulty they had set up? They might perhaps do so with a protest, and quietly yield to the pressure which they could not resist. He believed that any tenure of office on the part of the present Ministry would be most disastrous to the country and obstructive of every useful measure, not only with regard to the past, but to the future. He would refer to the hon. the Chief Secretary's report on railways, which was just published. In that it would be found that there were four principles essentially obstructive to the progress of the colony. Was such a gentleman likely to yield to the point? No, he would be the last man he would select for such a purpose. The hon. Mr. Babbage had said the present Ministry had not time to develop their policy. Now, the House must judge by the past of the future. The members of the Ministry were not new men, they were men whose principles were known, and the House knew that the principles of the Chief Secretary were opposed to the interests of the colony. Who had opened the question but the Legislative Council? Had they not invaded the rights of that House? Therefore it was for them to give up the ground they had taken before a reconciliation could be effected. The Upper House, in their true sphere of action, would be most useful in checking hasty legislation, and in bringing forward many serviceable measures. He was not in office, and would therefore assert that it was quite impossible that the business of the country could be carried on if the Estimates had to be considered and shaped in both Houses. The last Estimates took eight months to pass the Legislature, therefore how could they do it if sixteen months were to be taken up in passing those measures? Why, all public business and public improvements would soon be at a stand-still. They could only settle the question by the Upper House yielding the question absolutely. With regard to the appointment of a Solicitor-General, he agreed with what Mr. Hanson had said that the late Government never had any intention of bringing forward such an officer, had they done so they would have put in a responsible officer, and would have moved for such an appointment, or else have announced it in the Estimates. He would vote for the original motion.

Mr. BURFORD said it was a gratification for him to see that all the members for the city were on one side on the occasion. He had great respect for the members of the present Ministry, and only regretted that they were in office. He was convinced that a dissolution of the Ministry must take place from the very nature of the materials of which it was composed, they might, if allowed, flounder along, but they could not walk upright.

Mr. HALLETT supported the motion, as he considered the appointment of Solicitor-General quite unconstitutional. He objected to the appointment of an irresponsible officer, and such would be the case if no salary were attached.

The TREASURER must say that, so far as a man could

be pleased with an adverse vote, he would be pleased with the decision which seemed likely to be given that evening. At the same time he felt it would only have been fair to have allowed the Ministry some time for some development of their measures. It was clear that the vote before the House was a vote against the men and not their measures. He would not, therefore, attempt to justify their measures, but with regard to a member of the Ministry, he (the Treasurer) stood up to defend him, seeing that he was not present to defend himself. And although he did that under great disadvantage, inasmuch as speeches of that hon. gentleman had been referred to which he knew nothing of, as to whether they were, uttered or not, yet he would say he believed, if he had been present, he would have shown that much said against him was not founded in truth, and much would have been explained away with satisfaction to himself and to the country. He would repeat that the arrangement of the Ministry was to devote themselves to one principal object, and he would also say, with the Commissioner of Crown Lands, that the materials which were got together for the purpose were the best that could be obtained under the circumstances. The Commissioner of Crown Lands had put that point to the House so clearly and in so gentlemanly a manner that it in no respect lessened his reputation, and it showed that at some time he would be one of the leaders in that House. He said that because he felt that he had not erred in his judgment in soliciting that gentleman to become one of the Ministry. In regard to the manner in which the late Ministry carried on the business of the country, as it respected the conduct of the Agent-General, he would refer to the report of the Select Committee of the session of 1855-6, appointed to enquire into the matter (Question—Mr. Mildred). He contended that this subject was intimately connected with the question before the House. The report of the Committee stated, in reference to the transactions of the colonial Government—"In justice to Mr. Barnard, your Committee would state that that gentleman deserved the thanks of the colony for having protected the credit of the colonial Government by paying, on his own responsibility, to the South Australian Banking Company, on their application, a sum out of unexpended balances sufficient to pay the dividends due in July last on South Australian bonds, payment for which the colonial Government had neglected to provide." This was a most remarkable instance of neglect on the part of the Government, at a time when the credit of the colony was endangered, and the Council, in adopting that report, passed a very severe censure upon the Government. The next subject to which he would refer was in reference to the correspondence between this Government and that of Victoria and New South Wales respecting the tariff. He had given notice of motion upon the subject at a former period, but at the request of the hon. member for the city, Mr. Torrens, the then Treasurer, he had allowed it to lapse. He did so because he was determined not to do anything which should be instrumental in putting the Ministry out of office, which he looked upon as a great calamity. As an illustration of the incompetency of the late Ministry with regard to establishing an assimilated tariff, he might remark that they proposed to levy £1 per ton upon flour alone. This would amount to no less a sum than £30,000 in one year. This proposal had gone forth to Victoria and New South Wales as one of the propositions of the late Treasurer, and endorsed by the late Treasurer, and endorsed by the late Chief Secretary. He contended that the late Government were not all perfection. He would himself engage to put forward better measures, or at any rate, having brought forward what he should consider to be such, he would ask the House to look upon this picture and on that. (Laughter.) Possibly he was not quite in order in introducing those matters, but he would refer to one or two other subjects illus-

trative of the fitness of the late Ministry to conduct the business of the country. And first, with regard to the late Treasurer's balance-sheet of January 1, 1857. It struck him that possibly this was not correct, and he had accordingly examined it, and had also referred it to the Auditor-General, and he believed he should be able to show that the figures were very defective. He believed he should be able to show that the late Treasurer had shown a great want of knowledge of accounts, and was not a good financier, and that he had shown a great want of judgment and mismanagement in that respect. Thus, in one single transaction, the remittance to England of bonds amounting to £20,000, there had been a loss to the colony of £1,000. He pledged himself to produce evidence of this to the satisfaction of the House. In conclusion, he would state that he would not feel the least regret in being obliged to resign.

Mr. BONNEY opposed the motion.

Mr. TORRENS having replied, the House divided with the following result —

AYES, 24.	NOES, 7.
Mr Andrews	The Treasurer
Mr Bakewell	The Solicitor-General
Mr. Burford	Commissioner of Crown
Mr. Cole	Lands
Mr. Dawes	Commissioner of Public
Mr Duffield	Works
Mr Dunn	Mr Babbage
Mr. Dutton	Mr Bonney
Mr. Finniss	Mr. Hay.
Mr. Hallett	
Mr. Hanson	
Mr Harvey	
Mr Hughes	
Mr Krichauff	
Mr Macdermott	
Mr Marks	
Mr Mildred	
Mr. Neales	
Mr. Peake	
Mr Reynolds	
Mr Scammell	
Mr. Torrens	
Mr Wark	
Mr Young.	

HOUSE OF ASSEMBLY.

THURSDAY, AUGUST 27.

RESIGNATION OF THE MINISTRY.

The Treasurer informed the House that, in consequence of the adverse vote of the previous evening, the Ministry had placed their resignations in the hands of his Excellency, and they had been accepted, on the understanding that they would act until the appointment of a new Ministry.

ADJOURNMENT.

Mr. BAGOT moved that the House on its rising do adjourn till Tuesday next. He gave the House credit for having acted conscientiously in reference to the want of confidence vote of the previous evening, and he hoped that both they and the country would give him equal credit for having acted conscientiously.

The COMMISSIONER OF PUBLIC WORKS, in seconding the motion, thanked the House for the attention which they had given to his explanations. He bore testimony to the zeal and energy with which his colleagues had acted for what they considered the good of the country.

Mr FINNISS would say distinctly that no Ministry could stand after such a vote as the House had just passed. The vote would have this effect, that it would cause men to enlist under definite political banners, and then at no distant period the House would be in a position to consider the men and have faith in their measures.

Mr REYNOLDS was pleased at the conciliatory remarks which had proceeded from the Treasury benches. He awarded to them the same conscientiousness that they had accredited the House with. Although during the short period the Ministry had been in office he had opposed them, still he saw no reason why, for the future, his views would not harmonise with theirs in many important measures that would probably be introduced at an early day.

RETURNS.

Mr Torrens gave notice that he would move for various returns from the Auditor-General's office

EXTENSION OF THE GAWLER RAILWAY BILL.

Mr Finniss stated that he would not proceed with this measure on that day. He would move, as an amendment, that the second reading of the Bill be an order on the notice paper for that day fortnight, at the same time he stated his intention not to proceed with it, should the new Ministry take it up — The Solicitor-General supported the amendment, which was carried.

ASSESSMENT OF SHEEP AND CATTLE

Mr Neales said he should not persist in the motion standing in his name on that day, as he saw that on Wednesday next Mr Hughes would introduce a much more comprehensive measure on the subject.

PRIVILEGE

Mr Torrens complained of a paragraph in the *Register* of that day, headed "A model of consistency." If the attacks contained in that article were addressed solely to himself, he would have treated them with the contempt they deserved, but he found that another hon member's name was mixed up with it. Now, he would most unhesitatingly assert that the latter part of the conversation held between himself and Mr. Baker was, as reported in that article, an unmitigated misrepresentation. It contained a small portion of truth, like most of the statements of that character, but nothing more — Mr Reynolds said, "I have no hesitation in stating that I would much rather believe what that hon gentleman has said, than I would anything the editor or the proprietors of the *Register* might say."

The House then adjourned till the following Tuesday.

LEGISLATIVE COUNCIL.

TUESDAY, SEPTEMBER 1

THE NEW MINISTRY.

The COMMISSIONER OF PUBLIC WORKS said he would take that opportunity to explain that, on the resignation of the former Ministry, his Excellency the Governor sent for Mr Torrens to instruct him to form a new Ministry. Such a Ministry had been formed within a few hours. Late on Monday evening Mr Torrens got together a party, by which he was placed in a position of sufficient confidence to attempt to carry on the business of the country. That Ministry, as was known to the House, had been gazetted only that morning. It had fallen to his lot to be one of the new Ministry, and he regretted the fact that he was still the only Minister attached to that branch of the Legislature. It was not

necessary for him to enter into any details as to why that was the case, he need only express his regret that it was so. He felt as he did with the first Ministry, that it would have been better if there were two Ministers in the Legislative Council. The new Ministry, as they were aware, consisted of Mr Torrens, Chief Secretary, Mr. Andrews, Attorney-General; Mr Hughes, Treasurer, Mr Macdermott, Commissioner of Crown Lands, and himself, Commissioner of Public Works. It would be perhaps expected that in making this announcement, he should give a general outline of the views of the new Government, and he would first state that he could say most sincerely, on his own part, and also, he believed, on the part of his colleagues, that it would be their object and their desire, so far as they felt called upon as a Government to act in the matter, to endeavour to do all that could be done to produce due harmony between the two Houses of Legislature, and to uphold the independence which belonged to each House in respect to the other under the Constitution Act, and whatever dignity belonged to either House should be regarded by them most constitutionally. They did not intend to put themselves forward in settling the existing dispute. They regarded it as a matter of privilege which appeared to lie between the two Houses. But whilst they looked upon it as a secondary question, they firmly hoped that, at no remote period from the present time, such a view might be arrived at as upon which to form a sound and proper basis for coming to a right understanding. Although at the present time much inconvenience had resulted from the dispute, he hoped that it would prove most beneficial ultimately, as similar questions had in the mother-country. To those remarks he would add, that so far as opinions had yet been circulated from one to another of the Ministry, they were in favour of railway extension as far as Kapunda, whilst the Dry Creek extension would be left at present an open question. With regard to the question of main roads, they intended to prepare resolutions to be submitted to the House, and if they were assented to, a Bill would be drawn up in accordance with them. They also intended to bring before the Parliament a Bill which he had brought forward at the wish of the Superintendent of Electric Telegraphs, and which was intended to be a law laying down rules and regulations for those works in this colony. That measure had been urged as very desirable. Another of their intended measures was an Insolvency Bill proposed by the previous Ministry, and also a measure cherished in the early part of the session—a Bill for providing some extended educational means for the colony. With regard to other Bills before the House, he did not know at present to what extent they would be adopted, but in a few days the Ministry would lay their conclusions before the Legislature. The Waste Lands Act would be immediately gone on with, and the Chinese Bill, it was proposed, should be carried through at once. With these observations, which it would be seen were of a general character, he would crave the indulgence of the House, on account of the infantile state of the Ministry. He hoped he had succeeded in laying before them a general outline of what the existing Ministry proposed, and if he had not defined it clearly, it was not his own fault, because he intended no reservation, for the principle he wished to follow was a straightforward one, and he adopted no course for which he was not prepared with reasons, and which were not based on satisfactory foundations.

ELECTIVE FRANCHISE BILL

This Bill was read a second time and passed through Committee, and its third reading made an order of the day for Tuesday next.

The House then adjourned till Tuesday.

HOUSE OF ASSEMBLY.

TUESDAY, SEPTEMBER 1,

MARRIAGE BILL

Mr. Blyth asked for leave to bring in certain amendments to his Marriage Amendment Bill.—Notice of motion to that effect was given

MINISTERIAL.

The CHIEF SECRETARY said it would be doubtless expected that he should give to the House the course of policy the Ministry intended to initiate while in office, but considering that they had only come into office that morning, they were hardly prepared to do so. However, they had met the previous evening, and had come to some understanding as to the course they intended to adopt. His views were those he delivered at the Theatre previous to his election, and he was happy to say his colleagues generally coincided with those views. With regard to the great question between the two Houses, it did not appear advisable to take action thereupon immediately. He would further await a few days, in order that the question might be fairly and calmly considered. With regard to the Steam Postal question, he was happy to say that the Melbourne Government had agreed to allow the mail steamers to call at Kangaroo Island, he therefore intended to introduce the second reading of that Bill. On the subject of the Gawler Town Railway Extension Bill, he would leave it in the hands of that hon. gentleman, Mr Finnis, who had been so anxious to advance the measure. Should, however, that hon. gentleman not proceed with the second reading, the Government would feel bound to do so. There was one point in the Bill on which they were not prepared to give an opinion, and that was the extension to the Tea-tree Gully, but with regard to the extension to Kapunda, the Government would certainly support it. The Ministry would also take the measure, relating to an amended Insolvent Law, under their protection. He would still adhere to the line of conduct he had adopted with reference to Free Distillation, and at an early day would introduce a measure on the subject. There was another subject to be considered, which was the leasing of waste Crown Lands. Of late very valuable lands had been discovered in the interior, and of those lands it would be unfair to grant leases of fourteen years. While maintaining inviolate the leases already existing, a new Bill would be introduced to meet the case. With regard to the Real Property Bill, it would not be a Ministerial measure, although he still maintained the views he had expressed on the subject. If introduced, the measure would be a private one. Much had been said with regard to the position of the Ministry and the Executive, under Responsible Government. Now, he would observe that from the time Responsible Government was given to this country, His Excellency ceased to govern, but commenced to reign—he was no longer the responsible Governor, that responsibility having devolved on the Ministry. In the event of the House becoming dissatisfied with the Ministry, he thought that the most dignified course for the House would be to move a vote of want of confidence. Such a course was far more consonant with dignity, and avoided that waste of time which arose from opposing the Government in all measures they introduced.

The TREASURER seconded the motion. He did hope, with the Chief Secretary, that if the House thought he was incapable of conducting the office of Treasurer, that the House would at once say so. His chief motive in saying so was to avoid unnecessary delay to public business. He agreed with the hon. Chief Secretary generally on the important topics which he alluded to. At present the Estimates were being printed, but he

trusted that in a few days he would be in a position to come down to the House and give an exposition of the measures in that department which the Ministry intended to introduce

Mr WATERHOUSE did hope that when the hon the Chief Secretary stood up to give some account of the measures he intended to introduce, that he would have given some further explanation relative to the formation of his Ministry. It was well known that that hon gentleman had applied to several gentlemen to join him, and that he had met with what doubtless surprised him—a decided refusal. He therefore considered that that gentleman had not been in a position to form a strong Ministry, and it would have been better for him to have left the task in other hands. After the statement of the hon gentleman it was for the House to consider whether it would not be the best course to introduce at once a vote of want of confidence. He would at once state that he had no confidence in the *personel* of the present Ministry. With regard to the hon. the Treasurer, he would say that if there was one post under Government for which he was not in the remotest degree qualified, it was that of the Treasurer. He would appeal to that hon gentleman, and ask him if a knowledge of beef and mutton qualified him for the office. With regard to the Commissioner of Public Works, he would confess that he was not the right man in the right place. In fact, such was his conviction that he thought the House should at once grapple with the question by adopting a vote of want of confidence (Hear, hear, from the Treasurer) He was sure that both the House and the country believed that the present Ministry could not stand

Mr BURFORD thought the remarks of the previous speaker were uncalled for. He considered that the hon. the Chief Secretary would never have had to struggle with difficulties he had had to contend with, had it not been for the great question originated in the other House. It was owing to that ruse he had met with difficulties in the formation of the Ministry. For his part, he had confidence in the present Ministry, and he would do his best to support them.

Mr FINNISS supported the motion of the Chief Secretary. In doing so he considered that time would be allowed to prepare the Estimates. He thanked the hon. gentlemen for his courteous language when alluding to his (Mr. Finnis's) part in the Gawler Railway Extension Bill. But on that question, he would state that he thought it was so important, that it should be a Government measure, and he would add that he would cheerfully support it.

Mr. HANSON supported the motion that the House on its rising do adjourn till Tuesday next.

Mr REYNOLDS maintained that the last Ministry had had a trial, although a short one. There was a marked distinction between the policy of this Ministry and the mission of the last Ministry. They had intended to carry an amendment of the Electoral Law, which that House had shelved, and could not consider again that session. As the present Ministry intended to go on with the business of the country, they should have no factious opposition from him.

The COMMISSIONER of CROWN LANDS claimed credit for the consistency of the Administration. He had not sought office, but, if persons of greater ability would not accept office, the business of the country must be carried on. He was of opinion that the English system of law relating to real property was behind that of every civilized country. He would support the question, but as there was a diversity of opinion upon it, it might be premature to force it upon

the House as a Ministerial measure. The road question was also a most important one, and he trusted, that if the adjournment asked for was conceded, the business would go on without further delay.

Mr BONNEY thought that the House could not do otherwise than consent to the motion, if they wished to give the Ministers a fair trial. If Ministers had to give part of each day to legislate during the present week, it would materially delay them in maturing their measures.

Mr. HAY also supported the motion for an adjournment.

Mr DUFFIELD would support the motion and the Ministry whenever he approved of their measures.

The question was put, and declared carried, and the House adjourned till Tuesday next.

LEGISLATIVE COUNCIL.

TUESDAY, SEPTEMBER 8.

MYRONGA JETTY.

In answer to Dr Everard, the Commissioner of Public Works stated the Government were at present considering what would be the most suitable structure for a jetty at Myponga.

AGENT-GENERAL

Mr. Baker asked the Commissioner of Public Works some questions relative to the appointment of an Agent-General and Immigration Agent. The Commissioner of Public Works said the appointment had not yet come under the consideration of the present Ministry, nor had he any knowledge of any person having been proposed.

DUTY ON OPIUM.

Mr Younghusband asked the Commissioner of Public Works if the attention of the Government had been directed to the great difference existing in the several Australian colonies with reference to the duty on opium. Here it was £5 a ton, and in Victoria £1,000 a ton. The Commissioner of Public Works believed that the Government had received some communication from the Victorian Government on the subject. He would ascertain by the following day.

CHINESE BILL.

The COMMISSIONER of PUBLIC WORKS having moved the House into Committee, called the attention of the House to the fact that, on the 5th of August last, they passed the whole of the Chinese Bill with the exception of clause No 4, which was left in order that its wording might be modified. That had been done, and he would now propose that the clause should stand as follows—

“On arrival at any port in the said province of any ship having any Chinese passengers on board, before making entry, the master shall pay to the Collector, or other officer of Customs, the sum of ten pounds for every Chinese passenger arrived in such ship, and no entry shall be deemed to have been legally made, or to have any legal effect whatever, until such payment shall have been made, and if any master neglect so to deliver such statement, or to pay such sum within the time aforesaid, or shall land, or permit such Chinese passenger to land at any place in the said province, with the intent of evading the payment of any such sum, he shall, on conviction, be liable to a penalty not exceeding twenty pounds for each Chinese passenger, in addition to the amount of such sum.”

The clause was agreed to.

The COMMISSIONER of PUBLIC WORKS proposed the following new clause, which had been printed as the 7th, but which he would suggest should be added to the 1st clause —

“In the interpretation of the Act, the word ‘passenger’ shall be held to mean and include any person on board of any ship, not being borne on the ship’s articles as one of the crew thereof, or who shall be discharged from or leave any such ship during her stay in any part of the said province.”

Agreed to.

At the suggestion of Mr Baker, the Bill was ordered to remain in Committee until a fair copy was in the hands of each hon member

The report was brought up, and the Committee obtained leave to sit again on Thursday.

ELECTIVE FRANCHISE BILL.

Read a third time and passed.

HOUSE OF ASSEMBLY.

TUESDAY, SEPTEMBER 8.

RESIGNATION OF MR. WATERHOUSE.

The Speaker announced that he had received from the hon Mr Waterhouse his resignation as a member for the district of East Torrens — It was resolved, on the motion of the Attorney-General, that a new writ should be issued for the district.

PETITIONS

Mr Mildred presented a petition from the settlers of the district of Noarlunga praying for a survey of the harbour — Received and read

The Treasurer presented a petition from various persons of the Church of England against the proposed Marriage Bill. — Received and read.

PRIVILEGE

Captain Hart gave notice that he would, on the following day, move that the proposition from the Upper House as to a conference on the Privilege Question be acceded to.

NOTICES OF MOTION.

The Chief Secretary gave notice that, on the following day, he would move that the resolution of the Legislative Council, respecting a conference, should be taken into consideration by a Committee of the whole House Also, that copies of the Bills and papers of the proceedings of that House should be placed at the disposal of the Legislative Council.

The Chief Secretary gave notice that, on Tuesday next, he would move the second reading of the Gawler Railway Extension Bill.

RETURNS

The Commissioner of Crown Lands laid on the table returns of leases of Crown Lands for fourteen years, issued to 7th January last

ESTIMATES.

The Treasurer laid on the table the supplementary Estimates for the present year, and the Estimates for the next year. — Received and ordered to be printed.

The Treasurer gave notice that, on Tuesday next, he would move that the House go into Committee on the consideration of the Estimates

GOVERNMENT REMITTANCES.

The CHIEF SECRETARY laid on the table a return showing the amount of money remitted by this Govern-

ment to England or elsewhere, and the expense attending such remittances, also the amounts drawn by this Government on other countries He stated that his object was to satisfactorily explain matters which had recently been adverted to in that House, especially with regard to a statement made by the late Treasurer, that £1,000 had been lost in transmitting a sum of £20,000 Now he found on searching into the matter, that so far from such a loss having been sustained, that the colony had been a gainer by the transaction of £240. It was quite true that if at the time he could have foreseen the changes in the market, that a sum of £600 might have been made. He moved that the paper be printed

Captain HART asked the Chief Secretary to lay before the House a copy of the correspondence between the Agent-General and the former Treasurer, during the last twelve months That correspondence would explain his late statement Now he considered that on the Chief Secretary’s own statement, he had lost money to the colony, by making only a small profit on a transaction, which admitted of a much larger profit He explained how the hon gentleman, instead of selling the bills referred to at $\frac{1}{2}$ per cent discount, might have sold them at 2 per cent profit He would therefore move as an addition, that the entire correspondence with the Agent-General should be laid on the table, and the House would then be in a position to judge. It appeared to him that the question was quite apparent on the face of it, and that upwards of £1,100 had been thrown away by the transaction

Mr BLYTH supported the motion with the addition He had very little doubt that the hon member for the Port would support his statement

The CHIEF SECRETARY did not consider it was the duty of the Treasurer to trade with the public funds, as recommended by the hon member for Gumeracka. In his judgment it was not the duty of the Treasurer to speculate with the public funds He explained to the House what he considered was the delusive statement of Captain Hart, relative to the questions, and that the course he had adopted was justifiable While he would furnish every information required, he objected on principle to furnish the whole correspondence of the Government for the curiosity of every person who chose to rake up uselessly the records of the past.

The papers laid on the table were ordered to be printed

Captain HART gave notice that, on the following day, he would move that the whole of the correspondence between the Agent-General and the Treasurer up to the 23rd April should be laid on the table.

Agreed to.

The CHIEF SECRETARY was about to give explanations, when

The SPEAKER ruled that he was out of order; but suggested that the hon gentleman should move that the House, on its rising should adjourn

The CHIEF SECRETARY at the late meeting of the House had explained the intended policy of the Ministers on eight important questions He now proposed a more complete explanation A matter that had long engaged his attention was the adjustment of the salaries in the Civil Service, and in framing the Estimates, the Ministry had attempted to effect such an adjustment It was very desirable that the Civil Service should be placed on a better footing than hitherto. With regard to the Superannuation Fund, it was in-

tended to bring in a bill to return the money already paid to that Fund, and to provide for annuities now derived from it. The Ministry had now decided to repeal that Act. The subject of the Electoral Law had also been taken into consideration by the Ministry. It had appeared to them that the Bill passing through the other House would meet the requirement to a certain extent, but the Ministry proposed a more complete amendment of the Electoral law of this province. The Ministry also proposed a measure by which the funds of the Official Assignee and the Master of the Supreme Court should be placed in the hands of the Colonial Secretary. Amongst all the subjects they proposed to undertake, none were of more interest than that of railway extension in order to open up communication between the fertile districts and the seaports of the colony. It was the policy of the present Government to borrow money to such an extent as would be considered desirable to carry out this object. It was their intention to consider the best means of reaching the Mount Barker district. He believed that the best route to that locality would be by the Valley of the Sturt. Much had been said with regard to the Government not taking up the law he proposed with regard to real property. The reason was he had taken it into his own hands and he meant to keep it so, rather than leave it in the hands of any Government which might be in power. On the subject of waste lands of this province, the House would, no doubt, be surprised to hear that the existing claims for leases amounted in extent to 4,300,000 acres, and in addition to that, another large claim had been sent in. The Government had now found that the existing system of leasing crown lands gave the rich a monopoly, the holders often sent their overseers to lease ground which they only nominally occupied. Very often the ground so leased was not occupied at all. They, therefore, considered that that regulation should be put a stop to, and they were, therefore, desirous of giving that House an opportunity of reconsidering the Waste Lands Bill which had just been returned to them. One of their objects in legislating on the matter would be to bring down the very high price of meat which at present ruled the market. It was a question for the House to decide whether they would grant the enormous extent of 4,300,000 acres—a principality in fact—to various claimants, at the peppercorn rent of 10s an acre. Even whilst he was speaking, a *Government Gazette* had been issued announcing that the present Act for leasing Crown Lands had been suspended. He would observe that the land now claimed was almost the whole available in the colony. In conclusion, he moved that the House on its rising do adjourn.

ELECTORAL FRANCHISE.

A message was received from the Legislative Council transmitting this Bill as passed by the Council.

ELECTRIC TELEGRAPHS.

The Attorney-General laid on the table a Bill relating to the management of Colonial Telegraphs.—The Bill was read a first time, and the second reading made an order of the day for Friday next.

MURRAY DUTIES BILL

In Committee

The Treasurer moved the consideration of the amendment made by the Legislative Council on the Murray Duties Bill.—The amendments were agreed to, with the exception of the words "by authority."

The Treasurer moved that the Bill be transmitted to the Legislative Council, desiring concurrence in the amendment made by the House of Assembly.

STEAM POSTAL BILL

The Chief Secretary moved the re-committal of this

Bill, with a view to increasing the subsidy therein provided, to such an amount as might be necessary to cover the additional charge consequent on the calling of the line steamers at Kangaroo Island.

In Committee.

The Chief Secretary moved that the words £12,000 be struck out, and that £15,000 be inserted.—In reply to Mr. Bonney the Chief Secretary said that it was calculated that £15,000 would include the cost of the Branch Service.—The clause as amended was agreed to.

The House resumed, and the third reading of the Bill was made an order of the day for Wednesday.

LEGISLATIVE COUNCIL.

WEDNESDAY, SEPTEMBER 9.

OPIMUM TAX.

The Commissioner of Public Works stated that the communication from the Victorian Government to which he had referred on the previous day, conveyed the information that a tax of 10s. per lb. had been imposed on opium in that colony, and requesting the South Australian Government to collect it on opium introduced through this colony.

MINISTERIAL POLICY.

The Commissioner of Public Works would take that opportunity of making such a statement of the policy of the Ministry as he found the House had expected from him on the previous day. The Ministry had looked through the measures which former Cabinets had introduced, with a view of seeing which were useful ones to be carried on, and which should be dropped. The first measure he would call their attention to was the the Postal Bill, which had been passed in the other House. That Bill proposed to add a specific sum to provide for the extra expense incurred in calling at Kangaroo Island on the homeward voyage. It was also intended to introduce a measure to extend the advantages of the telegraph system, by which certain controlling powers would be given to the Superintendent. With regard to the opinion of the Government as to the necessity of remodeling the present main road system, it was their intention to lay a series of resolutions before Parliament, and when by that means the opinion of the country had been obtained, to bring in a Bill embodying those opinions. Another question which would engage the attention of the Ministry, would be the state of the Electoral Law of the province. The amendment of the law relating to Insolvent Debtors was another object that the Government intended to accomplish. With regard to Railway Extension, he might say that the Government were entirely in favour of such a policy to the utmost extent within the means of the country. The Ministry had a policy which they would pursue with reference to the question of privilege, but it was for the House to initiate action in reference to the matter. The Distillation question was one on which some Ministerial action would be required; and they would have to enquire how they would alter the existing system with benefit to the country. The intentions of the Ministry with reference to any reform of the law relating to real property were, that it should not become a Cabinet question, but that it should be left in the hands of the hon gentleman who introduced it. The hon gentleman also referred to proposed changes in the Clerk's Salaries Act, the setting aside of the Superannuation Fund, and the remodeling of the system of leasing Crown Lands.

MURRAY RIVER DUTIES BILL.

This Bill, which had been passed with amendments, was brought up by messages from the House of As-

sembly, with an intimation that all the amendments met with the concurrence of the Assembly, with one exception — The Commissioner of Public Works gave notice of his intention to move that the message should be taken into consideration on the following day.

THE PRIVILEGE QUESTION.

A message was received from the House of Assembly, informing the Council that the Assembly would comply with the request for a conference on the respective privilege of the two Houses, when the Council had given information of the number of persons they intended to nominate as managers

EMIGRATION RESOLUTIONS.

In Committee.

The first resolution was agreed to.

Captain Hall did not see the use of entering on a discussion of these resolutions. They, in that House, had nothing to do with them. They had been adopted by the House of Assembly, and made the basis of a Bill which had come before that House, and would be considered on its merits. He would move that the House do resume, and that the Chairman report progress.

Agreed to, and the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, SEPTEMBER 9.

CONVICTS' BILL.

Mr Reynolds said, that in consequence of Mr. Waterhouse having ceased to be a member of that House, he would move on the following day that the House go into Committee for the further consideration of the Convicts' Prevention Bill.

The Chief Secretary gave notice that, on the following day, he would ask leave to bring in a Bill relative to the Civil Service.

CONFERENCE ON THE PRIVILEGE QUESTION.

Captain HART said that, with the permission of the House, he would alter the motion standing in his name, with regard to the time of meeting

Leave was given to amend the motion accordingly

Captain HART then moved that the conference requested by the Legislative Council be acceded to. The great point he considered was, that they should set about the matter with good feeling in order that the business of the House and the country should not be obstructed. He trusted that the House would see the necessity of meeting the difficulty in a calm and dignified way.

The CHIEF SECRETARY said, that while agreeing with the hon. gentleman in the object he had in view, he objected to the plan proposed as injudicious. On the authority of May, it was the undoubted privilege of the Lords to appoint both the time and place for such Conference. Now the Legislative Council had not yet decided either the day or the hour. Again, until they knew what the questions would be which the Legislative Council would place before the Conference, the House of Assembly was not in a position to instruct their representatives how to act on the occasion. It further appeared that Mr. Bagot, a member of the late Ministry, was to take part in the conference, whilst there was no mention of any member of the present

Administration. He would, therefore, propose that the name of that hon. gentleman be struck out, and that of Mr Reynolds be inserted. He would advise the hon. mover to withdraw the motion. Should he not do so, he (the Chief Secretary) would feel bound to oppose it, from its informality, its opposition to established usage, and to expediency. As an amendment, he would move that the motion standing in his name for a Select Committee be adopted.

The SPEAKER ruled that the appointment of the time and place for the conference by the House of Assembly was not out of order.

Mr BLYTH pointed out that the case was provided for by the Standing Orders, and, therefore, that a reference to May was unnecessary

The CHIEF SECRETARY remarked, that in accordance with May the persons selected for such a conference were usually those who were present at the discussion, or otherwise members who happened to be in their place.

The SPEAKER considered that the word usually did not render the custom imperative

Mr FINNISS thought that the first proceeding should be a consideration of the necessary instructions in Committee, and then to appoint the acting members, who, if possible, should be selected from those who had taken part in the discussion. He thought the Legislative Council had omitted to state the number of members who should take part in the conference. He would, in order to bring on a discussion, move that the House come to a decision as to a conference as soon as the Legislative Council informed that House of the number of managers to whom they proposed to entrust the conference.

The TREASURER suggested that the amendment should be, that the House "would comply with the wish for conference," rather than that they "would come to a decision." In that case he would support the amendment

M REYNOLDS supported the original motion, and Mr. Finnis's amendment. He thought it was very necessary that the Legislative Council should decide on the number of managers to the conference. Considering that the conference might ultimately turn out to be a free conference, they ought to be exceedingly careful in the appointment of their men

Captain HART, in reply, said that if his motion were not agreed to, the House virtually declined to comply with the demand for a conference.

The original motion was lost by a majority of nine, and the amendment of Mr. Finnis agreed to.

BOUNDARY BILL.

Mr. Blyth moved, "That the adjourned debate on the second reading of the Boundary Bill be an Order of the day for the 15th September, 1857."—Mr. Reynolds, seconded

Mr. Finnis moved, as an amendment, that the Bill be read that day six months.—Mr. Mildred seconded the amendment, which was carried.

TRANSMISSION OF PAPERS TO THE LEGISLATIVE COUNCIL.

The Chief Secretary moved, "That, in compliance with the requests contained in messages from the Legislative Council, Nos 8 and 10, the Clerk be instructed, to place at the disposal of the members of the Legisla-

tive Council, copies of all Bills initiated in this House, together with copies of the votes and proceedings of this House, from the 1st of July last, inclusive. That, in future, printed copies of the votes and proceedings of this House be placed at the disposal of members of the Legislative Council, for their information, so soon as printed, and that the Speaker be requested to intimate, by message to the Legislative Council, that Bills and papers thus placed at the disposal of members of that House for their information, and to facilitate dispatch of business, are not to be regarded as official communications, as such official communications will be made only in manner heretofore adopted, viz., by message delivered to the President by the Clerk of this House—Mr Reynolds asked the Speaker, what was the rule with the British Parliament in reference to this subject—The Speaker said, according to May, page 51, the practice now proposed would not be in accordance with that of the British Parliament, where the Lords applied to the House of Commons for such papers as they required. The same practice prevailed in Victoria.

After some discussion, the Speaker called on the Orders of the Day.

STEAM POSTAL BILL

The CHIEF SECRETARY moved that this Bill be read a third time

Read a third time and passed.

The CHIEF SECRETARY moved the following contingent motion—"That, in the opinion of this House, it is inadvisable for this colony to bind itself to the arrangement proposed by the Imperial Government for subsidizing the Australian Steam Navigation Company for any period beyond the 31st December, 1858, unless the terms specified in that proposal, with reference to the mode of defraying the cost of the branch service, be adhered to, and unless on the condition that line steamers touch at Kangaroo Island on the return voyage, as referred to in a recent despatch from Her Majesty's Secretary of State."

The motion was carried.

TRANSMISSION OF PAPERS TO THE LEGISLATIVE COUNCIL

Resumed.

At the suggestion of Mr Hanson, the resolution of the Chief Secretary was passed in the following form—"That the Clerk of the House be instructed to allow the members of the Legislative Council to obtain copies of all Bills initiated in this House, together with copies of the votes and papers printed since the 1st July last, inclusive, and that in future printed copies of Bills, papers, and votes and proceedings of this House be allowed to be taken by members of the Legislative Council as soon as printed"

It was resolved that the resolution be transmitted by message to the Legislative Council.

SALE OF BONDS.

Mr. Hart moved, "That the whole of the correspondence between the Treasurer and the Agent-General from the 23rd of October last up to this date, be laid on the table"—The Chief Secretary seconded the motion, which was agreed to.

LEGISLATIVE COUNCIL.

THURSDAY, SEPTEMBER 10.

MESSAGES FROM THE HOUSE OF ASSEMBLY.

The President announced that he had received messages from the House of Assembly, informing the

Council of the passing of the Pastoral Bill, and of a contingent resolution in reference to mail communication with England, also, to the effect that the House had passed a resolution, allowing all members of Council to obtain the votes and proceedings of the House of Assembly as soon as printed.

POSTAL BILL

Read a first time—The second reading was made an Order of the Day for Tuesday next.

CONFERENCE

Mr Baker moved that three managers be appointed by the Legislative Council for the conference, and that the Committee be authorised to draw up reasons, the Committee to consist of Messrs Gwynne, Forster, and Morphet. The motion was agreed to.

THE ELECTORAL ROLL.

Mr Forster moved—"That there be laid on the table a return of the number at present entitled to vote at elections for members of Parliament in each electoral district of this province—Captain Bagot seconded the motion, which was carried.

IMMIGRATION BILL.

The COMMISSIONER of PUBLIC WORKS moved the second reading of this Bill. He thought that the House could not but see that a Special Emigration Agent was very necessary

Mr FORSTER seconded.

Mr BAKER would not oppose the motion, but he did not think that the colony could afford to maintain such an establishment as had been proposed. He thought that the House should be supplied with the details for carrying out this measure, before they passed the Bill.

Captain BAGOT considered the proposed system expensive.

The motion was passed, and the consideration of the Bill, in Committee, was fixed for Tuesday

WASTE LANDS REGULATIONS.

Mr Baker moved the resolution standing in his name—"That he will direct the attention of the Council to the inconvenience and injury likely to arise to this province from the absence of regulations for the occupation and disposal of the waste lands of the Crown, and will ask the hon. the Commissioner of Public Works when fresh regulations will be gazetted." He understood that applications had been made from 100 gentlemen in the other colonies to the Government here, enquiring on what terms waste lands could be obtained, and the Government answered the applications by forwarding the land regulations in use. He understood that it was the intention of those gentlemen to take lands and to introduce half a million of sheep; and by thus preventing them, a loss and an injury would be inflicted on the colony. Nothing could be more advantageous than to encourage settlers such as those referred to, if they possessed enterprise and perseverance.—The Commissioner of Public Works said the new regulations would be ready by Monday next. The object of the Government was to foster the settling of stock on the land, and they were bound to take the steps they had, when there was a rush for the waste lands of the Crown.

CHINESE BILL.

This Bill passed in Committee, and its third reading was made an order of the day for Tuesday next.

MURRAY RIVER DUTIES BILL.

In Committee.

The amendment made to the Bill in the House of Assembly was agreed to, and it was resolved that the House of Assembly be informed of the same by message.

The Council then adjourned till two o'clock on Tuesday next.

HOUSE OF ASSEMBLY.

THURSDAY, SEPTEMBER 10

PETITION

Mr Peake presented numerous signed petitions against the proposed new Marriage Amendment Bill. The petitions were read

THE PETITIONS OF MESSRS ALFORD AND TOLMER

Mr Mildred asked permission for an extension of time for the Committee on the petitions of Messrs Alford and Tolmer, to bring up their report.—Granted

QUESTION

The Treasurer asked the Speaker, if in the event of an hon. member of the House accepting an appointment on the Ecclesiastical Board, he would vacate his seat.—The Speaker said it would be for the House to decide, but the most correct way for the hon. the mover would be to give notice of motion, in order to introduce the question.—Mr. Bagot said that he thought the question raised by the Treasurer would refer to other appointments, such as that of Justice of the Peace. It was well known that a Magistrate often acted as Coroner. In that case emolument was attached to the appointment. He thought, therefore, that the hon. gentleman should give notice of motion for an enquiry into the effect of appointments in general, as affecting members of that House

MARRIAGE BILL.

Mr. Blyth said, that in accordance with the wishes of several members who required further time to consider the question standing in his name, he would ask leave to defer moving the second reading of the Marriage Bill until Wednesday next.—Leave granted.

CIVIL SERVICE.

The Treasurer would move for leave to introduce a Bill to repeal Act 21 of 1854, intitled an Act to provide for the Retirement of Officers in the Civil Service.—The Chief Secretary seconded.—The motion was put and carried, and the Bill read a first time. The second reading was made an order of the day for the following day.

RAILWAY TO THE MURRAY.

Mr Milne asked the hon. the Chief Secretary if he would cause to be laid on the table of this House any report which may have been received from Mr Murray.—The Chief Secretary said he had received no such report. When the Railway Extension Bill should be discussed the matter would no doubt be referred to

PLURALITIES IN THE CIVIL SERVICE.

Mr Mildred moved that there be laid on the table of this House a return showing the names of all persons holding more than one appointment under the Government, the nature of their extra duties, and the remuneration or fees arising from the subordinate appointments. He characterized the practice of Government officers holding more than one appointment as a system of pluralism.—The Chief Secretary, while defending the practice in certain cases, said the required returns should be furnished.

CONVICTS BILL.

Mr REYNOLDS moved that the House go into Committee, and that the Convict Bill be recommitted for its further consideration. He found that the 5th clause had a retrospective view which would be very unjust in its application.

Mr BAGOT seconded; and in doing so, bore testimony to the valuable services of the member who had originally introduced the Bill, but who had now resigned

IN COMMITTEE.

1st Clause was passed with a slight amendment

Clauses 2, 3, and 4 were passed as printed.

5th Clause,

Mr REYNOLDS moved that the words "has already come" be struck out. The proposed alteration would obviate the possibility of a great injustice in its retrospective application

The amendment was agreed to.

Mr REYNOLDS suggested that the marginal note of the clause should be "definition of offenders illegally at large"

Agreed to.

The clause was passed as amended

6th clause.

Mr. HANSON would like to see a better definition of the expression "harbouring," in order to determine what would be considered wilfully harbouring offenders

Mr BAGOT suggested that the word "wilful" be introduced.

Mr. BAKEWELL considered that the word "harbouring" necessarily implied a wilful act

Mr. HANSON would point out that a person might be illegally at large, and yet endeavour to get his living honestly. The word "harbouring" would hardly be applicable to an employer giving such a person work

The clause was passed with slight amendment.

Clause 7, passed as printed.

Clause 8

Mr. BURFORD thought this clause too severe, when it was found that a man could be transported on any oral testimony.

The ATTORNEY-GENERAL pointed out that the oral testimony must be *prima facie*.

Mr BAKEWELL quite agreed with the clause. It proceeded on the principle that every person from Swan River was guilty until he could prove himself innocent

Mr BONNEY pointed out that any person coming from Swan River, who had been pardoned, would, or ought to have, a written proof thereof with him.

Mr BAGOT thought they were perfectly justified in throwing every impediment in the way of persons coming from penal colonies to this province. It was the duty of such persons to prove themselves free

The TREASURER proposed that the term of seven years should be reduced to two years. He thought all that could be required for the ends of justice was, that the time for proof should be limited to two years. After

the lapse of such a period of residence, he would not require further proof

The amendment was lost, and the clause passed as printed.

The 10th clause was struck out.

The House resumed, the report was brought up and adopted, and the amendments ordered to be printed. The Committee obtained leave to sit again on Friday.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

A message was received, informing the House that the Legislative Council had appointed three of its members as managers of the proposed conference.

ELECTIVE FRANCHISE

Captain Hart moved that the Act to restore the Elective Franchise in certain cases be read a first time. —Mr. Bagot seconded the resolution, which was agreed to

MARRIAGE WITH A DECEASED WIFE'S SISTER.

Mr. Bagot moved that Council Paper 74 be considered, and that amendments of the Legislative Council be agreed to, leaving out the words "by authority"—House resumed. Report was brought up and adopted —Mr. Bagot moved that the Bill be sent to the Legislative Council, asking concurrence in the amendment. Carried.

COURT HOUSE AT WOODSIDE.

In Committee.

Mr. Milne moved, "That an address be presented to his Excellency the Governor-in-Chief, requesting that a sum of money may be placed on the Supplementary Estimates for the present year, for the erection of a Court House at Woodside. The question was carried. The House resumed, and the report was adopted.

RAILWAY TO THE MURRAY.

In answer to Mr. Blyth, the Chief Secretary stated that no report had been received from Mr Hargraves relative to extending the Dry Creek branch of the Gawler Town Railway.

CIVIL SERVICE.

The Chief Secretary moved for leave to bring in a Bill to amend the law relating to the regulation of the Civil Service. Leave was given, and the Bill was read a first time. The second reading was made an Order of the Day for Thursday.

CHINESE CONTAGION.

Mr Peake asked the hon. the Chief Secretary whether it was the intention of the Government to take any summary steps to prevent the landing of Chinese immigrants in this province, with a view to ward off the danger which exists of the introduction of leprosy, or other contagious diseases, known to exist among the Chinese immigrants landed in this province"—The Chief Secretary said it was the opinion of the Colonial Surgeon that the leprosy was not contagious, but he would get a report from that officer on the subject, which he would lay on the table.

HOUSE OF ASSEMBLY.

FRIDAY, SEPTEMBER 11.

AMENDMENT OF THE INSOLVENT LAW.

The Attorney-General said that with the leave of the House, he would defer the motion standing in his name, relating to insolvent Debtors. His reason was

that it was a very important measure, and with a view to its further consideration, he would move that its second reading be an order of the day for Friday next. Agreed to

ELECTRIC TELEGRAPH BILL.

The ATTORNEY-GENERAL moved the second reading of this Bill.

The CHIEF SECRETARY seconded.

The motion was put and carried.

IN COMMITTEE.

Clauses 1 and 2 passed and read.

Clause 3, passed, with the exception of the words following the word "thereof."

Clauses 4 and 5, reserved.

Clause 6, passed as printed.

Clause 7, reserved.

Clauses 8, 9, and 10, passed as printed.

Clause 11, passed with slight amendments.

The remaining Clauses were passed as printed.

The House resumed, and the report was brought up and adopted, and the Committee obtained leave to sit again on Thursday next.

REPEAL OF THE SUPERANNUATION FUND.

The TREASURER moved the second reading of the Bill for the rescinding the Act for the Superannuation Fund. It was the intention of the Government to keep good faith with those officers already in receipt of pensions from the Fund, and to repay the amounts received from officers who were not yet recipients from the Fund.

The COMMISSIONER of CROWN LANDS seconded, and discussion ensued.

Mr HALLETT asked if it was the intention of the Government to bring in any Act to make some provision for pensions.

The TREASURER said the Government had no such intention.

Mr REYNOLDS supported the Bill. He was glad to learn that the Government did not intend to provide for pensions. He was no advocate for pensions, and he saw no reason why Government officers should be pensioned off any more than clerks and employés in general. His view was that officers should be well paid for a good day's work.

Mr. BAGOT opposed the second reading of the Bill.

Mr. BURFORD thought the Bill a very liberal measure. The only objection, if any, was that the allowance would still have to be paid, but he would suggest that in the natural course of things, those gentlemen would soon pass away.

Mr HANSON would oppose the Bill, if pressed to a division. It was a very thin House, and he would like to have time to consider the measure more fully. He would suggest that the second reading be postponed

The TREASURER would proceed with the second reading.

Mr HANSON, in that case would oppose it merely, with a view to the postponement. He considered that the proposal for the Government to continue to pay

the allowances for an indefinite period, was very liberal, but more than just. In repealing the present Act, he thought that some provision should be made for persons who had served the Government for a certain period, or who were incapacitated by sickness.

Mr. MILNE voted against the measure.

LEGISLATIVE COUNCIL

TUESDAY, SEPTEMBER 15.

WASTE LAND REGULATION.

In answer to a question from Mr. Forster—The Commissioner of Public Works said he had understood it to be the opinion of the law officers of the Crown that the Government did not act illegally in rescinding the Waste Lands Act. The question of its desirability might be touched upon another time.

MARRIAGE WITH A DECEASED WIFE'S SISTER

The President announced that he had received Message No. 21, from the House of Assembly, transmitting this Bill with an amendment for concurrence.—The amendment was agreed to.

CHINESE BILL.

This Bill was read a third time and passed.

PUBLIC WORKS BILL

The Commissioner of Public Works, in moving the second reading of this Bill, stated that its object was to alter the executive character of the management of the various public works. Those works consisted of the Harbour Trust, the Railways, and the Water and Drainage Works for the city. It was proposed, that, instead of being managed by Boards, those works should be placed under the care of agents, directly responsible to the Government, which was itself directly responsible to the country.

Mr FORSTER seconded.

Captain HALL had grave doubts whether the Commissioner would be able to prove that which was stated in the preamble of the Bill, viz —that the works in question would be carried on more efficiently. He would, however, not oppose the second reading.

Mr SCOTT would not oppose the second reading of the Bill, but would decidedly object to much of its details in Committee.

Mr. MORPHETT was in favour of the principle of the Bill, of placing the responsibility of Public Works under one head, but he doubted if the preamble could be proved.

Mr. YOUNGHUSBAND moved that the Bill be now read a second time.

Captain BAGOT seconded.

Mr. FORSTER said it had long been felt that there were too many Boards, too many separate elements at work in the public departments, and to that extent he coincided with the Bill. But he thought it would be scarcely economical for the Commissioner of Public Works to have all the Boards in his charge, with a staff of officers for the work. He would take an opportunity when the Bill passed through Committee, to move that the Harbour Trust be excepted.

Mr ANGAS would vote for the second reading of the Bill, for he believed the principle it involved was part of responsible Government. It had been said that no proof had been given that the proposed system would be the most economical. Now, for the sake of trial, he would concede that, and he thought the hon. the Commissioner of Public Works was most especially suited to put the new system to the test.

The question was put, and the second reading lost by a majority of one.

The following was the result of the division —

AYES, 5.	NOES, 8.
Commissioner of Public Works	Captain Bagot
Mr Angas	Major O'Halloran
Mr. Morphett	Dr. Davies
Mr. Forster.	Captain Hall
Dr. Everard	Captain Scott
	Mr. Younghusband

POSTAL BILL.

The Commissioner of Public Works moved the second reading of this Bill. He observed that the inconvenience which at present existed with regard to the mails was so well known, that it would be needless for him to dwell on the subject. The House of Assembly had passed the following resolution:—"That, in the opinion of this House, it is inadvisable for this colony to bind itself to the arrangement proposed by the Imperial Government for the subsidizing the Australian Steam Navigation Company for any period beyond the 31st December, 1858, unless the terms specified in that proposal, with reference to the mode of detracting the cost of the branch service be adhered to; and unless on the condition that the line of steamers touch at Kangaroo Island on the return voyage, as referred to in a recent despatch from Her Majesty's Secretary of State." It would appear by recent correspondence, that the neighbouring colonies had not objected to steamers calling here once on each voyage; and it was probable they would not object now if this colony made an arrangement with the Company in operation. But the Bill was to give the Government the power to make any other arrangement of a desirable nature that might offer itself.

Captain BAGOT seconded the motion, but he thought that the measure should have been more fully explained.

Mr ANGAS supported the second reading of the Bill.

Mr YOUNGHUSBAND would support the second reading, if it were not forced through a thin House. His principal objections to the Bill as it stood were, that the steamers were not made to touch at Kangaroo Island, and that there was no definite time mentioned.

Mr. MORPHETT would not oppose the second reading; yet he objected to the Bill on the grounds mentioned by Mr. Younghusband.

Captain HALL said if they passed the second reading of the Bill they would be agreeing with its principle, and that was what he objected to. The merchants and bankers would derive the greatest benefit from the measure, but as Chairman of the Chamber of Commerce, he would say that the mercantile community did not wish to have their letters brought at the expense of the public generally.

The motion was put and carried. The Bill to be considered in Committee thay day week.

HOUSE OF ASSEMBLY.

TUESDAY, SEPTEMBER 15.

PETITION

The Treasurer presented a petition from clergymen of various denominations, praying that the House will not accept the proposed Marriage Bill — Received and read

NOTICES OF MOTION

Mr Reynolds gave notice that he would next day move for the further consideration of the Convicts Bill, in Committee.

The Treasurer gave notice that on the 17th instant, he would move the second reading of the Repeal of the Superannuation Fund.

LIBRARY.

The Speaker laid on the table a list of the Parliamentary Library, which was ordered to be printed.

MESSRS TOLMER AND ALFORD.

Mr Mildred presented the report of the Committee on the petitions of Messrs Alford and Tolmer. They recommended that no change be made in the provision recommended for Mr Tolmer, by a former Legislature, namely, £100. With respect to Mr Alford, the Committee recommended that a sum of £250 be awarded him — Read, and ordered to be printed.

RESCINDING THE WASTE LANDS ACT.

Mr Hanson regretted that he was hardly in a position to ask the question standing in his name, inasmuch as he found the two volumes of the *Gazette* to which he had intended to refer, had been abstracted from the Library. Mr Hanson then proceeded, and generally stated that he wished to know under what authority or regulations his Excellency had the power to rescind the Act relative to Waste Lands in this colony — The Attorney-General said he equally regretted the absence of the books referred to by his hon and learned friend. He, therefore, would have to trust to his memory. He argued that his Excellency had the authority, under circumstances, to rescind the Act relating to the sale of Waste Land — Mr Hanson gave notice that he would move that the proceeding of proclaiming the Act relative to the sale of Waste Lands rescinded was illegal.

RETURNS.

The Chief Secretary laid on the table a very voluminous correspondence on a question relative to the sale of certain bonds, brought forward by the member for the Port, and in which he accused him (the Chief Secretary) of causing a loss of £1,000. He then gave a further explanation. — The papers were ordered to be printed.

The Chief Secretary laid on the table returns, including the balance-sheet he had lately referred to, and the documents relative to the question raised as to his incorrectness, by the late Treasurer, on the authority of the Auditor-General. The Chief Secretary explained the apparent discrepancy between the Auditor-General's statement and his own — Captain Hart said he would now have an opportunity of looking over the balance-sheet and other documents, and he had no doubt he would be able to show to the hon gentleman that it would have been better that he had acknowledged himself in error — The Chief Secretary regretted that so much time had been taken up to clear matters, which he trusted were now cleared up. But he had a character to keep up — he had been known to the country for years, and he was induced to reply to the allegation of the hon gentleman. For the future he hoped to be able to avoid such discussions, and to proceed with the business of the country.

GAWLER RAILWAY EXTENSION BILL.

The Chief Secretary moved the second reading of the Gawler Railway Extension Bill. He would mention that he had visited the proposed Teatree Gully branch, and he was now of opinion that a line in that direction was very desirable. But for the present the Government proposed not to proceed with that branch, because it was yet uncertain what line would be adopted to communicate beyond the hills, and as a further reason, the question of finance had to be considered. To a great extent he agreed with the bankers and Mr Hector's opinions, as given in their evidence before the Committee of the other House. He would state his own views of the financial question. He thought that in ordinary years they could not lay aside less than £50,000 for roads, £30,000 for other works of different sorts, £60,000 for immigration (which must be kept up, if great works are to be carried out), £200,000 for the general government of the country, and interest on the loan of £1,000,000 (£60,000), total £400,000. He considered that was an amount which they could with certainty count upon. He had no reason to apprehend a smaller revenue for a series of years, but a year might occur when the revenue would not largely exceed that amount, and he was not disposed to go one shilling beyond a safe amount. He was prepared to go to the extent of £250,000 to carry on railways and other works. With reference to the report of Mr Hanson, the Chief Engineer, he found £250,000 set down in the Bill was altogether insufficient. There would be £30,000 required in addition to complete the Gawler Railway, and £40,000 was demanded to place the Adelaide and Port Railway in an efficient state. These sums — £30,000 and £40,000 — were required to complete and put in an efficient state the works already undertaken. That should be their first duty before proceeding with other works. He was willing to borrow the £180,000 to complete the extension to Kapunda, which, with the £30,000 and £100,000, mentioned, was all he was willing to borrow, and he did not feel disposed to go the length of the sum necessary for the Teatree Gully extension. The time, however, he trusted, was not far distant when railways would become more paying concerns. He considered they were safe in deferring the payment of the principal for the space of ten years, and it was for the advantage of the colony to do so. It appeared to him that they must borrow money to make railways to open up the country, or to do without railways, and allow the other colonies to go ahead of them. He then considered the question of animal or locomotive power. He had been at one time in favour of tramways, but on reading the statements of scientific men, and seeing the results of experiments made, the conviction was forced on him that between railways and common roads there was practically no medium. A conventional meaning had been attached of late to "reproductive works." The expression, he considered, was equally applicable where works were valuable through the medium of tolls or fares, or through the general advantage of reduced cost of transport, or through opening up the interior. So long as the country obtained an equivalent for the cost of a work, he cared not whether it was productive in the conventional sense or not. He was still prepared to go on with the Bill, fortified with the assurance of the engineers who had estimated the probable quantity of traffic and receipts on the line. Mr Hanson calculated that there would be a working expense of £18,000 per annum, and that the amount of traffic would be £25,000 per annum. Now, he would be satisfied if the Kapunda line only paid its expenses. He saw that £250,000 had been set down for the three lines required, two of which were only stated in the Bill. He would in Committee have to move amendments in the Bill so as to take in the third object, which was to put the Adelaide City and Port Railway in a state of efficiency. Having adverted

to the many advantages attending railways, and the great necessity for them, in this country, he concluded by saying, they had a rich and powerful neighbour in Victoria, and it depended upon themselves whether their neighbour should, like a great gum-tree, overshadow and destroy its neighbours, or, whether, like an Italian forest-tree, it would sustain by its spreading arms the fruitful vine. Unless they proceeded with this work they could not hold their own. They could not stand still. They must either progress or fall back.

Mr. BABBAGE would, for the present, avoid the question of railways or tramways. He was not yet assured that the best line had been selected, and in order that the Government might have a re-survey of the line, with the object of obtaining a report from the Chief Engineer as to the best line to be adopted, he would move the previous question. He believed there was a strong feeling out of doors that the Teatree Gully branch was not the best way to penetrate the hills. On that point, he found that the Chief Secretary had changed his opinion since accepting office. He then read numerous extracts from the evidence recently given before the Railway Committee, in support of his view. He contended that the surveys and estimates for proposed railways in this colony should be got up with more care than was customary in England with many private companies—often ephemeral, and got up hurriedly, trusting to the chances of the ballot-box to get the line passed through a Committee of the House.

Mr. FINNISS supported the second reading of the Bill.

Mr. BONNEY supported the amendment. He thought a line to the Murray of much more importance than the proposed extension; and he agreed with Mr. Babbage, that sufficient proof had not been offered that the best line for the Kapunda extension had been selected. He also considered that it was not fair to exhaust the borrowing power of the colony for the benefit of any one district.

Mr. BAGOT thought the last speaker had forgotten the large amount of land sold in the north, and the small amount expended in northern improvements. He supported the second reading.

Mr. DUNN would vote for the previous question.

Mr. HANSON supported the motion. He had often felt the justice of the reproach that the north was neglected, and the statement made the other day, that there were applications for 4,300,000 acres in the north, fully proved where the means were to come from to pay the liabilities, and where the colony must ultimately develop itself.

Mr. BURFORD moved the adjournment of the debate. Carried.

LEGISLATIVE COUNCIL.

WEDNESDAY, SEPTEMBER 16.

LIBRARY

Mr. Morphett laid on the table a list of all the books in the Library.—Ordered to be printed.

POSTAL SERVICE TO THE DARLING.

Mr. Younghusband asked the Commissioner of Public Works whether there was any provision in the Estimates for a postal line from Moorundee to the River Darling.—The Commissioner of Public Works said

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tenders had been advertised for, but those sent in were considered too high. The matter was still under consideration.

IMMIGRATION BILL PASSED.

In Committee:

Clause 1—"That the Governor be empowered to appoint an Emigration Agent."—Passed. Clause 2—"Agent to give security"—Agreed to. Clause 3—Passed.

The House resumed, and the report was brought up, and leave obtained to sit again on the following Tuesday.

CONFERENCE.

The President stated that he had received a message from the House of Assembly, enclosing the following resolution—"That in compliance with the message of the Legislative Council No. 14, requesting a conference, Messrs. Bakewell, Dutton, and Reynolds be appointed by this House to meet the members appointed by the Legislative Council, on Tuesday, 22nd September, in the Speaker's room, and to receive their reasons."

The House adjourned till the following Tuesday.

HOUSE OF ASSEMBLY.

WEDNESDAY, SEPTEMBER 16.

SALE OF GOVERNMENT BONDS.

Mr. DUTTON moved that a return be laid on the table of this House of the amount of bonds issued during each month of this year, and the rate of premium at which such bonds were issued, distinguishing the amount issued in this colony, the amount sold in Melbourne, and the amount sent to England for sale, with the amount of the charges incurred in selling such bonds in Melbourne and in England respectively, and returning proceeds to this colony.—Agreed to.

PUBLIC SALARIES.

Mr. BLYTH moved That there be laid on the table a tabular return, showing—1 The Heads of, and Chief Clerks in, the several departments of the Government, including under the head 'Chief Clerk,' any officers—such as Under Secretary, Under Treasurer, &c—as have been promoted from the office of Chief Clerk. 2 Date of institution of office. 3 Amount of salary at first institution of office. 4 Salary proposed for 1858. 5 Increase (if any) per cent on original salary. 6. Decrease (if any) per cent on original salary.—Agreed to.

NATIVE LOCATION AT PORT LINCOLN.

Mr. MILDRED to move—

"That there be laid on the table of this House a report of the Native Location at Port Lincoln, from its foundation to the present time, of all moneys subscribed to that Institution, and by whom subscribed, of what quantity of freehold is held by that Institution, of the value of all property in buildings and stock, in whom is the said property vested; the annual income and expenditure of that establishment, the number of natives their ages and sex, resident in that establishment."

From the earliest period of the colony, he had been in the habit of visiting Port Lincoln, and he had watched with interest the attempt to civilize, in some degree, the aborigines of this colony. It was not clear that at the present time that Institution was carried on satisfactorily, considering the amount expended on it, which was between £4,000 and £5,000. Again, it would appear that the object of the Institution had

failed, at least large numbers of those who had been trained, had been found to return to the wildness. It was therefore important to have the information he had asked for, at least to all philanthropic minds. He was sorry to see so many disastrous results attending the efforts to ameliorate the condition of the natives, and that was an additional reason for his desiring the information.

The COMMISSIONER OF CROWN LANDS seconded.

Mr. BONNEY objected to the motion before the House, inasmuch as the Institution was private, and he therefore considered that the House had no right to enquire into what had been done by the private resources of the Institution. Some of the matters it was very desirable that the House should have information on. At present there was no connection between the Government and the Institution, except with regard to the grant. As an amendment, he moved, in effect, for information relative to the Institution irrespective of private matters.

Mr. REYNOLDS pointed out that the Institution received from the Government £1,000 per annum. They did not wish to know what each subscribed to the Institution, they merely wished to know the total. He, therefore supported the motion of the hon. member for Noarlunga.

Mr. BLYTH objected to the wording of the resolution, with reference to all monies subscribed. He was sure no information on the subject would be withheld from that House. He should support the amendment, and he hoped the hon. member for Noarlunga would withdraw his motion.

Mr. KRICHAUFF supported the amendment.

Mr. BURFORD considered that the House was entitled to ask for any information from the Society, if that Society received a grant from the Government. Such information would guide the House as to the wants of the Institute.

Mr. BAGOT would support the amendment, if the mover would add—"in what way the public funds voted to the Institution had been expended."

Mr. BONNEY said that was precisely his object.

The CHIEF SECRETARY thought they had a right to call for all necessary information from the Managers of the Institution before the House voted any public money towards it. Some necessary information had not been called for in the Institution relative to the ages, and the number of births. He had visited the Institution, and from his own observation, he was afraid the aboriginal natives of this colony were not susceptible of improvement. It did not appear that after the natives lived somewhat after the manner of civilization, that they had any children. In all probability, at the present rate the race were dying away, they would cease to exist in a few years. He therefore considered that, as their settlement in this country would result in driving the original natives from the face of the earth, it was then the House's bounden duty to do all that could be done to ameliorate their condition during the short period of their decline, and for that reason he moved, as an addition, that every information it was in the power of the Government to obtain, relative to the Institution, should be given.

Mr. MILDRED would willingly agree to the suggestion of the Chief Secretary.

The original motion, as an amendment, was carried.

LAND SALES.

Mr. Marks asked the hon. the Commissioner of Crown Lands whether the land which is being surveyed for sale north of Clare will be offered in sections not exceeding 80 acres, in accordance with a pledge given in this House by Mr. Bonney, when Commissioner of Crown Lands.—The Commissioner of Crown Lands said the Surveyor-General had been instructed by a former Commissioner, as a general rule, to survey land fit for tillage in small blocks, and that no land should be surveyed in large blocks, unless when a special report had been made.

SALISBURY LOCAL COURT

Mr. Harvey asked the hon. the Chief Secretary whether it was the intention of the Government to establish a Local Court in the township of Salisbury, before the Court House was built.—The Chief Secretary said it was the desire of the Government to comply with the wish of the people of the district referred to, and measures would be taken to carry out that intention.

PASTORAL LEASES

Mr. Reynolds asked the hon. the Commissioner of Crown Lands and Immigration when the new regulations referring to the leasing of waste lands will be ready, if ready, the nature of those regulations.—The Chief Secretary said, as the question involved the general policy of the Government, his hon. friend the Commissioner of Crown Lands had allowed him to give the reply. The new regulations were under consideration. He was, however, in a position to explain the principles upon which the Government would act in framing the new regulations, and also with regard to the claims for runs which had already been received by Government. They had taken upon themselves a grave responsibility in advising his Excellency to recall the late existing regulations, but they had done so only after mature consideration. They had decided upon adopting a bold policy, and by that policy they were prepared to stand or fall. By the late policy, not only discoverers of runs, but the first occupiers would receive the enormous boon of a lease of 14 years at a peppercorn rental. They were also startled to find applications for 4,300,000 acres, and reliable information that further claims would be sent in to the extent of 100 runs. They felt that an occasion had arisen when they must, for the public good, take upon themselves a grave responsibility. They felt that it would be useless to come down to that House for a remedy when the mischief was done; that, in fact, it would be only shutting the door when the steed was stolen, to make regulations when the land was all taken up (Hear, hear). They felt it was necessary to put a stop to the system before something like a rush would establish an equitable claim on such an immense extent of the public domain. With regard to the doubt thrown out as to the legality of the course taken, he had to remark that a precisely similar course was taken by a former Government. They took on themselves that legal responsibility, not being aware that there was any doubt as to its legality. Had they not done so, they might have had applications for another 4,000,000 acres, which, had the Act not been rescinded, they would have been compelled to grant. Before issuing new regulations, they would await the passing of an Act of the Legislature. The system would involve a constant trigonometrical survey, advancing into the interior gradually, at an expense of 2s. 6d. a mile. A glance at the map he produced would convince hon. members of the advantage of a change from the old system. It would be seen that all the water and springs marked in the country had been taken up by holders, without paying anything extra for those advantages.

Mr. BONNEY rose to a point of order. He thought

that the Chief Secretary was attacking a former Government on a subject apart from the question.

The CHIEF SECRETARY said that nothing was further from his intention than any desire to attack the late Minister for Crown Lands. It was his intention that for the future runs should be put up in blocks to be of such a shape as not to be more than twice as long as wide. The natural features of the country would also be observed. The Government would grant leases as before, for thirteen years. There would be four descriptions of leases, and the rent paid would be on a progressive scale, say of 15s for the first five years, increasing to 25s for the last five years, and these leases to be put up to auction at an upset price. Certain advantages would be permitted to the discoverers of good country, and some regulation would be made, so that in case of such a party being defeated at the auction, the purchaser should pay him something like two years rental. The Government would even allow a greater advantage to discoverers if the House wished it. A further regulation would be to require a certain amount of stock on a given space, in order to prevent persons monopolising runs, by simply paying the rental, and then withdrawing their cattle. In many cases the runs were not a fourth part stocked. With reference to the applications made before the rescinding of the Act, the Government intended to keep good faith with those persons, believing that they could not in justice do otherwise, therefore that extent of country was lost to the province for fourteen years. But the Act was repealed to save the rest.

CONFERENCE.

The CHIEF SECRETARY, before making the motion standing in his name, would ask the Speaker if the members of the Conference should be in their places when the motion was made.

The SPEAKER answered in the affirmative.

The CHIEF SECRETARY then asked leave to amend his motion, and insert the name of Mr Bakewell instead of that of Mr Hanson, who was not present.

Leave was given to amend.

The CHIEF SECRETARY then moved, that in compliance with message of the Legislative Council No. 14, requesting a conference, Messrs Bakewell, Dutton, and Reynolds be appointed by this House to meet the members appointed by the Legislative Council, on Tuesday, 22nd September, in the Speaker's room, and to receive their reasons.

Mr. MILNE pointed out that no hour was named.

The CHIEF SECRETARY thought it was unnecessary.

The SPEAKER said the motion merely had reference to the names of the parties appointed.

Mr BABBAGE objected to the name of Mr. Hanson being struck out. He thought it was uncourteous to Mr. Hanson (No, no, from the Chief Secretary) In his opinion it would be acting very uncourteously to Mr Hanson to strike out his name for the mere reason that at that particular instant he was not in the House.

The SPEAKER ruled that the members appointed to the conference must be present.

Captain HART said it was certainly unfortunate for the hon Mr Hanson that the ruling of the Speaker differed from that he gave on a former occasion. Mr Hanson had very probably acted upon the former ruling. Considering the ability of Mr. Hanson, and his great

experience, it was a misfortune that he was not on the Conference.

The SPEAKER explained that the managers would receive reasons, and return them to the House. Should the House, then, not agree with those reasons, a Committee on the part of the House of Assembly, would have to be appointed to draw up reasons. Such was the practice laid down in May.

Mr. BLYTH suggested that much inconvenience would arise to the House from invariably following the ruling of May. He thought that it was a slight to leave out the name of the hon member for the city, and while adverting to the subject, he would say he was sorry that so much personal feeling had been displayed on the question. He thought the ruling of the Speaker was a dangerous precedent.

Mr. BAGOT would support the question before the House, because it appeared to him that they should not allow any matters of a personal nature to influence them on the occasion. He did not think that the House should adjourn until the hon member for the City was in his place, yet he did think that the manner in which his name had been struck off was a slight. (No, no.) The only reason for the proceeding was the strict and stringent rule at home, which he did not consider ought to be applied here to the full extent, under the circumstances of this province.

Mr BURFORD believed that when the hon Mr Hanson heard what had passed, he would think, "save me from my friends."

The CHIEF SECRETARY said, in the course of his experience in that House he never heard so groundless an imputation as that which had been cast on himself. He had merely followed the course of procedure which usage rendered necessary, and he was accused of having purposely acted on a feeling of disrespect towards the hon. member for the city. A more groundless imputation was never brought forward, because, on the very face of it it was contradicted. The fact was, that he actually named the hon. Mr. Hanson as first on the list on the original motion, and that he should, in an offensive manner, strike out his name from the list, was a most groundless and unwarrantable imputation. He had the highest respect for that hon. gentleman's high order of intelligence and power, and he (the Chief Secretary) hesitated not to prefer him to the hon Mr. Bakewell, with whom, however, he was perfectly satisfied. But it was necessary to abide by the Standing Orders and usages of Parliament. It would be for that House to adopt reasons to be submitted to the conference. The House would have every opportunity of placing the matter on a right footing.

The motion was carried, and the message ordered to be transmitted to the Legislative Council.

GAWLER RAILWAY EXTENSION BILL.

Resumed debate.

Mr BLYTH said he had the privilege of sitting on the Committee which had to report on the Bill, and he would state that he was of opinion that on the whole, the best line had been adopted, after hearing all the evidence that had been adduced before that Committee. He would therefore support the second reading. He regretted that it was not intended to proceed with the Dry Creek branch, because he considered it of equal importance with the Kapunda line, leading as it did to one of the most fertile districts of the colony. He could not help thinking that the railway system had received its most heavy blow from the great expense of the Port line. Even the Gawler line was too expensive for this.

colony, and it would be found that a cheaper system would have to be adopted, the object being to open up the country at the cheapest rate.

Mr REYNOLDS said his sympathies were once in favour of tramways, but now his conviction was in favour of railways, and he believed that they must either adopt the railway or adhere to the macadamised road.

Mr BURFORD said there could be no opposition without an object, and he wished to know what the object could be. Was it to stop progress in the construction of railways? He thought that could not be the motive. Or, was it a desire to obtain another line? He would point out that the Estimates and everything had been completed, and the North had a demand second only to the Port.

The COMMISSIONER OF CROWN LANDS would merely say that the expenditure incurred by railways should not be borne solely by the present generation, the burden as well as the benefits should be handed down, at least in part, to their successors.

Mr. KRICHAUFF would vote against the extension.

Mr. DUFFIELD supported the second reading of the Bill.

After further debate, in which Messrs Peake, Hay, and Lunsley took part, the Bill was read a second time, committed, and its further consideration made an Order of the day for Thursday.

HOUSE OF ASSEMBLY.

THURSDAY, SEPTEMBER 17

THE QUEEN'S CUP.

Mr HARVEY moved that the House go into Committee to consider the motion standing in his name—“That an address be presented to his Excellency the Governor in-Chief, requesting that the sum of £100 may be placed on the Supplementary Estimates for encouraging the breed of blood horses bred in this colony, and that the same be placed at the disposal of the South Australian Jockey Club.”

Mr REYNOLDS said the question had come before the House very often, and last year it was thrown out. He certainly thought the House had nothing to do with the question.

Mr BONNEY was of opinion that horse-racing did not encourage the breed of horses required in this colony. It was the opinion of Captain Nolan—a great authority on those matters, that horse-racing deteriorated the breed of horses in England. He therefore considered the House should throw out the motion.

Mr. YOUNG said that cricket clubs and their proprietors might as well apply for Government support as the committee of encouragers of horse-racing.

Mr. COLE was opposed to the motion. He did not admire the practise of horse-racing, and would certainly not encourage it.

Mr PEAKE rose to support the motion. On the ground of economy, he would support the motion. It would be a wise foresight to encourage the improvement in the breed of one of the most valuable domestic animals. He considered that a maudlin cry

had been raised in that House against what were the feelings and wishes of the community. The morality of the question was not the question to be considered, those were not the grounds on which he advocated the question, they were those which would influence every agriculturist and country gentleman in ordinary life. He was not there to give a sermon on morality, he took the practical and business view of the question.

Mr BURFORD said it was not the duty of the Government to provide for the sports of the people, and he considered it was a most unprincipled action for persons to come forward to ask such a favour.

The SPEAKER called the hon gentleman to order.

Mr. BURFORD said if unprincipled was an unparliamentary word, he would say, meanness. As a taxpayer, he declined to support such a motion. It did violence to his feelings. He would not promote gambling, vice, or immorality in any of these multiplied forms. He understood that an allusion had been made to domestic animals. “There, Sir, I would as soon give a prize to the best tom cat,” or he would do as they did in America, and have a baby show, and see who could turn out the best baby. (Laughter.)

Mr BAGOT was sorry to be obliged to vote against the motion.

The House divided, when there appeared a majority against it.

INQUESTS.

Mr. Reynolds moved—“That a return be laid on the table of this House, showing the number of inquests and enquiries held from 31st August, 1855, to 31st August, 1857, stating the number of Coroners or Magistrates holding such inquests and enquiries, with the amount of fees, salaries, travelling and other expenses, paid to each in respect thereof, also, the verdict recorded in each instance.—Agreed to.

AGRICULTURAL STATISTICS.

Mr. Krichauff asked the hon the Chief Secretary if it was the intention of the Government to collect agricultural statistics in the present year.—The Chief Secretary said it was the intention of the Government to do so.

GOVERNMENT RESERVES.

Mr Hay asked the hon the Commissioner of Crown Lands and Immigration if Section No 2122, Hundred of Yatala, District of Highercombe, is set apart as a Government reserve, and, if so, for what purpose it is so reserved. Also, a piece of land, same hundred and district, north of and adjoining Section No 2139, if that is a Government reserve, and, if so, for what purpose it is reserved, or if either of the above pieces of land are likely to be open to the public for selection or sale. He asked the question at the request of the District Council. Nearly all the land in the district had been sold, and they wanted to know whether they were responsible for the destruction of thistles on the land in question, and its general care.—The Commissioner of Crown Lands stated that the sections in question were reserved by the Government, and there was no intention of putting them up for sale.

SUPERANNUATION FUND REPEAL BILL.

The TREASURER moved the second reading of the Bill for abolishing the Superannuation Fund. The object of the measure was not only to return the money paid to the fund by officers in the Civil Service, but to act liberally and pay them 10 per cent. for the money so

subscribed. The total amount of the money subscribed with interest was £2,242. The amount of annuities to be paid would be £1,584 11s 7d.

Mr BONNEY thought that the repeal of the Act would do injustice to certain officers. He would point out that the question of superannuation allowances could not be got rid of. All large companies in England made some such provision for their employees. With the Home Government it appeared that the fund was in amount greatly in excess of the wants.

Mr NEALES hoped that the Government would bring in another system of providing for retiring allowances. The Government service was peculiar, and when a man entered he felt that it was a sort of permanency, in which he advanced by mechanical rotation. He supported the measure.

The Bill was read a second time, and committed.

Clause 1—Repeal of Ordinance 21, 1854

Mr BABBAGE, before the motion was put, would suggest that the Treasurer ascertain for what the annuities of the present recipients of the fund could be purchased, and in the meantime postpone the further consideration of the measure.

The clause was agreed to, and the report brought up and adopted.

TAYLOR AND FRANKLYN'S PETITION

Mr Neales moved, that the petition of Messrs Franklin, Taylor, and Abbott be taken into consideration, with a view to remunerate them for the trouble and expense they have been put to in connection with the Torrens Bridge estimates and plans. The petition had reference to certain plans and estimates sent in by the petitioners for a bridge over the Torrens. They, in common with others, were afterwards requested to withdraw those plans, the plan of W B Hayes, the Colonial Engineer, having been adopted. That plan appeared to be a modification of that of the petitioners. Other parties who had sent in plans had been remunerated, and the petitioners, therefore, thought they were entitled to compensation.—After some discussion, it was agreed, on the suggestion of the Treasurer, to withdraw the motion with a view to the appointment of a Select Committee.

CIVIL SERVICE BILL.

The Chief Secretary stated that the principle of this Bill was that the good-service pay should not commence until officers had been in the Civil Service three years, and then only on the recommendation of the head of the department. The good-service pay would be at the rate of £10 per annum from its commencement, and was never to exceed one-third of the officers salary. The Governor would also have the power of suspending it.—The Bill was read a second time.

In Committee

The 1st clause, repealing a former Act, was agreed to. Clauses 2 (amended to 7) were passed, and the House resumed. The report was brought up, and leave given to sit again next day.

CONVICTS PREVENTION BILL.

This Bill passed through Committee, and the third reading was made an order of the day for the next day.

RAILWAY EXTENSION BILL.

In Committee

Clause 1, authorising the raising of £250,000, was read.—The Chief Secretary, in answer to Mr Babbage,

stated that £40,000 was required for improvements on the Port line.—Mr Babbage said it was an important question, and he would move that the Chairman report progress, and ask leave to sit again.—The motion was agreed to, and the Committee obtained leave to sit again next day.

HOUSE OF ASSEMBLY.

FRIDAY, SEPTEMBER 18.

CONVICTS PREVENTION BILL.

This Bill was read a third time, passed, and ordered to be forwarded to the Legislative Council.

CIVIL SERVICE BILL.

In Committee.

The Chairman brought up the report. It was adopted, and the third reading made an Order of the Day for the following Tuesday.

THE ESTIMATES

The TREASURER moved the House into Committee of the whole to consider the Estimates.

In Committee accordingly.

The TREASURER, in asking the House to consider the Estimates, expressed his confidence that when they were examined, hon members would admit that they had been prepared with care, and that a sound discretion had been exercised in adopting the principles upon which they had been framed. He was content to take the thin attendance present as an evidence of the confidence of hon members in the statement of Ways and Means and the proposed expenditure, but he confessed that he would have addressed himself with more spirit to the task had there been a fuller attendance of members. He trusted that all reasonable allowance would be made for him, when it was considered that he was the first person who had attempted to introduce that weighty subject before the present Legislature. He had undertaken the duty at a very short notice, and he could not say that the various economical and prudential alterations proposed in the Estimates were of his origination. He confessed freely that he was indebted very materially to those gentlemen who had been in office with Mr. Finnis. The papers and documents which had been left by them had been of the greatest advantage to him in compiling the Estimates before the House. While making that acknowledgement, he would, however, assure the House that the present Government had gone carefully through the Supplementary and General Estimates, and he was prepared to advocate the different items in that programme when they came before the House. He would proceed with the consideration of the Ways and Means. Hon members would perceive that the Land Fund for the present year had been estimated at £180,000, and the receipts for the eight months ending with August amounted to £142,000. Did the receipts continue at the same rate they would be justified in putting down the amount of land sales for the present year at £214,000. He considered, however, that it was not desirable to estimate that source of revenue at the full probable amount. It was not like the Customs, derived from an indirect tax upon articles of necessity and luxury, which might be safely reckoned to be consumed or indulged by the colonists. Such items might be reckoned with tolerable certainty, but the Land Fund could not be placed in the same category. That fund might be influenced by various circumstances tending to enhance or diminish it. He therefore deemed it prudent to have a large margin, and instead of placing it at £214,000 it was placed at £200,000, leaving a margin £14,000. The Customs receipts had been estimated at £150,000. The

amount collected for the eight months ending 31st August had been estimated at £94,600. If that revenue continued at the same rate until the end of the year it would be £47,300, leaving a deficiency of £8,000 on the amount estimated in 1846 for the receipt of the present year. It had, however, been universally found that in the last quarter of the year the revenue had exceeded that of all previous quarters, and he thought they need apprehend no other result now, and they might safely leave the item as it stood. With regard to the expenditure, he would say that there was upon the whole programme, regarding establishments, a saving of £834. There were several requirements for the public service which would add to the expenditure. There was the office of Commissioner of Public Works, which did not exist when the former Estimates were framed, £830. Then there was £200 expenditure on the gold fields. The establishment of a post to the Darling was another item. In that case the expenditure had not been incurred, but the Government were pledged to accept any reasonable tender, and to establish that service. At the request of the Education Board the proposed sum for that department had been increased £1,000, to provide for the stipends of an increased number of licensed teachers. Then there was for the Government Printing Office £1,000 additional. He trusted that hon. members recollected the testimony borne by the Estimates Committee to the efficiency of that establishment, and that there would be no objection to the item, as the establishment, with increased duties, was as efficient as ever. Then there was the Commissioner of Insolvency in Adelaide. That item was in excess of the votes taken for the present year. The increase was £6,300, but on the other hand there were savings in the establishments which showed on the whole a balance of saving of £834. With regard to Public Works, there was an increase of £49,000 on the Estimates voted by the late Legislature. There was £1,000 for progressing with the works at the Hospital, £1,000 for the erection of suitable accommodation for female prisoners at the Gaol as recommended by the Colonial Surgeon and the Sheriff, and a sum of £2,000 to provide accommodation for the Legislative Council and a coffee-room for the members of both Houses. Then there was an item of £2,000 for opening a communication with the much-neglected South-Eastern District, Mount Gambier. It was proposed to build bridges over creeks occasionally impassable, and to make roads on swampy tracks. There had been £15,000 placed by the late Ministry at the disposal of the General Road Board. He hoped the House would not disapprove of that, seeing that the Land Fund had increased and rendered that sum available. Then there was the sum of £5,000 set down for improvements at Victor Harbour, in accordance with Council Paper 55, and at the suggestion of the Harbour-Master. It was thought that as the Murray navigation was likely to increase to a considerable extent, it might be desirable to render accommodation to vessels beyond what was so inadequately provided at Port Elliot. The matter was, however, for the consideration of hon. members, and it was for the House to fix the amount to be appropriated to that purpose. Against that amount there was a saving of £5,000 voted in aid of the construction of temporary waterworks by the Corporation of Adelaide. That vote was accompanied by a stipulation that the Corporation should apply an equal sum to the object in 1857, and there had been no application for the money. Another item of £1,000 had been voted for a mail communication with Port Lincoln. The vote was for the present year, and no tender having been received, the amount reverted to the General Revenue. In addition to the foregoing item there would be a sum for collecting agricultural statistics, as promised yesterday by the Chief Secretary. He would next proceed to a consideration of the General Estimates for the

ensuing year. The Supplementary Estimates showed a balance to be carried forward of £54,999. Before going into detail, he considered it well to adopt the rule which obtained in England and other countries of laying some general views of the state of the country before the Legislature, as shown in the departments over which he had the honour to preside. The colony generally was in a state of great prosperity, and the House would be fully justified in accepting, and adopting, the Estimates submitted for their confirmation. The Customs returns from 1st October, 1855, to 30th September, 1856, showed imports amounting to £975,336, or equal to £9 15s per head of the population, estimated at 100,000 souls. From the 1st October, 1856, to 30th September, 1857—the latter month being estimated the same as July and August—the imports were £1,514,493 or equal to £14 0s 6d per head of a population of 108,000. A part of the imports must be looked upon as fixed capital, such as railway iron and stock, and the vast amount of materials employed in public and private works and buildings. The exports for the first-mentioned period were £1,044,516, or £10 7s per head for 100,000 souls, the exports for the latter period amounted to £1,495,946, or £18 1s 3d per head for a population of 180,000 souls. The hon. gentleman read a paper containing a statement of the wheat, wool, copper ore, and lead ore exported. He believed the public were not aware of the increase likely to take place in the latter article, and repeated his belief that the House would be fully justified in adopting the Estimates both of Land Sales and Customs. In estimating the produce of the land sales for 1858 at £180,000, he had been guided by the experience of former years. In 1855, the proceeds of the land sales were £240,000, 1856, £231,000, and, as he had stated, 1857 was, with a margin of £14,000, set down at £200,000. It had been deemed advisable to follow the course recommended by the Estimates Committee in 1855, and keep on the safe side. There had been in 1855 an excess of £80,000 over the estimate, and while in 1856 the Legislature only sanctioned an estimate of £175,000, the receipts were £231,000. He had kept in view the argument that every year the good land available near Adelaide became less and less, and the land sales must in time fall off. He must say, however, that the theory had not been sustained, and he believed it would not be sustained. There was plenty of good land to sell, if the Legislature provided means of communication between it and a market. So long as by railway or other communication, facilities of transport were available, there would be no fear of a falling off in the Land Fund. It appeared from the statistics he had placed before the House, that the produce of the industrial energy of our agriculturists had greatly increased of late years, and the probability was that, as the basis of operations extended, the productive energies of the people would increase. The purchases of our waste lands—for it was a most gratifying fact that it was our agriculturists who were the largest buyers of Crown lands, and the increase of the produce of their industry—was the surest datum to rely on for a continued demand for the purchase of land. He, however, thought the rule adopted in the three past years a sound one, and that it was desirable not to anticipate the Land Fund at the full amount it might probably yield. It was desirable to leave a margin which, if realised, would be available. He did not think it wise to spend money in reliance on the Land Fund being as productive as in former years, and he thought it a sound discretion to keep within that limit, now that the colony had become a borrower of foreign capital, as a deficiency at the end of a financial year might shake the public credit. The Government recognised the wisdom of the principle of placing the Land Fund and the General Revenue together, but although they were not to be kept distinct as in former years, he thought it would be wise economy of that House to see that the capital

of the country was not absorbed in the ordinary expenses of the Government. The sum of £234,999 was placed on that category, viz., balance of 1857, £54,999, estimated Land Fund, £180,000. From that should be deducted £16,400, the expense of the Survey Department, Aborigines, £2,000, Emigration, as proposed, £5,870, Colonial Architect, and Commissioner of Public Works, £2,706. Those items would give £99,982, which should be a primary charge on the balance brought forward, and that would leave £208,020, which the Government proposed to apportion as follows.—Immigration, £60,000, which would be at the rate of one ship a month for twelve months, £70,000 for the Central Road Board. Although that was less than the vote of last year, it was hoped that the opening of the railway to Gawler Town would reduce the expenditure on the main roads. Then there was the item of sinking fund upon the bonds, £22,300, for the completion of the Lighthouses on Cape Borda and Cape Northumberland, £5,200, public works, buildings, and improvements, £40,000, and £3,000 for the discovery of a workable coal-field. He was aware that it was a general opinion that such a thing could not be found. A letter had been received from a person stating that he would, if a suitable reward were offered, discover a workable coal-field. He (the Treasurer) would state that the late Mr Menge, a geologist of acknowledged scientific attainments, had given him private assurance that if he could trace certain strata from Kangaroo Island to the main land, he believed he could find coal. It was a fact that the letter referred to indicated something like the same locality. He thought that as a discovery of coal would be of such undoubted benefit to the colony, the chance of finding it ought not to be thrown away, but if there was no discovery there would be no payment. Under the head of Education a sum of £1,500 was put down to aid the erection of schoolhouses in country districts and £2,000 in aid of schoolhouses in town. He would be fully prepared when that matter came on for discussion to explain each item. The interest on the loans had been altogether omitted from those items, and was charged to the general revenue of the province, and if hon. members would look through the items they would see that the Estimates had been kept within the Ordinary Revenue. He had referred to the subject of immigration when on the Supplementary Estimates. An excess of £30,000 had been incurred on the vote of last year, but that was to carry out a decision of the Legislature that immigration should be continued at the rate of one ship a month. To carry out that object, it had been found necessary to send home a sum of £20,000, and now there was in the hands of the Commissioners in London a sum that would enable them to send one ship a month up to the 31st March next. There would then be in their hands a balance of about £400, and the additional £10,000 was intended to enable them to continue the same rate of shipment until the agency proposed to be established by this colony should come into operation, so that the stream of immigration may be continued unchecked at the present rate. The Agent-General's account had been carefully examined. He had been supplied with bonds to sell for the requirements of the City Waterworks and other undertakings. He had, however, strict instructions not to realize on the bonds until the money was required, so that the public should not have to pay interest on money that would be kept lying idle. An hon. gentleman had said that there appeared to be an increase upon the establishments. He had deferred his answer until then, as he conceived that to be the proper time to reply to that statement. Although there was an apparent increase, it should be borne in mind that there were many new items. That this £3,399 11s 9d for Observatory and Telegraph Establishments it was believed would be altogether realized by the telegraph between Adelaide and Melbourne. Mr. Todd thought the in-

come would be larger, but the Government had set it down as equal to the expense, and would be gratified to find it a source of income. Then there was the office of Commissioner of Public Works, £330. The Goolwa Tramway £700, an item for the purchase of increased rolling stock and more horses. It was exceedingly problematical whether that would be required, seeing that a successful attempt had been made to navigate the mouth of the Murray. Should other steamers succeed in doing so the amount would not be required, as the tramway would, to a great extent, be superseded. The Emigration and General Agency was set down as one item, £5,550. It had been remarked out of doors and in that House that a large sum had been set down for those objects, £1,000 was set down as salary for the gentleman who would fill the twofold office, as the officer would have to perform the duties now rendered by the Agent-General as well as those of the Emigration Commissioners. He would show the House that Ministers were not extravagant in placing that sum on the Estimates—that in fact it was a most economical arrangement—by comparing it with the amounts paid for those services under the present system. The Agent-General received as commission on the sale of bonds in 1857 £926 2s 8d, and on indents £891 9s, or £1,817 12s 8d. The Emigration Commissioners charged for office and other expenses for three years £3,615, being at the rate of £1,205 a year, besides charges for sub-agents, and that for services which the late Legislature declared to be most inefficiently performed. He believed that opinion was quite correct. He would be prepared to give further information when the item came on for discussion, merely remarking that the proposed salary was intended to cover the commission for the sale of the bonds, indents, and emigration business. It was also his opinion that such officer should give a considerable security not only for the due performance of his duties, but for the large sums of public money that would be placed in his hands. There had been as much as £280,000 in the hands of the Agent-General last year. If large security would be required, as a necessary consequence a large salary would be required in return. At present the Home Government took security for this purpose. He would next state the principle adopted by the gentlemen who acted with Mr. Finnis, and who framed the scheme for revising the salaries, which, after careful examination, he had much pleasure in supporting. Where large salaries had been paid for small services a reduction was proposed, and where efficient services were insufficiently remunerated, it was proposed to give an increase. There were 108 clerks in the whole of the Government departments, whose salaries varied from £80 to £400 a-year, averaging £108 each, irrespective of good-service pay. Of that number of clerks fifteen got £120 a year, the minimum, except in the case of boys employed in the Telegraph Department. There are forty-three at salaries between £120 and £200, fifteen between £200 and £260, and there were eight at £280, nine at £300, four at £350, seven at £400, four at £450, and two at £500. He had satisfied himself by enquiries at the banks and mercantile establishments that the Government salaries were not in excess of those generally given for such services. There was another item to which he would call attention—the interest and sinking fund of the public debt. The total amount authorized to be borrowed by various Acts was £815,000, and the sum of £532,700 had been raised on bonds sold. Bonds representing an amount of £75,500 remained in the hands of agents in London and Melbourne, and there were £107,800 not yet issued from the Treasury. He had prohibited the further sale of bonds for the present, as he had a balance of £150,000 in the various banks, which was sufficient to carry on the public works for three months, and he regretted to be obliged, within the last two days, to refuse several applications for bonds at a premium of 2 per cent. That was a fact

which showed the public confidence in those securities. It was, at the same time, a matter of regret to him, as those applications came to him from parties in the colony, who were the class of buyers to whom he should prefer selling, as it was obviously desirable to sell to persons likely to spend the dividends in the colony, but he felt it to be his duty not to have to pay interest on money that was not immediately required. Of the interest payable—£68,000—part was on bonds for the City Waterworks, which would be repaid by the citizens. At the close of the ensuing year, the bonds paid off would amount to £67,000, and on the 2nd of January, 1859, the total funded debt of the colony would be reduced to £649,000, and the interest to £46,620. He believed he had gone over the items as fully as was necessary; and he would say that since he had held his present position, he had devoted to their consideration all the time he could spare from his duties in that House, and the necessary routine duties of the office which he had the honour to fill. He could assure the House that he had gone through the accounts as carefully as if they related to his personal estate, and could assert that the Estimates were framed on the one hand with a view to sound economy, and on the other hand with a view equally sound to secure the efficiency of the public service.

Mr. RYMONDS complimented the hon. gentleman for his carefully prepared financial statement, but stated that on some few points in detail he differed from the views therein expressed. He regretted to see any sum placed on the Estimates for the office of Colonial Storekeeper. It was an office made without the consent of the House, and he viewed it as an instance of retapeism on the part of the Ministry. He also regretted to find that it was proposed to render the temporary increase of salaries in the civil service permanent. In the different departments, he observed, increases or deductions in the salaries, many of which appeared to him to be very injudicious. The item of £2,000 in the Supplementary Estimates for the Government Park, ought to be cut out as unnecessary. The emigration department promised to be a very expensive one. By the proposed system there would be an Emigration Agent, with a staff of clerks under him, which staff would, no doubt, have to do the work. Now he would prefer paying £300 for the services of one active man, to paying £5,000 for such a system of management. There were two items in the Estimates, amounting to £2,250, for the Volunteer Artillery Force. He thought that the Force was neither useful nor ornamental, at least its maintenance was not worth such a vote. It would be better to store the guns in the stable. The amount £121,624 required for the Supplementary Estimates was very large, he would like to know what proportion of it had been voted by the House. He hoped that the future would show a rapid diminution of that department of the Estimates. With regard to the number of clerks (180) employed by the Government, he could not help thinking it very excessive for the work to be done, and he would suggest that a Committee be appointed to consider the question. The estimate for the land sales, he considered, was far below what might reasonably be calculated on. The hon. the Treasurer's estimate for the year, was £180,000. He would have estimated that item at £220,000. He congratulated the Treasurer on the favourable circumstance of taking office, at a time when there was a credit balance to the Government of £150,090.

Mr. FINNISS said that as one of the members of a former Government, he had a few remarks to offer on the subject of the Estimates. He felt that he could assure the Government that the Estimate on the Ways and Means would be realised. There was one item to which he would specially refer, and that was the land sales. They had been calculated at £180,000. Now,

he certainly thought that a higher sum might be relied on. It had appeared from the statement of the Treasurer, that the resources of the colony were generally increasing, and he thought that was an additional reason for increasing the Estimates. With regard to any impression which might exist that the good lands of the colony were being rapidly sold, he would point out that the pastoral leases were gradually falling in, and there would be a constant supply of good land for sale. When it was considered that the annual average of the land sales was £227,000, he thought the hon. gentleman would have a good balance over his estimate. He was of opinion that the time had now arrived at which the salaries of the officers in the civil service should be placed on a permanent footing. The member for Sturt had complained that the expense of public establishments was increasing. Now he viewed such a fact as very consistent with the increased prosperity of the country. The office of Colonial Storekeeper he considered very necessary. It was found to be of great use for storing public property, and for calling for tenders. It had been complained that the amount of Supplementary Estimates was unnecessarily large, but it would be found that they included but a very small sum for salaries. They chiefly consisted of votes for public works, which had been recommended by the House. Reference had been made to the Artillery Force, and it had been contended that its maintenance was not worth the amount placed on the Estimates. But he viewed such a force as very serviceable, and as forming a very important branch of the public defences. The Estimates should have his general support, but there were items to which he would object in detail.

Mr. NEALES said he must object to the system of 108 clerks being employed in a business of £400,000 a year. It would be found that banks and large commercial houses managed an equal amount of business, with but a third of the number of clerks, and he was convinced that there were many houses in the colony which would conduct the business of the country at one-third the expense. The proposed system of rendering the increases in salaries permanent, was very objectionable, when it was considered to what an extent the price of provisions and the scale of rents varied in this colony. He could not see any necessity for increasing public establishments in a proportionate degree to the revenue. It was not found requisite in private establishments.

Mr. BLYTH remarked that the Estimates contained an item for election expenses, that was a contingency that should not be overlooked. It was his confirmed opinion, that the duties required of Government officers were less than those performed in private establishments. The Post Office department, he would except, for he had often had occasion to observe the diligence of the clerks and other employees in distributing the mails. He regretted to see that the Government officers appeared to adopt a style of living, involving kid gloves, and consequent expenses. He observed that continued provision was made for the office of Storekeeper. He viewed the appointment as very unnecessary, and believed that the proposed vote was wholly uncalled for. The sum placed on the Estimates for the Central Road Board, he would like to have seen increased to £75,000. Even that sum would scarcely meet the necessary wants of that important department.

The CHIEF SECRETARY, in adverting to the strictures which had been made on the supplementary expenses, observed that they were chiefly for public works voted by that House. With regard to the Ways and Means, he was pleased to see hon. members express confidence that the items laid down in the Estimates would be exceeded. With reference to the calculation for the

land sales, he would mention that the sum put down by the Government was in excess of that estimated by their predecessors in office. It was well known that land sales were very uncertain. It would be unwise policy to force the sales, but without doing so, it would be impossible for the Executive to fix a higher figure than £180,000. Any surplus that might arise from that source of revenue, the Executive would recommend to be appropriated to public works. He had heard with some degree of regret the language used by certain hon. members, when speaking of officers in the civil service, and must say that such contemptuous expressions could only lead to discontent on the part of those gentlemen. The allusions were very uncalled for, and would tend to render them dissatisfied with the public service. He had not, for his part, seen Government officers wearing white gloves, but even conceding that such a practice existed, it did not, involve extravagance such as hon. members had inferred. He trusted that for the future such illiberal expressions would be avoided. The business of the country had been compared by an hon. gentleman to that of the Banks, and it had been contended that because Banks had larger sums of money passing through their hands they required more clerks, or rather the number of clerks employed by such establishments was a fair criterion for the conduct of the Government. But it seemed to be overlooked that many of the departments of the Government had nothing whatever to do with the public receipts or the expenditure, except so far as referred to the payment of their salaries. He thought the appointment of Colonial Storekeeper a very useful measure, and in support of that view would lay on the table a report of the Auditor-General on the subject. It was found to be a necessary department, and should the House vote against it, some officer from one of the other departments would have to be detached to do the work. With regard to the vote for the Government Park and Cottages, he felt that in courtesy and consistently with a desire to consider the comfort of the representative of Her Majesty in this colony, the House should contribute the sum asked for the fencing in and improving of the Government Park and for the erection of a cottage on the grounds, where, during the intensity of the summer heats of this province, His Excellency could occasionally retire. It might be said that there was the Government Cottage at Glenelg. But he would mention that the neighbourhood of the seaside was found not to agree with some of the members of His Excellency's family. It had been decided, in the event of the House granting the vote asked for, to let the Glenelg Cottage, it having been considered that with the prospect of increase to properties in that locality, it would not be advisable to sell it. He then detailed the duties which would devolve upon the person appointed as Emigration Agent for the colony. With regard to the alteration in salaries, he would state that if, as it had been alleged, there had been any favouritism shown, the blame was to be attached to him. He then explained the principle on which he had, in several instances, made such alterations, they being entirely based on the merits of the case. As a proof that he could not have shown much favouritism in the matter, he had felt it his duty to cut down the salaries of his particular friends—the Emigration Agent at the Port, and the Surveyor-General. With regard to election expenses, he found it impracticable to put down any definite item. Hon. members could not foresee what contingencies might arise, entailing new elections. As to the suggestion of appointing a Select Committee to consider the question of the salaries in the public service, he could see no necessity for it. All the information required by hon. members on the subject would be given by the Ministry in the House; and he would remark, that he objected, as a principle, to the House appointing Committees in order to shirk the work which the country had delegated to them.

Mr BONNEY could not concur in the censure which had been passed by some hon. members on the public establishments. It should be borne in mind that new departments had been created recently, while, on the other hand, it would be found that some of the old departments had undergone a diminution of the staff. He considered that it would be much better for the House to deal with the question of salaries, by considering severally each on its own merits, than by appointing a Committee to do that work. He regretted that hon. members should attempt to cast a stigma on the public service, merely on account of inefficiency in some isolated cases. To his own knowledge, some of the departments were most efficiently conducted.

Mr. DUFFIELD advocated the changing of the financial year of the Government as being very expedient, not only on the ground of convenience, but of economy. He would suggest that it be altered from the 1st December to the 1st June.

After a few observations from Captain Hart, Mr. Babbage, and Mr. Peake, the House resumed, and the Committee obtained leave to sit again on the following Tuesday.

Adjourned till Tuesday.

LEGISLATIVE COUNCIL.

TUESDAY, SEPTEMBER 22.

VICTOR HARBOUR.

Mr Hall moved, that the Harbour Master's report, advising the expenditure of £5,000 in moorings at Victor Harbour, be laid on the table, and that the Harbour Master be instructed to append to that report full details of his reasons for recommending that outlay.—Carried.

TRANSMISSION OF MESSAGES.

Mr Ayers moved the following.—That messages brought to the Council by the Clerk of the House of Assembly be immediately received by the Sergeant-at-Arms at the bar, and that a message be sent to the House of Assembly informing that House of that resolution, and suggesting that the same practice might be beneficially adopted with regard to messages carried by the Clerk of the Legislative Council to the House of Assembly.—Carried.

RESIGNATION OF THE MINISTRY.

In answer to Mr Forster, the Commissioner of Public Works said it was the intention of the Ministry to place their resignations in the hands of His Excellency that day.

THE CONFERENCE.

IN COMMITTEE.

1. Mr FORSTER moved that the 1st clause stand as follows.—

“The House of Assembly assumes not only that all Bills mentioned in the proviso in the first clause of the Constitution Act (hereinafter designated Money Bills), ought to begin in that House; but, further, that it is the undoubted and sole right of that House to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of any rates, taxes, duties, or imports thereby assessed or imposed; and that the power of the Legislative Council in respect to such Bills is merely to pass, all or reject all, without any diminution or alteration.”

Mr. ANGAS seconded the clause, which was passed.

The 2nd was amended and passed as follows.—

"2 The Legislative Council admits that, for the practical purpose of introducing such Bills, to the consideration of, and of their being dealt with, by the Legislature, and for the purpose of limiting the power of such introduction to one branch of the Legislature, the sole power of originating money Bills is, by the Constitution Act, vested in the House of Assembly, but subject to that particular exception in favour of the House of Assembly, the Legislative Council considers that its powers and functions are co-ordinate with and equal to those of the House of Assembly."

The 3rd clause was amended as follows:—

"3 The Legislative Council contends that the law and custom of Parliament of the United Kingdom of Great Britain and Ireland are applicable to that Parliament, and that such law and custom have not, nor ever had, the force of law in this province, and, consequently, that neither the Legislative Council nor the House of Assembly possesses, at present, any privileges beyond what are conferred in express terms by the Constitution Act, excepting only, that both Houses have, incidentally to the functions given to them to make laws, the power of removing and punishing in a summary way persons guilty of obstructing their proceedings, but they possess, at common law, only such power over contempts as are necessary to the proper exercise of the functions which it is intended they shall execute. The Legislative Council contends that there is no analogy between the Imperial Parliament and the Parliament of South Australia, and that, even if there were, no arguments drawn from analogy could upset and override the express provisions of a written law, nor could such analogy either create or transfer to the Parliament of this province the privileges which appertain to the Imperial Parliament.

The 4th clause was passed as follows.—

"4 The Legislative Council considers, therefore, that the question at issue between itself and the House of Assembly can be decided only by reference to the Constitution Act, to which both Houses owe their existence, and from which they derive their powers

The 5th clause—

"5 Considering the 1st section of the Constitution Act, the Legislative Council is of opinion that, viewing it apart from the proviso it contains, the powers and functions given by that section to the Legislative Council and House of Assembly are equal, and the Legislative Council sees no reason to construe the word 'originate' used in that proviso in other than its ordinary etymological sense. Such construction of the word 'originate' is, in the opinion of the Legislative Council, borne out by the general tenor of the Act, but more especially by section 28, which empowers the Governor to amend Money Bills, from which it is clear that, in originating such Bills, the House of Assembly does not derive the right of exclusively dealing with them. Besides, the meaning put upon the term 'originate,' by the House of Assembly would, if upheld, prevent the Legislative Council from altering any Bills sent to it by that House.

Mr W SCOTT suggested that the word "Money" before Bills, in the twelfth line, should be struck out, as that word was not used in section 28 referred to.

Mr FORSTER thought section 28 of the Constitution Act clearly implied that Money Bills were signified in the term 'any Bill.' He would leave the matter, however, in the hands of the House.

Mr ANON suggested the introduction of the words "any Bills, and consequently Money Bills"

The suggestion was adopted, and the clause was passed with the amendment.

The five next clauses were passed without amendment, as follows.—

"6 The Legislative Council, therefore, considers that it has, in at once admitting the exclusive power of the House of Assembly to originate Money Bills, recognised the only peculiar and distinguishing function vested by the Constitution Act in that House.

"7 The Legislative Council considers that the Constitution Act clearly demonstrates that the powers of the South Australian Parliament should be limited to the powers possessed and exercised by the Commons House of Parliament, with authority to the South Australian Parliament to determine and define the powers, privileges, and immunities to be respectively held, enjoyed, and exercised by the Legislative Council and House of Assembly—always excepting the power of originating Money Bills, which, by the 1st section, is vested in the House of Assembly.

"8 The right exercised by the Commons House of Parliament of originating Money Bills, and of excluding the Lords from modifying or altering them, was founded upon their elective character, as being the representatives of the whole body of the people, and thereby contra-distinguished from the Lords as an hereditary body, and was claimed as a Parliamentary privilege, and not as a right at common law. The Legislative Council and House of Assembly, being both elective bodies, would have equally the right exercised by the Commons House of Parliament. Provided such right was inherent by law in every Representative Legislature, and was not one of privilege, and established by usage and custom.

"9 Although no arguments drawn from analogy could be of use in the present difference between the Houses, yet the Legislative Council cannot but point to the proviso in the 25th section of the Constitution Act, as an express denial that there can or shall exist any analogy between the House of Lords and the Legislative Council, in so far as privileges, immunities, and powers are considered.

"10 All analogy between the British Parliament and the Parliament of South Australia is also repelled by the 28th section of the Constitution Act, which gives the Governor power to transmit, by message to either House, any amendment which he shall desire to be enacted in any Bill presented to him for her Majesty's assent, and it cannot be denied that all Money Bills must be presented.

The 11th clause was passed as amended:—

"11 In order to avoid, as much as possible, any misunderstanding between the two Houses of Parliament in reference to Money Bills, the Legislative Council would suggest that the adoption of the House of Assembly of the 3rd, 4th, and 5th resolutions passed on the 25th August last, by the Legislative Council, without prejudice to the rights of either House, but as a matter of expediency, would tend to facilitate and to forward the conduct of the business of each House, and to the advancement of public interests, until the powers and privileges of each House shall be determined and defined by the Parliament of this Province."

The report was brought up and adopted, and it was resolved that the resolutions passed be delivered in conference to the House of Assembly.

The House adjourned till Tuesday,

HOUSE OF ASSEMBLY.

TUESDAY, SEPTEMBER 22

Mr Blyth presented a memorial from the settlers of the district of Highercombe, praying for the establishment of a Local Court in Teatree Gully. Received and read.

CIVIL SERVICE BILL.

The Chief Secretary moved the third reading of the Civil Service Bill—After some discussion, Mr. Bagot moved that the Bill be re committed—Mr Hay seconded—The Speaker put the amendment, which he declared lost—Mr Reynolds called for a division, which resulted in a majority of one in favour of the amendment—A dispute arose as to which side the hon member for Yatala (Mr Harvey) voted, from his name appearing on both sides—Mr Harvey said that at the time he was not aware what Bill was under discussion, having only just entered. He supported the original motion—The Speaker said in that case the votes would be equal. He would give his casting vote for the amendment.

In Committee.

Mr Bagot said he would move for the introduction of a clause which would exclude the heads of departments from participating in the good service pay. For the present he would move that the House resume, and the Chairman report progress, in order that the Bill might be made an order of the day for the following Thursday.

The House resumed and the Chairman reported progress.

GAWLER RAILWAY EXTENSION BILL.

IN COMMITTEE.

The CHIEF SECRETARY moved the first enacting clause. He would state that it had been found that a sum of £11,000 in addition to the £250,000 would be required, the particulars of which he had laid on the table. In order to disentangle the question of the consideration of the various lines, he would move that the words £250,000 be struck out, and that the words £180,000 be inserted, with a view to consider the Kapunda extension.

Mr BABBAGE stated his belief that the evidence laid before the Committee was not satisfactory. He expressed himself feelingly as to the late statement of the Chief Secretary, that the Port Line was constructed very inefficiently. Those charges were very hurtful to his feelings, although he doubted whether anything the hon gentleman could say, would injure his professional reputation.

The SPEAKER rose to call the hon gentleman to order, as deviating, and continuously so, from the question before the House.

Mr. BABBAGE again reverted to the subject of the Port Railway in connection with the statement made against him. He agreed that it would not be desirable to make the Kapunda line a tramway. It was found on the evidence of Mr Hanson that the expense of coke for working locomotives in this colony was far greater than in England. Here it was 4s to 4s 6d a mile, in England the cost of coke was only about 1s 2d for the same distance. On the other hand, the cost of keeping horses in this colony was cheaper than in England. These were important items to be considered. The Goolwa Tramway was their only practical means of testing the expense of tramways, and the returns of the traffic on that line were very fluctuating, so much so that they could well ascertain the average working power of horses. The hon. gentleman

went into the expenses and returns of the Goolwa Tramway at considerable length.

The SPEAKER called the attention of the hon gentleman again to order, while intimating that he was deviating wide of the question.

Mr BABBAGE continued, and said the way in which the heavy traffic of the Kapunda line should be carried out, ought to be by the most powerful engines they possessed. With heavy traffic, great speed should also be avoided. He maintained they must give up speed, because speed was an expensive luxury they could not afford to Kapunda. He would suggest that the speed should not exceed ten miles an hour, for it was well known to engineers that it was owing to the great speed of locomotives that by far the greater part of the wear and tear was produced. Economy was a vital principle with them, and if they could, by adopting a slow speed, reduce the cost of construction and maintenance, it was, in the present position of the colony, very necessary. By adopting that principle, they might save fences, level crossings, and much expenditure in the permanent way. He would also suggest reducing the cost of stations and the railway buildings generally, and he thought the effect of such changes would enable them to reduce the vote of £180,000 to £100,000, an amendment which he would propose at the proper time. If they reduced the speed of the goods traffic, the permanent way might be made for £2,000 a mile. The reduction in cost would be especially evident. All that he advocated was to give up the expensive item of speed, and limit it, say to eight, ten, or even twelve miles an hour. By that means, they might save £1,500 a mile in the permanent way. He would not, however, go further into the Estimates, because he had already trespassed too long on the time of the House (Hear, hear.) He thought that the cost of the construction of the Goolwa Tramway might be a guide to the House. The amount of the earthwork on that line was £1,500 a mile, and he found that was the cost Mr Hanson estimated for the Kapunda line. One item ought not to be forgotten, that the then Colonial Architect laid down a steep incline going down to the wharf at Port Elliot, and so steep that the trucks ran down into the sea.

The CHIEF SECRETARY wished the hon. gentleman to be called to the question.

Mr BABBAGE said his object was to show that the House should not vote £180,000 for the Kapunda line, by showing that a line had been constructed at £3,450 a mile, which the Surveyor-General considered strong enough for the locomotive. It was for the House to consider whether they would vote £100,000 as sufficient, and deny the £80,000.

The TREASURER quite agreed with the hon Mr. Babbage as to the advantage of introducing the economical improvements in use in American railways. But he would imagine that the American locomotives did not run so slowly that cows and donkeys could be picked up without hurting them. The fact was, that the speed on American railways was quite equal to the speed adopted in England. He also found from Captain Galton, that American railways were generally fenced in. From the same authority, it appeared that the average cost of railways there was £11,749, and he therefore thought that the sum they asked for the Kapunda line was not excessive. The Goolwa line had been alluded to, but it must be obvious to hon gentlemen that it was not adapted for locomotives. He trusted that the amount asked by the House would not be considered excessive.

Mr. FINNISS thought they were not advancing with

railway speed with the Bill. He believed the hon. gentleman for Encounter Bay would not retard the speed proposed on the line to one-third, as he suggested, but he would probably impede the progress of the Bill through that House in a considerable degree. With regard to the cost of railways and of horse feed, they had the experience they had acquired in the colony. In both cases of the lines in operation, the results were in favour of the railway. With regard to the suggestion of reducing the speed, and a further remark of the hon. gentleman (Mr. Babbage) that it was never intended to run the goods traffic on the Port line at the same speed as the passenger traffic, he would ask that hon. gentleman, when he was the working engineer of the Port line, whether he allowed such a traffic? He was not aware that any distinction of the nature suggested was ever made on the Port line. All authorities were in favour of keeping the goods traffic at the corresponding rate of speed to the passenger traffic, and, in addition to that, a very important point to be considered was the saving of time. He would, therefore, support the Chief Secretary, and do his best to assist in passing the Bill. If every member was to insist on the adoption of his own views, as to expense and as to speed, the Bill before them would be torn to pieces before it was passed in any shape.

Mr. MILNE agreed with all the previous speakers with regard to the advantages of railways. The advantage of transport was also very evident. But inasmuch as he had seen no prospect of the Government borrowing £1,000,000 of money at present, he would vote against the second reading of the Bill.

The CHIEF SECRETARY explained that it was in consequence of the hon. Mr. Babbage having cast a slur on Mr. Hanson, the Chief Engineer—that he alluded to that hon. gentleman in connection with the Port line, in order to contrast the works of the two engineers. But he did not imagine that the hon. gentleman's arguments had much influenced the House. With regard to the principle of railway extension, he would, when it appeared that the resources of the country would admit of it, advocate the borrowing additional sums for railway extension. He moved that the first clause stand as read.

Mr. REYNOLDS thought that the House should listen with some degree of deference to the hon. Mr. Babbage on the subject; and it appeared to him that if the House could construct the line to Kapunda for £100,000 or £150,000, they would not be justified in voting £180,000. There was also some force in the hon. gentleman's argument with respect to speed. He would move, as an amendment, that the sum of £180,000 be struck out, and that £150,000 be inserted.

Mr. BONNEY seconded the amendment. It was very important to vote the least sum required; any extravagance in the expenditure might put a stop to the extension of railways for years. He believed that the tramway question was finally set at rest. In this colony hon. members might differ in opinion as to the required speed of railways, but they would agree that two and a-half miles an hour was not sufficient. Many hon. members would remember when railways were introduced into England, Stephenson stood almost alone in his advocacy of the locomotive. The great mistake which was often committed was the having too many gradients. He thought that fences could not be dispensed with, but in Crown Lands, the Government might leave their future construction to the purchasers of the adjoining land.

Mr. YOUNG opposed the motion. He argued upon the necessity of avoiding extravagance, and considered that the available funds of the country should not be

expended in one district. He would support the amendment.

Mr. HAY supported the original motion. And he would say that he could not have expected such an amendment from the hon. member for the Sturt, especially after having sat on the Railway Committee. He did not like seeing the system of voting a less sum than was estimated by competent persons, especially when it was considered that the required amount would probably have to be made up in the Supplementary Estimates.

Mr. LINDSAY supported the amendment. He believed that a much better line than the proposed Kapunda Railway would be constructed for a much less sum than the amount estimated. He believed that the average cost of railways in America was about £7,000 a mile, but it would be found in some parts of the colony £30,000 or £40,000 a mile. He read an extract to show that railway extension in America was chiefly owing to their having adopted a cheap system of construction.

Mr. BURFORD thought that £180,000 was a fair estimate for the construction of railways. Some hon. gentlemen seemed to glory in referring to Yankee land, but he did not admire all their notions, although a go-ahead people. With them it was mad, rash, splash, and to destruction they went. It amused him to hear the arguments of the hon. Mr. Babbage about cheapness of construction, when the extravagance of the expenditure on the Port line was considered.

Mr. BABBAGE said he was stopped in his explanation about the Port line, and the hon. gentleman was travelling over the same road from which he had been driven. (Laughter.)

Mr. BURFORD hoped not. He would support the original motion.

Mr. NEALES was glad to see that the estimate of the Kapunda line had come down to that which he and others had originally calculated the Port line at. He thought it was very unfair to constantly accuse Mr. Babbage of being responsible for the expenditure on the Port line. He, as one of the undertakers, was at least equally responsible. Labour was much cheaper now, especially when it was considered how the contractors caught the shoals of Irishmen the moment they were landed, frightened them, and got them to work at wages far below the general market price, and keep them to their work. He cordially supported the second reading.

• Dr. WARK supported the second reading of the Bill.

Mr. REYNOLDS said he was not disposed to enforce the amendment. He brought it forward to have the question discussed, and he should support it, but he would not press for a division.

The TREASURER said that the hon. Mr. Lindsay had challenged his statements with reference to the cost of construction of the railways in America, and in support of his statement, had quoted from a work dated 1838. He thought that the hon. gentleman was in the position of Rip Van Winkle after his twenty years' sleep.

The amendment was put and lost.

Captain HART objected to the form of the bond mentioned in the clause, and trusted that the Chief Secretary would withdraw it for future consideration.

Mr. DUTTON concurred.

The CHIEF SECRETARY suggested that the clause be amended at once.

The clause was passed with some verbal alterations.

Clause 2 was considered, and the House resumed

Leaye was given to the Committee to sit again on the following Thursday.

ESTIMATES.

The further consideration of the Estimates was made an order of the day for the following Friday.

MARRIAGE LAW.

Mr. Tomkinson's petition was ordered to be printed.

UNOCCUPIED WASTE LANDS.

Mr Neales moved that there be laid on the table a return of the date of each lease for fourteen years, referred to in Council Paper No 121, also, a return of the distance of the nearest point of each run from Adelaide, the seaboard, and Banks of the Murray; also, a return of the names of the applicants for the 4,307,840 acres, with the area asked for by each. Carried.

CONFERENCE.

The Speaker read a message from the Legislative Council, requesting the postponement of the Conference until that day week, or such other day as would be convenient to the House of Assembly.—The request was complied with.

HOUSE OF ASSEMBLY.

WEDNESDAY, SEPTEMBER 23.

PETITION.

Mr. Neales presented a petition from the architects practising in the city of Adelaide, praying that the City Surveyor be not made Inspector under the Building Act.—The petition was received.

PRIVILEGE.

Mr. Burford asked a question on a matter of privilege. He observed that in the petition of the Catholic clergy against the Marriage Bill, they state they cannot obey such a law, and they would, in defiance of all risks, act in contravention of it. Such language was not respectful, it was that of defiance. He would suggest that the petition be thrown out.—The Speaker ruled that a precedent existed for the reception of such a petition. Should the petitioners act in contravention of the Bill, if the Legislature passed it, they would be amenable to the law.

RESCINDING THE WASTE LANDS ACT.

Mr. HANSON moved—

"That in the opinion of this House, the proclamation of His Excellency the Governor-in-Chief, dated, 8th September, 1857, rescinding and revoking certain rules and regulations heretofore in force for granting leases of the waste lands of the Crown, was unwarranted and illegal."

In making that motion, he believed he was performing a duty he could not evade. He would not have done that had the Ministry not persisted in maintaining the legality of a course he could not but condemn. The measure could only be justified on principles which were destructive of the powers of that House, and the principles of Constitutional Government. It was natural that in the advice given to the Governor, errors should at first be committed. Therefore, at first, he merely introduced the question, in order that the Ministry might retrace their steps, and in order that the House might express its opinion on the matter. But when he found that the Government were prepared to

support the vaudity of the position which they had taken, and persisted in maintaining the validity of the Act, he felt that he had no alternative. He could understand that in cases of emergency energetic acts proportionate to the occasion were required, and if it could be shown that the emergency justified the first step in this case, he would have been satisfied with the explanation. But the course the Government had taken did not show that there was any such necessity as would justify them from departing from the law, but choosing themselves that such a necessity existed, they had acted on their own responsibility. They had advised His Excellency to assume the functions of that House, without any necessity, and without asking the feeling of the House. He, therefore, considered their conduct illegal. The Act of 1856 gave the Council certain powers in the matter of dealing with waste lands, and the authority of issuing regulations. This order in Council gave the Governor power to issue certain regulations, empowering occupiers or discoverers to exercise certain rights. The Governor exercised that power, and it existed till 1855. He did not suppose the matter at issue could be decided by mere technicalities of that sort, and he therefore would only generally allude to them.—The regulations which had been rescinded, were framed under the Act of 1855-6, granting them Responsible Government. That Government was empowered by Her Majesty to assume the responsibility of dealing with the property of the public, thereby divesting the Crown of any further power in the matter. By the same Act it was provided that the future power of dealing with the Act was vested with the people or their representatives. Therefore the moment the Act came into authority, all authority of the Governor in the matter ceased, and any proclamation such as had been issued was illegal. To suppose he had still such power was illusory. The hon the Chief Secretary, in saying "hear, hear," when he asserted that the power was vested in the people, led him to infer that the hon. gentleman supposed himself the Legislature. He did not consider the course taken was a wise or prudent one. He believed it clearly illegal and unwarranted. He believed that the wise course would have been to have accepted the money of the claimants for runs, but at the same time intimating that the runs would be subject to future legislation. The course adopted was too much in the shape of a *coup d'état*, it was ill-considered. The applications should have been taken subject to future legislation. But the decisive course was indefensible—that House was not only the guardian of the public purse, but the guardian of the public rights and privileges, and the House would have committed a great error to have allowed an infringement of their rights to pass unheeded. A considerable interval of time had been given to the Ministry to retrace their steps, but they had refused to do so, and for these reasons he now moved the motion standing in his name.

Mr BONNEY seconded. He would confine himself to the question whether the Act was or was not called for. He considered that he was responsible for the regulations which lately existed in this colony with reference to the leasing of Crown lands, which provided that the Government might, take up the runs at any time, by giving six months' notice, and that at the end of the term of lease, the Government had the right to resume the land. In New South Wales, holders were entitled to pre-emption, but here no such right existed, and by that means much valuable land had been thrown open in this country. One of the reasons which had been alleged by the Chief Secretary for rescinding these regulations was, that the Government did not know how much good land existed. Now, to his own knowledge, many of the accounts of the so-called good land were greatly exaggerated, and he was assured that much of it would never be fit for anything but pastoral purposes. Again, many of the localities

in the interior which consisted of really good ground, were too far away for other occupation than for pasturage, at least for years to come. The large sums of money which had been expended in rendering runs available would be scarcely credited by persons not acquainted with the subject. For years constant attempts were made to stock the district of Port Lincoln without success. Again, it should be remembered that all the buildings erected on runs became the property of the public, it could not, therefore, be expected that capital would be so expended without stockowners had some security for a limited tenure. It had been said by the Chief Secretary that they feared that all the good lands would be taken up. He rather thought the claimants would have become the victims. As to the suggestion that the claimants were anxious to monopolise all the water and springs in the interior, it might be observed that the runs were generally parcelled out in square blocks, and he consequently imagined that the alleged abuse could not exist to any great extent. He would further observe that there were many runs that would not be fully stocked in many cases. There were two systems of disposing of runs, that of public auction after a public survey, and that of sending in claims, the ground to be subsequently surveyed at the expense of the claimant. The latter system he had chosen, and he thought that it had been productive of very beneficial results to the country, and until they were assured of an improved system, it would be unadvisable to rashly set it aside. The revenues under the existing system had contributed more than ten times the amount attendant upon their management. Under no other system in the neighbouring colonies were they similarly productive. The whole sum expended for the benefit of stock owners was not more than £6,000. He therefore contended that they should be careful in altering the present system.

THE CHIEF SECRETARY said he understood the hon member for the City to introduce the motion in such a form as to cast a censure on the Ministry, which was tantamount to a vote of want of confidence.

MR HANSON rose to order.

THE SPEAKER said the last speaker was out of order.

THE CHIEF SECRETARY considered that the language used was tantamount to the meaning he had expressed. He had not interrupted the hon. gentleman, who had certainly deliberately misrepresented him. The charge was that they had advised the Governor to assume the functions of that House. He did not assume to be equal to the hon gentleman in legal argument or even in debate, but poor as his powers were, they were always ready; and so long as he had acted conscientiously, he was prepared to uphold the legality of his conduct. He would endeavour to explain to the House the position taken by the Ministry, which was, that the advice they had given to his Excellency was legal. It was contended that the late Act deprived the Governor of the power to alter or suspend any regulations which existed when the Act came into force. By the 4th clause of the Act it was stated that the order in Council should have the same effect as if the Act had never passed until the Legislature shall otherwise provide. The 6th clause, which was the one on which he imagined the motion was made, was contradictory. For under the 4th clause, the Governor had the power he exercised, but under the 6th clause it was stated that he had not the power. The question then was for them to discover the meaning of the Act, when they found that in details it appeared to be contradictory. Every additional sum taken up would be so much land removed from the scope of the Government. The law officers of the Crown advised him, under the 4th clause, that the

course was legal. Did the Executive, as had been said, assume the functions of the House? Why, that would involve framing regulations. Had they done so, they would have been subject to the censure of the hon gentleman. No, they did just the contrary, and what they did was to preserve intact the waste lands of the country, to be dealt with by the country. The hon gentleman had introduced the question with much sophistry, but he hoped that sophistry would not overcome the strong sense of that House. In the face of the public notice in the *Gazette*, he would mention that they had applications for between 200,000 and 300,000 acres, and had that notice not been issued, at least 2,000,000 acres would have been claimed. The Executive had therefore two courses open to them. The one was by the order in Council to suspend the previous regulations, authorising persons to claim leases by paying one year's rent in advance. The other was introducing a Bill into that House. Would it have been wise to do that, and proclaim their position to the claimants? What would have been their position in that case, and how much of the remaining waste lands would have been up? But, although the Ministry decided on suspending the regulations, they made no secret of it to that House, for he intimated it to the House on the same day. The House would remember the notice of motion he then gave: "That it was inexpedient for the House to grant further leases on the existing terms." He believed that the vast majority of the House were of that opinion, that the waste lands should not be given away at a peppercorn rent. A motion on the subject he had brought on yesterday, but it lapsed, owing to the late hour at which it was introduced. The question was now before them, and he would leave it in their hands, believing that he had acted conscientiously. If the Cabinet had acted illegally—if the Attorney-General was in error—he had only acted on the precedent of his predecessor. A proclamation had been issued, by the advice of that hon. gentleman, in direct contravention of the Order in Council, and by that proclamation the lands of the country were leased away at a peppercorn rent of 10s per square mile. The argument of the hon gentleman was, that that which was legal for the late administration to do, was illegal for the existing Cabinet. The late administration had reserved a certain circle of Crown lands, and the present administration had reserved a larger circle, that which included the remainder. He would repeat that the Executive had no intention whatever to interfere with the legitimate operation of that House. Their object was simply to prevent further country passing from the scope of the powers of that House. They had no power to make new regulations, but they had power to suspend the existing regulations, and that they had done. No time had been lost in preparing a Bill to meet the emergency, and it was already before the House. He was sorry his learned friend was too ill to be present to reply to the motion on its legal merits. He felt assured that the explanations he had given must have been more or less obvious to every member in that House, and from that conviction he believed that the motion brought forward was an expression of want of confidence. He felt that the post he occupied was worthy the ambition of any man, but he was most willing to resign it if it was the wish of the House; and rather than have to deal with such an indirect attack as the present motion, he would prefer to have to deal with the question of a vote of want of confidence. In his public position, if he did not receive a reasonable amount of consideration and of support, he would be prepared to resign. The arguments of the hon gentleman were all flummery, it was all nonsense. Before sitting down, he would move the previous question.

MR FINNISS supported the original motion. Had he any doubt as to the correctness of the course pursued

by the hon the Chief Secretary, he would have avoided comment, but he had none whatever. The hon gentleman appeared to rely on the 4th clause, in support of his position, that the Order in Council still existed. Now, it was necessary that the Order in Council should continue in existence, in order that the regulations might continue in existence. They were part and parcel of the same, and he could not see on what ground that circumstance justified the course pursued by the hon gentleman. The hon gentleman had said they had not framed new regulations, but that they had only suspended the old, but it would be observed that in the proclamation it was provided not only to rescind the old regulations, but to declare new ones. He quite agreed with the hon. the mover as to the legal part of the question, and that the act of suspending the regulations was unquestionably illegal. The course which had been taken was not justified by law. There had been a mistake, which it was attempted to justify by a clause of the Act, but that, he believed, was not thought of at the time the proclamation was issued. The hon gentleman, in endeavouring to justify his policy, had said he only did what a former Government did, in reserving a circle of land. He supposed the hon gentleman alluded to the gold-fields (No, no.) Then he did not know to what he alluded.

The CHIEF SECRETARY explained that the land alluded to was in the North, about Blanchewater.

Mr BANEWELL considered that, legally, after the regulations were once made, the Governor had no power to rescind them. By the 6th section of the Waste Lands Act of 1851, the power was distinctly taken from the Governor, and it was only in the power of the House to deal with the matter. The proper course for the Chief Secretary to have pursued would have been to have come to that House for fresh regulations ("Here they are," from the Chief Secretary.) It appeared to him that the hon gentleman had done that which he ought not to have done, and had not done that which he ought to have done. (Laughter.) The Act was decidedly illegal, and he could have no confidence in a Government which could undertake such a proceeding. With regard to the argument of expediency, he could see no force in it. It was most necessary to encourage the sheep-farming interest. It was found to be a hazardous business, and great risks were run which often terminated very disastrously. He was not prepared to say whether the existing regulations were inexpedient, but until some better regulations were submitted to the House, he should support them. At the least, the worst regulations were better than none at all.

Mr BURFORD thought that it was clear the hon the Chief Secretary had taken a course he believed legal. Even if he had acted in excess they were empowered to grant an indemnity. He believed that the squatters should contribute their quota to the revenues, and that taxation should be more equalised. Many sympathetic remarks had been made about stockholders, but when he considered the portly and prosperous appearance the settlers presented when they came into town, he could not help thinking that they were a very flourishing part of the community. He was perfectly satisfied they would have runs equally stocked if they charged 50s a mile, as if they charged only 10s a mile. He supported the previous question.

Mr DUTTON was sorry to see the Chief Secretary placed in the present predicament. It had constantly been dinned into their ears, that the present Ministry was the one to carry on the business of the country. But one of the first steps instead of introducing measures, had been to rescind them. He had been

assured on the very best authority that the issuing of that proclamation was illegal, and that the course pursued by the Ministry was illegal. But they had heard the hon the Chief Secretary state that even if his conduct was illegal, if the act were to be done again tomorrow he would do it. That was in defiance of law. He did not like such *coup d'états*—such spasmodic legislation. He not only knew the Chief Secretary had done an illegal act, but he had now been informed by him that if opportunity offered he would do it again. If the hon gentleman would act and speak in such a manner when Parliament was in session what would he not do during the recess? He, therefore, felt he had no other course but to support the motion made by the hon member for the City. He was sorry to see that the whole of the hon gentleman's arguments were against one class. The hon gentleman was constantly appealing to popular prejudices against the squatting interest, and endeavouring to create a general feeling against that class. It was certainly very reprehensible on the part of the head of the Government of a country, in which the squatting interest was so important an element. He thought every encouragement should be given to the squatting interest in this colony. So far from throwing obstacles in the way of settling in the far districts, he considered that every encouragement should be given. The proclamation just issued was a death-blow to the spirit of enterprise in that direction. After all that had been said of the romantic country of Blanchewater, it turned out that Lake Torrens was not a fresh water lake, and that the waters lately seen there were merely the temporary effect of unusual rains. It would be most rash to occupy that land, at least for the present. He would be most glad to hear of the settlement of that country, but if the Government threw difficulties in the way, there was no immediate prospect of it. Should the Government think that the land at a future day would be too valuable for the rental, they could raise an assessment on the runs. With regard to reducing the price of meat, he thought that the most effectual means would be to let 1,000,000 or 2,000,000 sheep be introduced into this colony. There was one member of the Government who ought to know something of the difficulties of making new settlements. It was not to his discredit to say that not many years ago any one would have been rash to have given £500 for all that hon gentleman possessed in the world. But now the hon gentleman appeared to turn round and cry stinking fish. Was there any one who could say that any class had contributed more to the land fund than the sheep farmers? What would the establishment of 108 clerks do without their support? Then, again, ships were required to carry away their wool. All that brought money and business to the country. Then he would remind the House that the germ of many rising townships was caused by sheep farms. It must be admitted that of late their interest had been more flourishing. Wool had generally risen, but it was well known to be one of the most fluctuating articles in the market. By the last news, it was not clear that the wool in the market would not fall fourpence or fivepence per pound, and that decline was only avoided by certain speculators coming into the market. For himself, he was not a squatter, and he had not a single sheep in the world. He merely argued against singling out one class of colonists to be held up to popular prejudice. He maintained that no necessity had been shown for this midnight proclamation, and as an additional reason for its inexpediency, he would point out that whatever was the rental of the leases, the Government had always the power to raise an assessment on them. He maintained that there was no emergency which required such a spasmodic movement on the part of the Government.

Mr. KRICHAUFF considered the proclamation had not

given any death-blow to the spirit of enterprise. The agricultural interest had something to do with the question Farmers wishing to have land had to pay pretty dearly for it. Very often the price at auction was £3 an acre, and he did not see why stockholders should have the use of land gratis. It seemed that the circumstances of squatters had greatly improved, and, in fact, they admitted it. If so, why should they not pay 50s a square mile. Such a rental was most reasonable. He hardly thought the 4th clause gave the Government power to rescind the Act, but he thought the emergency justified them.

Mr. NEALES, although an anti-squatter, could not go to the length of the last speaker. That hon gentleman had regretted that land had been sold to squatters at £1 an acre. That, he thought, had nothing to do with the question—they had nothing to do with the avocation of the purchaser, but he did think that they should equalise the contributions of the several classes of the colonists. From his own experience he could say he had entered into the business of sheepfarming, and, like many others, he had to go out of it, for it would not pay him; still he believed that they could pay something more than 10s a square mile. He did think that the policy of the proclamation was very bad; it would put a stop to the rush that was coming in from the other colonies. He deprecated altogether the practice of raising one interest against the other. Under the existing system any land which was required for agricultural purposes could be taken from runs, because any land so leased could be reclaimed at the end of six months if required. A man could go to any run in South Australia, and by giving six months' notice have any portion of it put up for sale; so that, if required for the agricultural interest, it was at once available. The present rent for about 24,000 square miles of runs was £13,000 or so, and if it were doubled it would be only £26 000. That sum he was sure the colonists considered was not sufficient revenue from the stockholding interest. He would suggest a gradually-increasing assessment, according to the improved value of the runs. When they complained of the act of certain people, the Ministers ought to have given some reason for the course they proposed to adopt. By stopping the sheepfarmers' progress they were cutting their own throats. The Ministry ought to have submitted the measure to the Legislature before proclaiming it. Even had the Ministry done so, the House would not have allowed the proclamation to be issued. Why, if the Government were allowed to break the law, should not a meeting at White's Rooms be permitted to do so? The conduct of the Government he could not but consider most unjustifiable, and, as an hon member had said, if they would act so in session, what might be expected from them when the Parliament was out of session? With regard to allowing the motion of yesterday to lapse, he saw no necessity for it. He remained in the House several hours in the expectation of it coming on, and he was much surprised to hear the Chief Secretary announce that he would not proceed with it. It was as well to speak out at once. He was quite sure, from the conduct of the Ministry in this matter, that they had no more the confidence of that House than their predecessors had. He did not believe this was the Ministry which was capable of carrying on the business of the country for the good of the public, and with that conviction he believed that the first business of the House was to pass a vote of want of confidence, for if they were not defeated that afternoon, he was certain they would be in less than forty-eight hours, and he was prepared to vote on that issue.

Mr REYNOLDS could not understand the Chief Secretary moving the previous question after the statement of Mr. Bakewell, who said he had it on good authority

that the hon. the Attorney-General was not consulted as to the proclamation. He therefore must say he was much surprised at the hon the Chief Secretary advising the Governor to take such a step. Had the hon. gentleman moved the suspension of the Standing Orders with a view to ask the House to suspend the Act, he would have taken a legal course. He found the hon the Chief Secretary's law so mixed up with sophistry that he could not get through it; it was certainly a very lame statement. The question was this—Was the Ministry justified in advising his Excellency to issue the proclamation? Now he thought that the House must endorse the views enforced by the hon. the late Attorney-General on this question. Why had not the hon gentleman introduced the new regulations into that House. ("Hear, hear," from the Chief Secretary, pointing to a document.) He believed, for one, that he would not be doing his duty to the country if he did not give increased facilities for the spirit of enterprise with regard to the squatting interest. When he looked at the position of the Chief Secretary, with his great political experience, it did surprise him that he should have committed such a grave error; and he certainly thought that after having done so, the hon gentleman was no longer deserving the confidence of the country.

The TREASURER said, in answer to one hon. gentleman, that he had no knowledge of Lake Torrens being dried up. A gentleman (Mr Jacobs) had said recently that he had been up to the locality, and he could only find traces of water there. Now, it was a singular fact that that gentleman had been traveling about the province in search of a watered district since the time of Colonel Gawler, but singularly enough he had never been able to find any. Now, if their predecessors had reserved the land around Blanehewater for sale, by a notification in the *Gazette*, and that on the report of Mr. Goyder, a further and larger quantity of 285,000 acres had been reserved, without a notice in the *Gazette*, he certainly considered that the present Government were justified in the course they had pursued. He advised it, and until Mr Haack's party returned, he would advise the withholding the issue of any more leases. The course they pursued he believed was strictly constitutional. For the information of the House he would state that the trigonometrical surveys were already within thirty miles of the lake Mr Goyder discovered. And he had Mr Goyder's authority for stating that the surveys would be continued for half-a-crown a square mile. They should, therefore, be continued to the lake, with a view to the occupation of the country. The assessment proposed on runs would be for local purposes, and not for the general revenue. It was very true that a few years ago a person would have made a bad bargain by giving him £500 for all he was worth. That was before the days of the diggings, when he sold fat sheep at the Port for three shillings and fourpence each. Now, fat sheep, in the Adelaide market, were worth fifteen shillings each at least. It was therefore right that the lands of the colony, now that the value was so enhanced, should be rented at a higher rate. As to the legality of the course adopted by the Government, he had nothing to offer on the question. He could not say whether they were strictly right or wrong, but he would observe that the Chief Secretary intimated to the House, at the time the proclamations were issued that such was the case. The House could not imagine for a moment that the Government had any other object than the interests of the colony in view, and it must be evident that such motives influenced them in adopting the present course. Only lately the Government had received numerous applications for runs. An application had come in from Captain Freeling's party for 560 square miles. Through Mr. Prankerd, Mr. George Hawker had sent in such a claim. Runs in the outlying districts were of much more value than was

alleged by his hon friend the late Commissioner of Crown Lands Land greatly improved in value after it had been stocked a few years When he settled at Bundaleer some years since, he was told the district wou'd not feed a sheep, but he had lately passed that way, and he believed now that that there was not a finer run in the country. He mentioned this to show that runs were worth something more than ten shillings an acre. He would ask the House if they were acting conscientiously by challenging the Government in not acting legally They had ever acted openly and in a straightforward manner, and whatever the decision of the House might be, he was prepared to abide by it, and stand or fall with it.

Mr. FRANK would observe that the late Waste Lands Regulations had been very judicious, but he believed that, in some respects, they had shown an error, in not being more thoroughly systematised The question for the House was, did the conduct of the Chief Minister meet with their approval Now, he considered that was not a court of judicature They had to consider if the hon gentlemen on the Treasury benches would excuse the expression—the conduct of their servants Had those gentlemen acted for the public interest, or had they infringed the privileges of that House? On the day of the proclamation, the Chief Secretary came down and mentioned the fact to that House, and that information was not then received with any expression of dissent. He might be wrong, but the late Minister of Crown Lands had suspended the Waste Lands Regulations over a considerable extent of country That course was approved of by the House There, at once, was a precedent for the course adopted by the present Ministry, and he did think that what they had done had been of so flagrant a nature as to call forth such general animadversion. He could understand legal gentlemen finding arguments against the course taken, but he could not see why the members of that House should view it as such a gross dereliction He would say that the Minister of the day was perfectly justified in the course he had taken There might be some error in judgment on the part of the Ministry in not first asking for the authority of the House, but if so, it did not deserve the tone of censure with which it had been discussed It would be remembered that precedents could be found in many cases in the Home Government The suspension of the Bank Charter would bring to mind a notable instance. It would be a most dangerous precedent for the House to act as suggested, even if an error of judgment had been committed If such a precedent were established, it would go far to make bad Ministers and bad public servants With those remarks he would vote for the previous question.

The COMMISSIONER OF CROWN LANDS said he was quite willing to take his full share of responsibility in the matter which was now under consideration. He would be perfectly ready, if the House wished it, to resign to-morrow The only thing that he would regret, would be that the business of the House would be thereby delayed.

Mr. DUFFIELD believed that the conduct of the Government, in rescinding the Waste Lands Act, was quite unwarranted He thought it was a fair estimate to consider that, had it not been for the Government issuing the proclamation, they would have had an additional £5,000 to be placed in the Treasury, and by this time they would probably have had half a million of sheep introduced into the country. The owners would have found country for pasturage, and the colony would have decidedly benefited He thought the occupation of the waste lands of the Crown was a question of sufficient importance to require a special Committee on the subject For the last ten years he had known of a district within 100 or 150 miles of Adelaide

which would support half a million of sheep, if water could be found In order to elicit full information, the appointment of a Select Committee would be very advantageous He felt it his duty to vote for the original motion.

Mr. SMEDLEY was satisfied that the Government had only done their duty in rescinding the regulations, and he would support the previous question.

Mr. MARKS would vote for the previous question He believed that the business of the country had been delayed long enough, and he did not think that, on mere technicalities, one Government was to be turned out after another He believed that the Ministry would be supported by the opinions of the majority of the country in the course they had taken.

Mr. SCAMWELL considered the Ministry had acted on a sound mercantile principle in withdrawing an article from the market which had become suddenly enhanced in price He would, with his hon friend on his left (Mr Smedley) vote for what he believed would be the minority (Laughter, and No, no) Well, he thought so.

Captain HART said the hon. the Treasurer had asserted that the late Ministry had reserved certain portions of the waste lands But the great difference that existed in the two cases was, that in the former case the discovery was made by a Government officer, and he would say, on the return of Captain Freeling, that any land he might discover, the Government would have the power to reserve But in this case the claimants were the discoverers (No, no) If not, the Commissioner of Crown Lands could object to their claims But if the introduction of stock were prevented, that land was of no value The proclamation would have the effect of preventing the introduction of stock for another twelvemonth on account of the want of water. Their conduct was, therefore, clearly inexpedient, and as to the illegality of the Act, Mr Hanson had clearly shown that As to the charge of unfairness made by the Chief Secretary against the hon Mr Hanson, would the House think of such conduct as that of reading to that House the private conversations which the hon gentleman had with other members of the House? Even then he only read such parts as suited him Did the House imagine that an instance of unfair conduct? He looked on this as a very dangerous precedent in every point of view The conduct of the Ministry was directly opposed to the spirit of the Waste Lands Act There might be some excuse if circumstances had warranted it, but there were no circumstances to warrant it. Had they existed, the proper course was to have come down to the House and ask for the requisite authority They had imagined that it was a popular thing to put a stop to the squatters. (No, no) Many out of doors thought so. (No, no) He had just got rid of his stock, and was no longer a squatter, but he would say that although no longer a squatter, he would not take such a stand against them as had been done by an hon gentleman in a similar position.

The CHIEF SECRETARY said the hon. gentleman who had just sat down, had accused him of revealing private conversations. He had not done so It would be in the memory of hon members, that in a former debate, certain conversations had been alluded to, which, from his own knowledge, were produced in a garbled form, and it was to correct garbled statements thus put forth, that he alluded to those conversations, as they really occurred His object had simply been to put a fair statement before the House. He never revealed private conversations in his life.

Mr COLE would speak on the score of justice. He believed that the general impression was that the squatters did not pay a *quid pro quo* for what they got in South Australia. He was no advocate for class interest. He would say—"Let justice be done, though the heavens fall." If he stood alone he felt bound to support the Ministry.

Mr HAY supported the original motion.

Dr WARK said if the laws of the land were to be rescinded at the pleasure of the Ministry, there would be no safety in the State. He felt it was his duty to support the motion.

Mr HANSON, in reply, said that so far as the legal effect of the proclamation was concerned, it was waste paper, and he would add that if any person, before it was issued, had the intention of sending in a claim, and that after the issuing of the proclamation, he did so, then that person could enforce his claim.

The SPEAKER put the motion, which was carried, the votes being as follow—

AYES, 17.	NOES, 14
Mr Babbage	The Chief Secretary
Mr Bagot	The Treasurer
Mr Bakewell	Commissioner of Crown
Mr Blyth	Lands
Mr Bonney	Mr Burford
Mr Duffield	Mr Cole
Mr Dutton	Mr Dawes
Mr Finniss	Mr Hallett
Mr Hanson	Mr Krichauff
Capt Hart	Mr Leake
Mr Hay	Mr Lindsay
Mr Mildred	Mr Marks
Mr Milne	Mr Peake
Mr Neales	Mr Scammell
Mr Reynolds	Mr Smedley
Mr Wark	
Mr. Young	

RESIGNATION OF THE MINISTRY.

Mr HANSON asked the Chief Secretary if it was the intention of the Government to proceed with the business of the country after the vote that had been passed in that House.

The CHIEF SECRETARY said that after what had occurred he should certainly not proceed with the business of the country, and the Ministry would no longer hold themselves responsible as such. But there was one measure he would wish to proceed with on the following day—the Electoral Law Bill.

The other business on the paper was postponed, and the House adjourned until next day.

HOUSE OF ASSEMBLY.

THURSDAY, SEPTEMBER 24.

BUILDING ACT

Mr Dutton postponed his motion relative to a Building Act.

MINIE RIFLE.

Mr KRICHALFF moved—
"For leave to introduce 'A Bill intituled an Act to Regulate the Distribution and provide for the use of the Minie Rifle'"
He considered it was best to be prepared for emergencies. The Chinese might be found troublesome, and other contingencies of a nature requiring the use of

firearms, might arise coastwise. He suggested the establishment of an armoury, and the appointment of the necessary officers for the proper preservation of the rifle. He would suggest that the District Councils appoint days periodically for rifle practice. The hon. gentleman detailed the clauses of his proposed Bill. One of its provisions would be to award prizes.

Mr BAGOT seconded the motion, and he did so because he thought it necessary to render available the large number of rifles sent out by the Home Government.

Mr PEAKE opposed the introduction of this Bill, and he did so because he did not believe in playing at soldiers or pop-guns. He believed the public funds would be better employed in spending every penny in support of the material interests of the colony.

The COMMISSIONER OF CROWN LANDS thought it was rather a matter for the Executive to deal with.

Mr REYNOLDS would support the Bill, which he did not think would involve any great expense. The only article to be provided would be ammunition. He had no doubt there were many gallant spirits in the colony who would be glad to fire away if they could do so gratis, and probably they would keep the rifles clean.

Mr COLF, as a man of peace, would oppose the motion. He had no doubt that his friend the member for Sturt, who usually dealt so largely in gunpowder, would support the Bill.

The CHIEF SECRETARY said that in ignorant hands the rifle might be much injured. If the hon gentleman would take up the English Yeomanry Act, he would support the measure. It would be necessary to provide an adjutant and drill-sergeant to give instruction.

Leave to introduce the Bill was carried by a majority of six.

The Bill was then read a first time, and ordered to be printed. The second reading was made an order of the day for Thursday, the 1st October.

ADELAIDE GAOL.

Mr Marks asked the Honourable the Chief Secretary, pursuant to notice, whether there are any regulations for the classification of prisoners in the Adelaide Gaol, if so whether persons convicted or committed for trial are kept in separate wards from imprisoned debtors? He was informed one of the insolvent debtors had his ratons stopped for refusing to chop wood—a man named William Wilson. Now he considered debtors were not required by law to do hard labour. He also learnt that a prisoner, who had been sent for three months hard labour, had been sent to the debtors' ward.—The Chief Secretary would make enquiries.

RESIGNATION OF THE MINISTRY.

Mr FINNISS rose to ask a question of the Chief Secretary. On the previous evening he had stated he would stand or fall with the decision of the debate, and at the close of the debate he confirmed that statement. It would not do for the Government to be without a head.

The CHIEF SECRETARY said that he and his colleagues, after the decision at which the House arrived, met, and he stated to them that after a defeat on a question of ministerial policy, it would be inconsistent for them to occupy the Treasury benches any longer. His colleagues agreed with him, and, accordingly, they

had placed their resignations in the hands of his Excellency. It was usual for a Minister in his position to give some explanation. During the discussion the hon. member for Barossa appeared to be under the impression that the Ministry had acted without the advice of the Attorney-General. On the 7th of this month he heard of the large number of applications which had been made for runs. He thereupon called together such of the Ministers as he could find, and they came to certain resolutions. On the following morning he submitted those resolutions to the Attorney-General who approved of them. It would be remembered that on the 16th, in answer to Mr. Hanson, the Attorney-General stated that he considered his Excellency was warranted by law in issuing the proclamation. Finding that grave doubts existed in the House on the subject, he tabled a notice of motion in the House respecting it. That motion did not come on, but was merged in the measure which resulted in the division of last night. He felt quite satisfied in the position he had taken, and he would read an appropriate extract from the life of Sir Robert Peel. It was in favour of a timely resignation, when the Ministry could not command a satisfactory majority in the House. He had attained at least one object which he was anxious to attain when he assumed office. He meant the classification of the officers in the Civil Service in something like an equitable form. They had also brought forward the Estimates. Their predecessors would find that the affairs of the Government were left in good order. He had to thank Mr. Hanson and the gentlemen who supported him for their courteous way of introducing the vote of want of confidence. He had more cordially to thank those gentlemen who consistently supported him while in office.

Mr. BAKEWELL said it appeared from the statement of the Chief Secretary that Mr. Andrews did not prepare the *Gazette* notice, his opinion was merely asked afterwards. He moved that the House do adjourn till Tuesday next.

Mr. BAGOT seconded, and, in doing so, would observe that the Ministry had adopted the only constitutional course open to them.

Mr. FINNISS said it became very important to know what course the Governor intended to take in the emergency. He hoped that Tuesday would be quite sufficient time to prepare a new Ministry. He regretted the many changes which took place under constitutional government, because they would place arguments in the mouths of the enemies of that form of government, but the real effect would be that the country would be benefited. Hitherto they had had a government rather of measures than of men, but he hoped for the future they might have men and not measures (No, no.) His reasons were, that men of extreme views could not always be trusted. They must have men identified with radicalism, to bring in radical measures, and conservative men to bring in conservative measures. He regretted the vote of the previous day, although he had no doubt that the course taken by the Government in issuing the proclamation was highly illegal. Many members who voted last night against the commission of an illegal act, would have supported the Chief Secretary's policy. The House generally, he believed, approved of his policy on many important measures. What they voted against was the monstrous assumption of power, setting all law at defiance. He considered that it was impossible to divest the Attorney-General of the responsibility of the legal steps taken by the Government, the House was bound by the opinion of the chief law officer of the Crown. He thought it was not judicious on the part of the Chief Secretary to have given the pledge he did the

previous evening regarding the Electoral Law Bill. He was now bound to carry out that pledge.

Mr. NEALES thought, until the resignation of the Ministry was absolutely accepted, they were just as liable as before.

Mr. BURFORD said the hindrances to public business by these choppings and changes were really to be deplored.

Dr. WARR considered that the Chief Secretary had acted very properly in saying that he would carry on the routine business of the country until her Majesty's representative had taken the matter off his hands by accepting his resignation. If they were to have, as Mr. Finnis said, men and not measures, they would have to swallow all that was submitted to them, and the duties of the House might become a nullity. He trusted that the House would repudiate the sentiment.

Mr. REYNOLDS said they had no doubt lost a good deal of time, in one sense, by the various changes, but the loss was rather apparent, and the successive changes would tend to consolidate responsible government. He complimented the hon. the Chief Secretary for the courteous way in which he had retired.

On the motion of the honourable member it was resolved that the House at its rising adjourn till the following Tuesday.

IMMIGRATION ORDERS.

Mr. REYNOLDS moved—

“That there be laid on the table of the House the regulations (if any) in force referring to the nomination of persons for free passage to this colony, also a return showing the number of nomination orders issued and exercised and number authorised to be issued from August, 1856, to August, 1857, distinguishing the number and names of those who have bought land and exercised their nomination rights—those who have authorised others to exercise them in their stead—and especially those who have obtained such orders without being entitled to such, either as purchasers of land or as being authorized in writing by others who possessed the right, and under what circumstances the latter became possessed of such orders, and the names of such persons.”

He said his object was to give an opportunity of reply to charges that had been made in another place.

The CHIEF SECRETARY thought it necessary to offer some explanation. Allusion had been made to a statement made in another House by an hon. member, it was to the effect that he had boasted that he had 700 Irishmen banded to carry out his behests. He gave that the strongest contradiction possible to be given in Parliamentary language. He knew of no combination among Irishmen, and thought the difficulty of getting them to meet at the St. Patrick's dinner was a proof that the Irishmen of this colony were not disposed to combine. With regard to the assistance of immigrants, he had certainly assisted poor people to get out their friends, but, on considering the matter, he found that the last family was from Guernsey. The previous case was a Scotch family, and one before it, at the instance of a clerk in Mr. Bakewell's office, was, he thought, also Scotch. He then read a series of questions which had been addressed to the Commissioner of Crown Lands and Immigration on the subject, and the replies. The following was No 4—

“Whether he can furnish the House with the names of such parties obtaining such orders without the consent of parties entitled to nominate, when such orders were issued, under whose administration, and the

names of the parties who are deprived of their nominative rights by such proceedings”

Immigrants have been nominated by the following persons in the way above referred to, viz—By Mr McEllister, during the administration of Mr Finnis, by Messrs Wright Brothers, during the administration of Mr Finnis, by Mr Alexander Hay, during the administrations of Mr Finnis, Mr Baker, and Mr Torrens, by Mr George Green, during the administration of Mr Baker, and by Mr R E Tapley, during the administration of Mr Torrens. The only complaint of a deprivation of nomination right which has been lodged in this office has been one made by Mr Baker after his right had expired, and in that case, on it appearing that a misunderstanding had occurred as to the extent of the authority given by him to Mr McEllister, the latter offered to procure an equal amount of nomination rights within date for Mr Baker's use (Hear, hear)

The motion was put and carried.

BOARD RETURNS

Mr Babbage moved that a return be laid on the table of this House from the Railway Board, the Central Road Board, the Harbour Trust, and the Trinity Board, of amounts paid for 1857, and proposed to be paid for 1858, of all officers and other persons employed by them respectively, giving the same details and information as is contained in the Estimates now on the table of the House respecting the Port Elliot and Goolwa Tramway—Carried.

ELECTIVE FRANCHISE BILL.

Captain Hart moved the second reading of this Bill.—Mr Bagot seconded—The Bill was read a second time, and committed

The Chairman called attention to the fact that there was no House, there not being twelve members present.

The House adjourned till the following Tuesday

LEGISLATIVE COUNCIL

TUESDAY, SEPTEMBER 29.

MINISTERIAL.

The Commissioner of Public Works stated that His Excellency had entrusted Mr Hanson with the duties of forming a new Ministry. He had not succeeded in doing so yet, but it was expected that he would be able to present a programme to His Excellency in the course of the day. In the meanwhile, the present Ministry would continue to perform the duties of office until the appointment of their successors

APPLICATIONS FOR THE OFFICE OF EMIGRATION AGENT.

Mr. Forster moved, for the names of persons who have applied for the situation of Agent-General or Emigration Agent in England, with the respective dates of such applications.—Mr. Ayers seconded the motion, which was carried.

CONVICTS PREVENTION BILL.

Mr. AYERS, in moving the second reading of this Bill, observed that it was not a Government measure. It had originally been introduced into the other House, and he now took it in charge. The provisions of the Bill were stringent, but not too much so for the purpose intended

Captain Scott seconded. He considered it was one of the most important measures which had come before the Council that session. They required protection to prevent the convicts from the neighbouring colony of

Swan River coming in such shoals as they had been in the habit of doing lately

Mr ANGAS agreed in the importance of the measure, but he thought some of the clauses were too stringent. The Bill certainly required to be stringent, and it was of a character with a police Bill. It was uncertain what would be the feeling of the new Ministry towards the Bill, and he therefore thought its second reading should be postponed, and he would suggest that the Bill be submitted for the approbation of the coming-in Ministry before the House made further progress in it. It was very necessary to have entire unanimity in passing such a measure.

Mr FORSTER apprehended that the ordinary course of business would give an opportunity such as the hon. member asked for. The measure was not a Government Bill, and he could see no necessity for sending it back to the other House. The Bill was, upon the whole, what might be called a reasonable one, but some of its clauses might be altered. He would recommend the hon. gentleman not to press the suggestion of referring the Bill back to the House of Assembly.

The motion was put and carried, and the Bill read a second time.

Mr AYERS moved that the House go into Committee.

The COMMISSIONER of PUBLIC WORKS said that a postponement of the Bill in Committee would be desirable, he had only seen it that morning

The Bill was committed, and its further consideration made an order of the day for Tuesday week.

The House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, SEPTEMBER 29.

PETITIONS

Mr. Hanson presented a petition, praying that a sum be placed on the Estimates for the benefit of the aboriginal natives in the manner therein described—Received and read.

Mr. Bakewell presented a petition from James Thompson, an imprisoned insolvent debtor, stating that because he had not chopped wood whilst in the Gaol, he had received no rations, and in consequence had shared in the rations allowed to others. The petitioner alleged that his health was unequal to the labour demanded—Received and read.

Mr PEARCE presented a petition from the inhabitants of Redruth, Aberdeen, and the neighbourhood, praying that a bridge might be built over the creek at Redruth.—Received and read.

MINISTERIAL

Mr Hanson rose for the purpose of moving that the House, on its rising, do adjourn till Tuesday next. He would state that on Thursday evening last he was called upon to undertake the office of forming a new administration. He first of all requested his Excellency to require of the late Ministry to perform their duties until the appointment of their successors. Since then he had put himself in communication with the gentlemen whom he thought the most suitable, but up to the present time he had not been able to fill up all the vacancies, still, he hoped that in the course of the day he would be able to submit a programme to his Excellency, and that before to-morrow a Ministry

would be appointed, so that the list would appear in the *Government Gazette*. At present, therefore, the Government not being formed, he was not prepared to give any explanation. He would suggest that the House do adjourn till five minutes to 3 o'clock, in order not to interfere with the conference.

The motion for an adjournment till Tuesday was agreed to.

The House then adjourned till five minutes to 3 o'clock.

POSTSCRIPT.

Half-past 3 o'clock.

House reassembled at 3 o'clock, and instructed Managers of Conference to attend. Managers returned, reasons read, and ordered to be printed, and further consideration adjourned till Wednesday fortnight.

LEGISLATIVE COUNCIL

TUESDAY, OCTOBER 6.

THE NEW MINISTRY.

The Chief Secretary (Mr Younghusband) at considerable length detailed the policy of the new Ministry, and, having placed on the table returns showing the number of voters at present on the Electoral Roll, as also a return showing the number of applications for the office of Emigration Agent and Agent-General, the House adjourned till 2 o'clock on the following day.

HOUSE OF ASSEMBLY.

TUESDAY, OCTOBER 6.

THE ESTIMATES.

The ATTORNEY-GENERAL moved the House into Committee of the whole upon the Estimates, and, in doing so, explained the policy of the new Ministry.

Mr. TORRENS was pleased to hear that the measures of the late Cabinet were approved of by the present Ministry. With regard to the dealing with waste lands, he was happy to hear that the views announced so coincided with those of the late Ministry, still he would like to hear what the Government intended to do with the existing claims. Doubtless the practice of putting up leases of runs to public auction would raise the price of those now in the market, he trusted, therefore, to hear some statement as to what it was intended to do with existing claims. With reference to the proposal of assessing stock, he could not agree with it, for it would encourage a monopoly of runs. A person might evade the assessment in a great degree by thinly stocking his runs, and yet he might have a great extent of country. He trusted that runs would be assessed in accordance with the quantity of stock they were capable of maintaining, but any such assessment would be manifestly a breach of faith to the present holders of runs, except perhaps for local purposes. It was a subject that required the serious consideration of the House, but he maintained that the Government must keep faith with the existing obligations. From the smile he observed proceeding from his friend the Attorney-General, he trusted that he was mistaken in the interpretation he (Mr Torrens) had given to his announcement. With regard to his measure on the law of real property, it had been his intention to modify it, but hitherto he had not had time at his disposal to give it the necessary consideration. It was a most safe policy, he considered, to refer the question of the public salaries to a select com-

mittee. It was a most prudent course for the Government on an open question to await the opinion of the House before committing themselves. It appeared to him that the struggles of public men for office had already damaged the public interest, he hoped at least that for this session they were now at an end—at least, so far as he was concerned, that was the case.

Mr BAGOT regretted that the Government had not been prepared to meet the difficulty of Circuit Courts at once. The expense to litigants arising out of their non-existence was obvious, and he regretted that their establishment was likely to be delayed. He had been prepared to introduce a measure to meet the case. Considering the long period of office which the Chief Justice had held, he thought it would be only fair that the House permitted him to retire to a dignified and honourable retirement; at the same time he would confess that the appointment of a third Judge was very necessary, and he hoped the Home Government would take that matter into consideration. He almost regretted that the Government were not prepared to repeal the Statute of Limitations, and to abolish the Registration Office. He could speak from experience with regard to the expense of the Registry Office, which often amounted to half the cost of the conveyance. He did not know what were the amendments the hon Mr Torrens intended to introduce into his Bill, he could only say he wished he could conscientiously support it as it lay on the table. The principle it contained with reference to conveyancing by the Registry Office he objected to *in toto*.

Mr. NEALES considered that no amount of assessment on runs would meet the justice of every case; and he maintained that the only practicable and fair system would be an assessment of stock—that was, so much per head. An assessment of area would never do. He believed that the establishment of Circuit Courts would be productive of an advantage which had not yet been referred to—namely, the adequate maintenance of roads. Travelling Judges would surely see that the roads were properly attended to, in fact, it would be a Road Bill in itself. With regard to the allusion of the hon. member for the city to the struggle for office, no doubt he thought that had that struggle terminated at the last stage, it would have had very beneficial results. But another struggle had taken place, and that hon. gentleman had been ousted; but he (Mr Neales) now trusted that, with the promise of able men now in office, the struggle had now terminated.

Mr HAY trusted that the hon Mr. Torrens would go on with the Real Property Bill; but he would point out that for some weeks after Mr. Baker's administration had been overthrown it had been left in abeyance. He generally agreed with the policy of the present Ministry, but he regretted that they did not intend to proceed with the repeal of the Distillation Law. That, he believed, was a most disgraceful and one-sided measure, bearing specially on one class of industry. It was unquestionable that vinegrowers would be benefited by the repeal, and he was convinced that farmers would be similarly benefited, for corn could be produced in South Australia as cheaply as in any country in the world. The sooner the question was fairly grappled with and settled the better for the House and the country. He was, therefore, surprised, after the recently-expressed opinion of the House, that the Ministry were not prepared to proceed with the repeal of the present Act. He could only state that any Ministry which would repeal the present Act and would allow free distillation should have his support. It was a question whether they should introduce spirits into the country or manufacture them.

Mr. BONNEY had listened with pleasure to the programme put forward by the Attorney-General, and expressed his approval of the auction system of leasing runs.

Mr. BURFORD was sorry to hear that it was proposed to maintain the Central Road Board, thereby overthrowing the expressed opinion of the majority of that House, which was to place the roads under the Commissioner of Public Works. He disapproved of the colony entering into the Federation. With regard to Boards, he would say, don't let the public funds be frittered away in different parts of the country, but adopt such a policy that the Government could concentrate their attention on the advancement of the great trunk lines of communication.

Mr. BLYTH had been peculiarly pleased with that part of the Ministerial programme which referred to the maintenance of the Central Road Board. It was the almost universal feeling of the country that the Central Road Board had the elements of good policy, if time were allowed to render them available. The only two points which the public had specially required, were that the Board should be elective, and that the proceedings should be published. He could assure the House that the duties of the Board were by no means a sinecure, but that in all questions of deviation or otherwise which came before them, the consideration was conducted with extreme care and nicety. He quite agreed that the law of trial by jury should be thoroughly revised. It was very unjust that where two men had a squabble, that a juryman should be dragged hundreds of miles from the interior to decide upon its merits, for a consideration of one shilling. On that system, the Civil Code of France offered some useful suggestions.

The COMMISSIONER OF CROWN LANDS said that no doubt some time would be lost in numbering stock with a view to an assessment, but the best plan would be to take the declaration of the squatters themselves as to their stock, which the Government would have the power to verify. It had been said that any assessment made on stock should be reserved for local purposes. Now, while he maintained the Government had no wish to do any injustice to holders, he could not see how the expression of "local purposes" had been introduced into the discussion. Before the Orders in Council were issued there were three Acts of the Legislature for an assessment, in all of which it was said that the assessment was for the general revenue of the colony, and no allusion was made to local purposes. With regard to the claims already sent in for runs, he would state that it was the intention of the Government, in the next *Gazette*, to revoke the rescinding of the Waste Land Regulations, and to let the claims take their regular course. All claimants who could prove that they were the discoverers would have the usual advantages, but respecting the land discovered by the Government, it was intended to reserve it, and put it up in blocks of runs for public competition, having due regard to the distribution of waterholes.

Mr. HUGHES was glad that there was to be no immediate change in the salaries of officers as set down in the Estimates. But he would observe, the Estimates he had submitted contained items on the subject of salaries which he could only have spoken to after some experience in office. He trusted that the present Ministry would be allowed a twelve month's tenure of office at least. With regard to railway extension, he was fully prepared to support the Ministry. If they compared this province to the United States, where they had 26,000 miles of railway taking the relative proportion of the inhabitants, they ought to have 100 miles already constructed in South Australia. In order not to do injustice to the discoverers of new waste

lands who might yet send in claims, it would be as well that the Government should promulgate their new regulations as early as possible. He was opposed to assessing stock, as a plan that would be very discouraging to the extension of the squatting interest. He objected to the interpretation given to the Order in Council with reference to the waste lands. The expression of local purposes was intended to mean colonial purposes. He trusted that the question would be referred to a Select Committee, in order that it might be fully investigated. At present he was prepared to maintain that the public burdens bore unfairly on the agricultural class, as compared to the pastoral interest. With regard to the important question of railway extension, he would point out that on the Gawler line there was an organised staff of men who would be out of employment, and who, if not re-engaged, would soon become dispersed—many of them, perhaps, to go to Victoria. Should the House be disposed to immediately pass a measure to give those men further employment on the extension, he would support such a resolution.

The TREASURER believed that if, with regard to distillation, they were suddenly to adopt a course which would endanger the revenues of the neighbouring colonies, it might materially affect the agricultural interest of this colony. It should be remembered that four-fifths of our produce went to the neighbouring colonies. Should they decline altogether to co-operate with Victoria in such measures, they could not be surprised if taxes were levied there on imports from this province.

The COMMISSIONER OF PUBLIC WORKS would urge that the Supplementary Estimates be passed as quickly as possible, in order that the large staff of men now out of employment from the Gawler Town Railway might not be dispersed. He was not sure that the Government intended to maintain all the Boards now in operation, but they proposed to maintain the Central Road Board in a modified form, so that the Commissioner of Public Works might be really the responsible party. With regard to the complaints as to their policy on the distillation question, it ought to be remembered that it was possible in the first statement of the Government that some subject might be overlooked. A subsequent and more complete explanation had been given. He would point out that the question of the Electoral Law had been overlooked, at least for the present, although it was certainly the intention of Government to proceed with it.

The ATTORNEY-GENERAL said the Government proposed to take up the Bill for the amendment of the Electoral Law which had been sent down by the other House, which Bill they could modify according to the sense of the House. It was very necessary to secure a conformity of the two branches of the Legislature on the general question of an amendment of the Electoral Law, and the Government proposed the appointment of a Select Committee, which would have the power of conferring with a committee from the other House. That plan would be preferable to a conference. With regard to the existing waste lands regulations, the Government would be most anxious to avoid any breach of faith, but he believed that the squatters, as well as the country, recognised the fact that a larger amount of contribution to the revenue was expected from them, and that they would be most willing to give the subject an equitable consideration.

SUPPLEMENTARY ESTIMATES FOR 1857.

IN COMMITTEE—VOTES ASSENTED TO.

Legislative Council, furniture and fittings to various rooms, \$185.

Department of Commissioner of Public Works, \$220.

Department of Auditor-General, £50
 Survey and Crown Lands Department, £162 12s 3d
 Gold Fields Establishment, £200
 Registrar-General's Department, £93 6s 8d.
 Customs, £250
 Post Office, £400
 Education, stipends to teachers, under Act No. 20 of 1851, £1,000
 Hospital, £230
 Lunatic Asylum, £197 16s
 Harbour Department, £133 6s 8d
 Port Elliot and Goolwa Tramway, £450.
 Printing Establishment, £1,300
 Public Offices in Victoria-square, £432 14s. 9d.
 Law Officers' Department, £50
 Magistrates and Local Court, £619 16s. 9d
 Police, £1,070
 Colonial Storekeeper, £156 5s
 Agent-General, £500
 Military Guard, £380
 Pensions, Returning Allowances, and Gratuities, £140.
 Office-keeper's Rooms, General Post Office, £200.
 Government Farm, Cottage, repairs and alterations, £270
 Official Assignee's Office, £140.
 Completion of Armoury, £960
 The sum of £700 was proposed for a new gun shed for the Battery
 Several hon members thought this item enormous, and it was reserved

VOICES ASSENTED TO.

New Survey Stables, £160
 New Adelaide Hospital, £500
 New Store at the Goolwa, £750
 Port Elliot Police Stables, £200
 Additions to Legislative Council Chamber and furniture, £200 (Already expended)
 Fencing and trenching ground about the Council Chamber, £200
 New Cellar at Government House and alterations to verandah, £300.
 Repairs to Gaol at Port Lincoln, £230.
 Additions and repairs to public buildings generally, £470
 Female Infirmary at the Adelaide Gaol, £1,500
 Military Guard-house at the Dry Creek, £150
 Temporary accommodation for troops at Robe Town, £450.
 Planting the Government Demesne, £200
 Planting interior of Government Farm, £150
 Residence of a signal man at the Mouth of the Murray, £200.
 Powder Magazine at Port Adelaide, £2,000
 Bridge over Ready Creek, and road between Mosquito Plains and Guichen Bay, £2,000
 Repairs to jetties, £400
 Jetty at Second Valley, Rapid Bay, £420.
 Survey for railway to Granite Island, £250
 Extension of Jetty at Guichen Bay, £800.
 Snag Steamer, River Murray, £8,000
 Glenelg Jetty, £7,000
 North Arm Road, £9,120
 Central Road Board, £15,000.
 Railway Surveys, £3,000
 Erection of bridge at Port Adelaide, £1,000.
 Sinking a well between Truro and Blanchetown, £200.
 The item of £5,000 put down for moorings, Victor Harbour, was withdrawn

PLURALITIES.

The Attorney-General laid on the table a return of all persons holding more than one appointment—Adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, OCTOBER 7.

IMMIGRATION BILL

This Bill was read a third time and passed.

MONTHLY POSTAL BILL.

IN COMMITTEE.

The CHIEF SECRETARY moved the adoption of the 2nd clause The only additional information the Government had was from a document which had appeared in the *Register*, from which it appeared that £9,000 was all that would have to be paid by South Australia, and the Government would be left to make the best arrangement they could with the European and Australian Mail Company for the vessels to touch at Kangaroo Island on their outward voyage

Mr AYERS and Mr. BAKER objected to the proposed clause, and suggested that it be withdrawn.

In answer to Mr. Bagot,

The CHIEF SECRETARY said the £9,000 was to be our contribution to the whole £20,000, and would include the branch service

Captain BAGOT said it appeared, from what had been stated, that we were to pay £9,000, for which our mails would be taken and put on board the steamers at Melbourne, and when letters arrived there from England they would be transmitted to Port Adelaide, and the £6,000 additional to be provided by this Bill was to be for the purpose of providing us with steamers calling on the outward voyage.

The CHIEF SECRETARY said that was if the amount were required.

Captain BAGOT thought the sum was too large, and he should not vote for it.

Mr FORSTER considered that a sum of £12,000 would be sufficient, and he had voted for the Bill with that impression.

Mr BAKER must oppose the Bill, unless it were provided that steamers should call here either on their outward or inward voyages.

Captain SCOTT said that if they could not enter into any arrangement unless vessels called here he was afraid they would have to wait until the matter was decided in England, and go without any postal arrangement in the mean time.

The CHIEF SECRETARY suggested that the Bill might stand as it was passed by the House of Assembly, the Government promising to carry out the wishes of the Council as closely as possible

Mr AYERS would object to that. He would propose the insertion of the words to the effect that "such arrangements should not extend beyond the 31st of December, 1859, and that the steamers employed should call for mails and passengers at Kangaroo Island in the outward voyage"

Mr BAKER seconded

The amendment was lost, and the clause carried by a majority of 6

AYES, 9
 The Chief Secretary
 Mr. Davenport
 Dr. Everard
 Mr. Stirling
 Mr. Forster
 Mr. Morphett
 Mr. W. Scott
 Mr. Freeling
 Mr. Angas.

NOES, 3.
 Mr. Baker
 Mr. Bagot
 Mr. Ayers

The report was brought up, and the Committee obtained leave to sit again the following day

CHIEF MINISTER.

Mr. BAKER would ask a question of the Chief Secretary; it related to a matter of interest and importance. He saw from the public prints that the hon. the Chief Secretary had not attacked to his office that position of Premier hitherto held by Chief Ministers.

The CHIEF SECRETARY enquired if the hon. member was in order to make a speech when asking a question.

The PRESIDENT said the hon. gentleman could state his reasons.

Mr. BAKER said he was about to ask if the hon. gentleman held the same position as was hitherto held by Chief Secretaries in these colonies. This was important because the Chief Secretary must be looked upon as governing the acts and policy of the Ministry, and he asked if there was any difference in this case, because if the Attorney-General held the office of Premier he would govern the conduct of the Cabinet, and his acts might involve a resignation.

The CHIEF SECRETARY said the question was so discursive it was impossible to answer it.

Mr. BAKER would put it more distinctly:—Was the hon. Mr. Hanson Premier or Attorney-General?

The CHIEF SECRETARY—There is no such office as Premier—no such office recognised by the Constitution Act.

Mr. BAKER—Would the resignation of the hon. gentleman himself, or the resignation of the Attorney-General, involve the resignation of the Ministry?

The CHIEF SECRETARY—That would depend entirely upon circumstances.

Mr. BAKER would not have troubled the House on the matter, but it was a subject of public importance, and he was sorry the Chief Secretary did not feel himself bound to give the information which the public and the House might reasonably expect.

The CHIEF SECRETARY—The hon. gentleman may have his own opinion upon the subject, and I have mine.

Council adjourned till 2 o'clock following day

HOUSE OF ASSEMBLY.

WEDNESDAY, OCTOBER 7.

PETITION.

Mr. Mildred presented a petition from James Craig, of Morphett Vale, for a patent for the construction of an improved reaping machine. Received and read

LAW LIBRARY.

Mr. Bagot asked the Attorney-General whether it

was intended to remit a further sum for additions to the Library; also, if it was intended to obtain the services of a librarian?—The Attorney-General said that such was the intention of the Government.

STOCKADE

Mr. MILDRED moved—

“That there be laid upon the table of this House a return of the names of all prisoners who have been liberated from the Stockade before the expiration of sentence; the grounds for such remission, and what portion of each sentence has been remitted, the names of all prisoners who have undergone corporeal punishment, and their offences; the names of the Justices who awarded, and the number of lashes inflicted upon each culprit, further, that a monthly report of all punishments inflicted, and of all pardons granted, shall be published in the *Government Gazette*. The subject appeared to him to be of that interesting character, that he trusted there would be no opposition to the motion. It had come under his notice as a Justice of the Peace, that persons whose sentences had been partly remitted, had been again convicted of similar crimes within the period of their original sentence. He was satisfied that the proper organisation of prisons would be improved by monthly returns.

Mr. BONNEY rose to oppose the motion, as it appeared to him an undue interference.

The ATTORNEY-GENERAL would not oppose the motion, as he did not think that any injury could arise from it. It could not be reasonably alleged that magistrates would object to the publication of the performance of their duty. He would add that no person in any way acquainted with prison discipline would assert that it could be properly maintained without occasional corporeal punishment, but no objection could be made to full publicity. He would suggest that the part of the motion referring to monthly returns be struck out.

Mr. MILDRED would strike out all the words after “culprit.”

The motion was passed as amended

SALARY OF LIBRARIAN.

In Committee.

Mr. Blyth moved, that an address be presented to His Excellency the Governor-in-Chief, requesting him to place on the Estimates the sum of £50 per annum, as salary for the keeper of the records of the Legislature, also acting as librarian.—Mr. Bagot seconded.—The Speaker put the question, which was carried.

The House resumed, and the report was brought up and adopted.

CENTRAL ROAD BOARD.

Mr. Blyth said that with the question standing in his name he should not proceed, as he had recently communicated with the Ministers on the subject, and they promised that if the proceeds of the sale of waste lands for the year exceeded the Estimates, that a sum of £15,000 would be placed on the Supplementary Estimates for 1858 for the Central Road Board, if that additional amount should be required.

MARRIAGE BILL.

Mr. Blyth moved, that the petition of the members of the Church of England against the Marriage Bill, presented on Tuesday, the 8th September, be printed—Agreed to.

ADELAIDE BUILDING ACT.

Mr. Blyth moved, that the petition of the architects, relating to the Adelaide Building Act, be printed — Agreed to.

PETITION OF MESSRS. TAYLOR, ABBOTT, AND FRANKLYN.

Mr. Franklyn moved, that the petition of Messrs. Franklyn, Taylor, and Abbott be referred to a Select Committee of the House — Agreed to. — A Committee was appointed, consisting of Messrs Cole, Blyth, Bonney, Leake, Babbage, Neales, and Burford.

PUBLIC NOTARY

Mr Bagot moved for leave to introduce a Bill for the purpose of removing any doubts respecting the validity of the appointment of Notaries Public within this province. It was a matter of considerable importance that no doubts should exist as to the authority of the Governor in appointing a notary public—a very important and useful officer, and he consequently proposed to introduce a Bill giving His Excellency ample powers to make such an appointment.—The Attorney-General would not offer any opposition to the introduction of the Bill, as he believed doubts had recently existed not only with His Excellency, as to his power to make such an appointment—Leave was given to introduce the Bill, which was read a first time, and ordered to be printed The second reading was made an order of the day for that day fortnight

IMPROVEMENT IN RAILWAY CARRIAGE WHEELS.

Mr Blyth moved, that he have leave to bring in "a Bill intituled an Act to secure to William Dinham, for a term of fourteen years, the exclusive right to use within the province of South Australia certain improvements in the construction of railways, and in the construction of the wheels of carriages for travelling thereon" He stated that many scientific men and other gentlemen had spoken very favourably of the invention, which, if adopted, he considered, would be found very advantageous, and productive of a great saving of expense The Bill was a private one —The Attorney-General thought that the House should grant the same privileges that the Patent Law of England permitted —The Bill was ordered to be printed, and its first reading made an order of the day for Friday next

LAW AMENDMENT.

Mr BAGOT moved—

"For leave to bring in a Bill intituled an Act to shorten the form of wills, conveyances upon trusts, and settlements, by giving certain powers usually inserted therein"

He proposed that trustees should have power to let or lease for a certain term, also, that there should be a power of sale or exchange Owing to the fact that many wills contained no such powers, great confusion and detriment to property often arose He would state that, in introducing this Bill, he had the general concurrence of the profession, who were most anxious to simplify conveyancing

Mr. BLYTH seconded.

The ATTORNEY-GENERAL agreed with the general object of the Bill With regard to its details, he would offer no comment before it came on for its second reading

The question was put and carried.

The Bill was read a first time and ordered to be printed, and its second reading made an Order of the Day for that day fortnight

DISTILLATION FROM THE VINE.

Mr Peake asked the Honourable the Treasurer if it

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was the intention of the Government to take any, and what, measures to enable the vinegrowers of this province to convert the refuse of their vineyards and inferior wine into rectified spirit —The Treasurer said it was the intention of the Government to bring in such a measure

GAWLER RAILWAY EXTENSION BILL.

IN COMMITTEE

The ATTORNEY-GENERAL moved the adoption of the second clause, which was amended, limiting the payment of interest to 6 per cent, and passed.

Clause 3—Passed.

Clause 4—Providing that £25,000 be annually set apart for payment of interest and principal on bonds.—Passed.

Clauses 10 and 11—Reserved.

Clauses 11 to 25—Passed.

Clause 26—

Mr BAGOT would ask the hon. the Attorney-General if any portion of the land fund would be employed for paying off the railway bonds Such a clause would, he considered, render the Bill safe, and would render it much more likely to pass through the other House. He had communicated with several influential members of the other branch of the Legislature, and they seemed disposed to support such a proposition.

The ATTORNEY-GENERAL would mention that it would be impossible to take the Bill out of Committee that day, because certain clauses had been reserved. But he would say, that if any measure could be devised to obviate the necessity of making the revenues of the province a security for the bonds, the Government would be prepared to adopt it.

Mr FINNISS would willingly support the suggestion of the hon Mr Bagot, if he thought the method proposed would attain the object in view. But it ought to be considered that the proceeds of the waste lands along the line would be so much taken from the general revenue He did not think that such a method of paying the railway bonds would have a beneficial effect on the bonds themselves On the contrary, it would damage the bonds, for if a portion of the revenue were devoted to any special object, the public creditors would no longer have the whole of the revenue to look to By such a scheme they would lessen the amount of the public security.

Mr HAY was inclined to support a clause which would enable one fourth or one fifth of the money required to be raised from the sale of land He thought the best plan to adopt would be to vote a certain proportion of the general revenues to construct lines of railway to the north.

Mr SCAMMELL considered it good policy to allow the money required for the construction of railways to remain over as long as possible. He would support the original motion.

Dr WARK considered that it was too late to introduce such an important principle as that suggested by the hon. Mr Bagot into the Bill.

Mr DUNN objected to any portion of the general revenue being voted for railways in the north

The ATTORNEY-GENERAL contended that it would be unfair that the present revenues should be devoted to works which would probably be of more value to the future inhabitants than to the present, especially when it was considered the many important works which

were now required. He would suggest that the proposal be reserved.

Mr BAGOT said that the object he had in view was that the question should be discussed. He would not leave it in the hands of the Government. His suggestion had partly been thrown out to meet the scruples of certain hon. gentlemen in the other House.

The TREASURER observed that if any portion of the proceeds from the sale of waste lands were devoted for a special purpose, the Estimates would be affected by that amount. Figures were stubborn things, and however they might shift about the items, the result would remain the same. Again, it was the desire of the Government that if there were any sum in excess of the Estimates from the sale of waste lands, they would put a supplementary vote for the improvement of main roads, especially in districts where railways did not exist. Whatever might be the fate of the Bill, he thought they could not devote any part of the general revenue for it. Such a scheme was never contemplated on the second reading of the Bill.

Mr DUFFIELD would vote for such a plan of raising money as that suggested. He would not only borrow for railways, but he was in favour of borrowing money for extending the main roads of the colony. It would be seen, on examination, that it was done in the mother-country. He had lately seen returns, which showed that even now the turnpike roads in England were indebted £300 a mile on an average.

The clause was passed.

Clause 27 Agreed to.

The House resumed, and the Chairman reported progress. Leave was given to sit again that day week.

ESTIMATES.

The further consideration of the Estimates in Committee was made an Order of the Day for Thursday.

The House then adjourned.

LEGISLATIVE COUNCIL.

THURSDAY, OCTOBER 8.

FEDERATION OF THE COLONIES.

The Chief Secretary in moving that a select committee be appointed to consider and report on Message No. 9 of His Excellency the Governor-in-Chief to this House, enclosing a despatch from the Secretary of State for the Colonies, and enclosures, relative to the Federation of the Australian Colonies, remarked that the subject was referred to in a document from the Australian Association to Her Majesty's Government, and a Bill had also been drafted relating to the questions of light-houses along the coasts, railways, the navigation of inland rivers, and a postal system. Other questions would also probably arise of a proper character for federal consideration. The object of the Government was to elicit an opinion upon the subject from the Upper House of Legislature. — Captain Scott seconded the motion, which was carried, and a Select Committee consisting of—The Chief Secretary, Mr. Baker, Mr. Forster, Mr. Angas, and Captain Bagot, was appointed.—The report to be brought up on Tuesday week.

HORSES FOR INDIA.

Mr Baker in moving that, in the opinion of this

Council, the recent disturbances in India call from the inhabitants of this province an expression of their sympathy with their fellow-countrymen who have been so barbarously butchered by the native troops, and of showing their loyalty to the mother country by tendering such aid, as it may be in their power to afford, towards the maintenance of British rule in India, and bring the perpetrators of the atrocities which have been committed there, to justice; and that an address be presented to his Excellency the Governor-in-Chief, requesting him to take the necessary steps for obtaining authority to ship one hundred well-disciplined troop-horses as an offering from this province to the Indian Government, remarked that the cost of sending horses as proposed, would not exceed £6,500, and he hoped for the credit of the colony the Government would take action in the matter at once.—Major O'Halloran in seconding the motion, suggested that the number of horses should not be limited to one hundred, and that such of the police as could be spared should be also sent.—This suggestion was adopted, and the motion carried.

WASTE LANDS REGULATIONS.

Mr. Baker moved that a copy of the Order in Council, and of all regulations which are now or have been in force in this province, for the disposal of the Waste Lands of this province, together with such correspondence as may have taken place between the local authorities and the Home Government, and reports made by the Crown Land Commissioner on the subject, be laid upon the table.—The motion was agreed to, with the proviso that the correspondence should not date further back than the Order in Council.

CONVICTS PREVENTION BILL.

This Bill passed through Committee, and leave was obtained to sit again on Tuesday next.

MONTHLY POSTAL BILL.

The House went into Committee on this Bill, when the Chief Secretary submitted the following additional clause, which had been prepared at the wish of the House.—“Provided that no such arrangement for communication by way of the other colonies shall be entered into for any period beyond the 31st of December, 1858, unless on the condition that line ocean steamers touch at Kangaroo Island, or some other port of the province, for the purpose of conveying the return mail to England.”—Mr. Baker thought the addition did not embody the wishes of the Council, because it did not compel steamers to call here at once, and it did not limit the time of the contract to be entered into after 1858.—After some discussion, the Chief Secretary amended the clause by inserting the words “and provided also that no contract which shall be entered into shall extend over the 31st November, 1861.”—The clause as amended was agreed to, and the third reading of the Bill made an order of the day for Tuesday next.

THE PREMIER.

Mr Baker asked the Chief Secretary who was the responsible head of the present Ministry, remarking that he had asked the question on the previous day but had not received an answer. On public grounds he should put the question day by day till he got an answer.—The Chief Secretary requested that the question might be put in writing, and he would take an early opportunity of answering it. He was not aware it was in order to cross-examine a member of the Ministry in that House.—Mr. Baker intimated that he should make the matter the subject of a motion.

The House adjourned till the following Tuesday

HOUSE OF ASSEMBLY.

THURSDAY, OCTOBER 8.

THE PORT ROAD.

The Treasurer presented a numerously signed petition praying the House to take the necessary steps for the repair of the Port-road.—Received and read

THE MURRAY.

The Treasurer laid on the table of the House a report from the Harbour-Master relative to the mouth of the Murray, and remarked that nothing had occurred during the last few years of more importance to the prosperity of the colony than the fact that the mouth of the Murray had become more navigable.—Ordered to be printed.

DISPUTED RETURNS.

Mr Hay was elected by ballot to supply the vacancy in the Committee of Disputed Returns, created by the resignation of Mr. Waterhouse for East Torrens.

DISCOVERIES IN THE NORTH

The Commissioner of Crown Lands stated, in reply to Mr Bagot, that Mr Hack's plan of the country he had discovered in the north had not yet been prepared.

NORTHERN EXPLORATIONS.

The Commissioner of Crown Lands laid on the table a report of Captain Freeling, offering to undertake another expedition to the north. He (the Commissioner) concurred in the advantages that would arise from such an expedition, but considered that the present season was too much advanced for the question to be now entertained. He also presented a report from Mr Goyder. In answer to a question from an hon. member, he stated that the Government would probably place a sum on the Estimates for 1858, for another expedition.

THE FINANCIAL YEAR

The Treasurer stated, in reply to Mr. Duffield, that he considered the proposed change in the financial year most desirable, but the question had not yet been brought under the consideration of the Cabinet.

MESSRS. ALFORD AND TOLMER

Upon the motion of Mr. MILDRED, the House went into Committee of the whole upon the report of the Select Committee upon the petitions of Messrs Alford and Tolmer, and the honourable gentleman then moved the adoption of the report, which recommended that £100 be awarded to Mr. Tolmer and £250 to Mr. Alford.

Mr. SCAMMELL seconded the motion.

Mr. HUGHES opposed the motion. He could not see that Mr. Tolmer possessed any further claim on the Government, and there was nothing in the evidence before the Committee which would justify the House in voting £250 for Mr Alford.

The ATTORNEY-GENERAL rose to oppose the motion, and he did so with some degree of regret, so far as Mr Alford was concerned. But he confessed he could see no ground for a vote, for Mr Alford had admitted that he voluntarily resigned on account of a coolness with his superior officer. There had been no refusal to receive him into the public service since, and, on the other hand, he had authority for stating that Mr Alford had subsequently refused an appointment, alleging that he was making much more money by his own business. Mr Tolmer's claim appeared to him to be altogether inconsistent, and he could see nothing in either case which would justify the House in departing from the

rule in such cases, and establishing an injurious precedent.

Mr BIRTH could see no case for any pecuniary compensation for either gentlemen

The motion was lost by a majority of six.

GREENHILL-ROAD.

Mr Bonney moved that the memorial of certain rate-payers residing in the districts of Burnside and East Torrens be taken into consideration, with a view of granting the prayer of the memorialists, and that his Excellency be requested to place £500 (the amount prayed for) on the Estimates for the repair of the Greenhill line of road.—The motion that the House go into Committee upon the subject was lost, upon a division, by a majority of twelve.

THE CEMETERY.

Mr BAGOT moved—

“That a Select Committee of this House be appointed to report upon the advisability of removing the Cemetery from West-terrace, and as to whether a suitable site cannot be obtained elsewhere”

He did not intend to cast any reflection on the present or any former Government, nor did he complain of the management of the Cemetery. The hon gentleman then read the report of a Committee of the House in 1854, stating that the position of the Cemetery being to the windward of the town was very injurious, and the Committee were of opinion that no time should be lost in selecting another site. He would suggest that a site be adopted in the neighbourhood of the Gawler Town line. Upon the evils which would arise from the Cemetery, if allowed to remain on its present site, he would not attempt to enlarge.

Mr BURFORD opposed the appointment of a select committee, thinking the matter might be safely left to the Executive. He denied that the prevailing winds were now in the direction of the Cemetery, that was, to the south-west, they might have been so a few years ago, but of late the prevailing winds were certainly in the direction of the north-east.

Mr HUGHES observed that about the time when the Committee's report was published, it was well known that the bodies of many paupers had been hastily interred, and the effluvia which arose thence was undeniably very offensive. But at present he was not aware of any cause of complaint of that nature. He could not understand what the hon gentleman meant by moving the Cemetery. Did he mean to move the bodies, or shut up the Cemetery and open another.

Mr. FINNISS said they had already had a select committee, and he believed that the publication of the report had had the effect of materially improving the management of the Cemetery. He saw no occasion to take action in the matter unless the citizens complained, and he had certainly heard nothing on the subject from his constituents. He did not agree with the report of the Committee as to changing the site, it was an open question which was the direction of the prevailing winds, and he believed that the present site of the Cemetery was as little liable to cause offence from malaria as any other which could be mentioned near the city. Again, it was to be considered that the townships arising in the country would render it necessary, if the same argument held good, to be constantly shifting the Cemetery. The item of expense arising from the Cemetery being placed at a distance from the city would be a matter of serious consideration. On the other hand he had never heard of any authenticated instance of disease or illness arising from the present Cemetery.

The COMMISSIONER of PUBLIC WORKS thought it would be undesirable to remove the present site unless a better case were made out

Mr TORRENS could not see that the hon gentleman had made out any case. In England cases had been known where the churchyard had been raised six feet by the accumulation of bodies, and the removal of such a site was one of necessity. But in this case there was no parallel; the Cemetery was very large, and it would take at least fifty years even to fill it. He had observed in many warm climates that the proximity of cemeteries was not injurious to the inhabitants, especially where quicklime was spread over the graves.

Dr WARK considered that the health of the colonists deserved more serious consideration than had been yet given by the House. He thought that the good sense of the House would be against allowing such a contaminating influence as that of the Cemetery to remain in proximity to the city. The Cemetery might take fifty years to fill up, but the disease arising from its proximity existed from the commencement. He certainly thought they ought to find a new burial place at a greater distance from the city.

Mr SCANWELL believed that the health of the city, in future years, would depend, in a great degree, on whether the Cemetery was removed from its present site or not. The present site was peculiarly unfitted, it being in the direction of the prevailing wind, and on a very damp soil. Many of the bodies buried there were committed to a watery grave, which often caused an effluvia of noxious gas tenfold.

The ATTORNEY GENERAL thought, after the expression of hon members, it would not be advisable for the hon Mr Bagot to press the motion. It had been pointed out that, wherever it might be proposed to have another Cemetery, similar objections might arise. He, therefore, thought that before action was taken in the matter, enquiry should be made as to where a site could be obtained which would involve less difficulties. He would remark that, although it was often difficult to prove that disease had arisen from atmospheric causes, yet it was well known that where noxious sources of effluvia had been removed, the health and average duration of life of the inhabitants, within the neighbourhood of its influence, had evidently improved. Still he thought that the matter should not be pressed for the present, and he trusted that on the pledge that the subject would be taken up by the Government, the hon. gentleman would withdraw his motion.

Mr BAGOT said the object he had in view had been gained, which was, a full discussion of this important subject. He would point out that the churchyards of old cities, the proximity of which certain hon members had contended was healthy, were constantly surrounded by forms of typhus fever, cholera, or plague, and it would not be advisable to encourage such visitors. He would withdraw the motion on the pledge given by the Government.

Leave was given to do so

SUPPLEMENTARY ESTIMATES FOR 1857.

The Commissioner of Public Works stated that he believed the building required for a gun-shed would cost about £570.—The House voted £700 upon the pledge of the Treasurer that no further sum would be expended than was actually necessary.

PUBLIC DOCUMENTS.

The Commissioner of Public Works, in answer to Mr Bagot, explained that the documents in the Supreme Court, were kept in a fireproof safe, and with

reference to the fireproof room for the Official Assignee's office, it would be built at the Police-Station

BOTANIC GARDENS

The Treasurer moved that the sum of £1,000 be struck out, and that £250 be inserted. Also that the word "conservatory" be struck out.—Mr Krichauff moved as an amendment that £100 be inserted.—Mr. Macdermott regretted that the original sum had been struck out, but as the governors of the institution seemed to think that £250 was enough he would support it.—Mr Torrens thought that the nature of this institution would have to be altered. The object of the garden was not to force flowers and seeds for sale, in order to compete with market gardeners. Without further information he must oppose the vote for the propagating-house.—The Commissioner of Crown Lands explained that the propagating-house was never intended to raise plants for sale. The £100, proposed by the hon member for Mount Barker, would be altogether insufficient for the purpose.—The amendment for £250 was passed.

ARTILLERY.

Artillery corps of one battery, £700.

The TREASURER moved that the £700 be struck out and £100 inserted, as he considered that to be a sum equal to the expense the country could bear for such a purpose.

Mr. TORRENS said he could understand striking out the item altogether, but £100, if voted, would not be of the slightest use. If he had the papers on the subject he would explain the several items. Despatches from the mother country had been received, requiring the colonial Government to be prepared at any time to send all the available military forces in aid of the mother country if rendered necessary. Such a request might very possibly arise from the present war in India, and, indeed, in the present aspect of affairs it was more than probable. To use the guns efficiently a very considerable amount of practice was necessary. He would assure the House that experienced artillerymen were more dangerous to their friends than to the enemy. For these reasons he would support the original item.

Mr MACDERMOTT would support the original item as too trifling to be objected to considering the object to be effected. The mother country had sent them out a very fine and a very expensive present, which it would be worth their while not to neglect.

The COMMISSIONER of PUBLIC WORKS thought that if a war arose here a thousand good riflemen would be of much more service than the few guns. He objected to maintaining a military staff.

Mr BURFORD was satisfied it was the true policy that in times of peace they should be in a state of preparation for times of war. It would be found that riflemen were not always a more efficient means of defence than great guns. He would recommend that the sum stand as printed.

Mr FINNIS would vote for both amounts if necessary; that was, if the £700 were thrown out, he would support the vote for £250. Long practice was required for training men for guns, and without they had trained men the guns would be absolutely useless. He was sorry to see that the House hesitated in granting the vote. It was true that there was no immediate prospect of war, but neither was there before the late war. He imagined that the next war would not be confined to the other hemisphere, but that they might possibly be called to take part in it. Lord Panmure, in his de-

patches, had stated that in any future war the colonies would have to defend themselves, the necessity for the vote was therefore apparent.

Mr SCAMPELL would support the smaller vote suggested by the Government. He regarded any attempts at defence on the part of a colony like this against any European power as utterly futile. The absence of aggregate wealth on any part of the coast line was their best defence.

The TREASURER said the proposed estimate for this was £1,600, and that was merely to support a twenty days' drill and ten days' ball practice. He could see no necessity for the larger amount.

Mr TORRENS said that if the votes were not passed this would be the only colony under British dominion which did not respond to the call of the Home Government.

The ATTORNEY-GENERAL intended to vote that the sum be reduced to £100, without intending any disloyalty to her Majesty. He never imagined that this colony or any other British dependency would be left to its fate by the mother country in the event of a war, but at the same time he was disposed to admit that the colonies should not rely solely on such means of defence. The present proposition was so small and inefficient for any real defence that it would be a farce to vote it, it would amount to playing at soldiers. Either grapple with the question completely or let it alone.

The amendment for £100 was passed.

BURRA BURRA INSTITUTE.

Burra Burra Institute, £50.

Mr MIENE could see no necessity for a special vote for the Burra Institute.

The TREASURER believed the sum had been expended.

Mr TORRENS said the sum had not certainly been expended during his administration, but under two former administrations it had been decided that a sum of £50 should be voted for all institutes which had collected by way of subscriptions £1,000. The Burra Institute was the only one which had sent in its claim. So far the Government was pledged to the Institute.

Mr BONNEY said if that was to be adopted as a precedent they would have a great many applications.

Mr BLYTH hoped it would be made a precedent, and that such institutes would start up all over the colony.

Mr BONNEY agreed that much benefit arose from the establishment of such institutes, but it was not very clearly understood at present what was the proper definition of the term Mechanics' Institute.

The vote was agreed to

Gold Search Committee, £1,000 Passed.
Botanical Gardens, £1,000. Passed.

NORTH-WESTERN EXPEDITION.

North-Western Expedition, £2,000.

Mr BONNEY asked if any further information as to the expedition would be published. The accounts already published were very unsatisfactory.

The COMMISSIONER of CROWN LANDS admitted that the received accounts were very unsatisfactory. The Government awaited further particulars.

Mr TORRENS said the reports existing were certainly very unsatisfactory. Mr Hack seemed to have confined his track of exploration to skirting the known country within ten or fifteen miles, and the country he had confined himself to was generally known before, although an account of it had not been published. It was known to the Commissioner of Police.

Mr BONNEY said an expedition had been sent in one direction, and Mr. Hack had gone in another.

Mr FINNISS said that as Mr Hack was sent out under his administration he would say a few words. Judging from the reports in the papers, Mr Hack's expedition was not very satisfactory. It would appear that they would lose the benefit of the whole season by his following up the discoveries he had made.

The COMMISSIONER of CROWN LANDS said the object of the expedition appeared to have been partly attained, as some 4,000 miles of good country had been discovered.

The item was passed.

Messrs Borrow and Goodiar's claim, £10,000 Passed
Northern Exploration in the vicinity of Lake Torrens, £650 Passed
Magnetic Telegraph, £110 Passed
Telegraph material for sea coast and north lines, £72. Passed
Electoral expenses, £1,500 Passed
Gold Search, prospectors at Echunga, £45 Passed.

IMMIGRATION

Further amount required for introduction of immigrants from United Kingdom, £30,000 Passed.

The Treasurer said there would be some further savings effected in the convict department which had not been published. For provisions and rations £3,850 had been voted, of which £2,400 was saved; and for clothing and bedding £900 had been voted, of which £300 was saved—making a total of £2,900 saved on the vote for the convict service.

The House resumed, the Speaker reported progress, and the Committee obtained leave to sit again on the following Friday. Adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, OCTOBER 9.

WELLINGTON FERRY.

Dr. Wark presented a petition from the residents of Wellington and the settlers of the South-eastern District, praying that the House would do away with the dues and tolls levied at the Wellington Ferry.—Received and read.

TELEGRAPH COMMUNICATION.

Mr. Dunn presented a petition from the inhabitants of Mount Barker, praying that telegraphic communication might be established between that township and the city.—Received and read.

DINHAN'S RAILWAY PATENT BILL.

This Bill was read a first time, and referred to a Select Committee, consisting of—Messrs Blyth, Cole, Lindsay, Hughes, The Commissioner of Public Works, Wark, and Duffield.

NEW REAPING MACHINE

Mr Mildred obtained leave to introduce a Bill, which was read a first time, to secure to James Craig the exclusive right of manufacturing an improved Reaping Machine, during a period of fourteen years.—The Bill

was referred to a Select Committee, elected by ballot, consisting of—Messrs Mildred, Duffield, Milne, Dunn, Hay, Krichauff, and Smedley

CLAIMS UNDER THE SUPERANNUATION ACT

The **TREASURER** moved—

“The appointment of a select committee to report on the claims made under the Superannuation Act, with a view to their equitable adjustment”

He attributed the unsatisfactory state of the Bill to the hurried manner in which it was passed. It would be for the Committee to consider whether the present Act should be repealed and another Bill framed, and then came the question how were the £10,000 to be distributed for all the officers who were in the service at the time of the passing of the Act, were equally entitled to share the benefits as those at present in receipt of pensions

Mr. BONNFY supported the motion for a Select Committee, believing that it would be impossible to do away with retiring allowances. Where such allowances were granted, men were disposed to work for smaller salaries than they otherwise would, and if such allowances were abolished, the probability was that many would, from motives of humanity, be retained in offices for the efficient discharge of the duties of which they had ceased to be competent.

Mr. HUGHES was certainly in favour of keeping good faith with the gentlemen in receipt of retiring allowances, but considered the whole question one which should be dealt with by the Government, and not referred to a select committee.

Mr. TORRENS opposed the motion for a select committee, considering that the Executive should deal with the difficulty, the whole facts being completely within their knowledge. There was great difficulty in establishing a fund of this character upon an equitable principle, in consequence of the difference in the ages of those who were appointed to office. For instance, an elderly or infirm person being appointed to office, would, after having contributed but little towards the fund, become a claimant upon it. Such difficulty was obviated at home by men being taken on at an early period of life.

The **ATTORNEY-GENERAL** said that the confessedly difficult question before them, was a fit subject for such a committee. The House could have no other object than to do justice to the various persons who were interested in the Superannuation Fund; and, in order to be in a position to consider the various claims, the evidence that would be obtained by a select committee was highly necessary. The difficulty which had arisen from the existing law was not that elderly men had retired on the fund, but that young men had retired at a period much earlier than reasonable to entitle them to its benefits. Had all the men in the Government service been young at the time of their appointments, the difficulty would have been increased tenfold, had they generally acted as some had by retiring in order to avail themselves of the provisions of the Bill. It was most unreasonable that young men retiring from the service, simply because they feared that the fund was insufficient, should have claims to special retiring allowances. At the most they would only have a claim to some equitable share in the £10,000. The proposal of the late Administration to deal with the several claimants on the fund in precisely the same manner was a gross injustice to some of those officers. It was not that the Government solely required information, it was that the Legislature itself were not in possession of all the information necessary to arrive at a decision. It was not in the power of the Government

to give the information requisite in such an available form as could be furnished by a select committee.

Mr. PEAKL opposed the appointment of a Committee, believing that the Attorney General could give the House all the necessary information

Mr. YOUNG supported the appointment of a select committee, considering it a matter in which the public credit was involved, and which required the fullest investigation.

Mr. BURFORD opposed the motion for a select committee. He could see no reason for making a distinction between Government employees and men in the several avocations of life. It was the duty of officers to provide for themselves, and if they failed to do so, it was their own fault. He would suggest that the best possible measure would be to allow the Fund to die a natural death.

Dr. WARK considered that the Superannuation Fund was a bungling measure from the beginning to the end. It would only be fair to concede to the Government the appointment of a select committee

Mr. BARRAGE was in favour of the appointment of a select committee, which he believed would be much better qualified to decide upon the merits of the several claimants than the Government.

The **COMMISSIONER OF PUBLIC WORKS** believed that the very diverse opinions expressed by hon. members showed the greater necessity for a select committee.

The **TREASURER** was sure, that looking at the proposition made by the late Ministry, it was certain that any scheme the present Ministry might introduce, would not be supported by them. The Government, therefore, had an additional reason for asking for the appointment of a select committee

The motion was carried, and a Committee appointed, consisting of the Treasurer, Mr. Torrens, the Attorney-General, Messrs Hay and Bagot

SALARIES OF GOVERNMENT OFFICERS

The **COMMISSIONER OF PUBLIC WORKS** moved—

“That a select committee of this House be appointed to enquire and report on the salaries of the various officers in the Government service, in order to a fair and equitable adjustment of the same, and that the Committee have power to call for persons, papers, and reports”

This was a question of a similar nature to the preceding one. The previous administration had adjusted the salaries, but in doing so had caused great dissatisfaction, it was apparent that alterations had been made very arbitrarily. It was thought a great saving might be effected by training youths for the service instead of appointing junior clerks, at salaries of £100 or £150 per annum.

Mr. TORRENS opposed the motion, for the very reason that the question was a difficult one, and, consequently, that the attention of the Government should be directed to it. The labours of the members of the Government were not heavy, most of the measures which they had introduced having been prepared for them prior to their acceptance of office.

The **ATTORNEY-GENERAL** considered that a committee was best fitted to consider the details. If, as had been said that during a succession of years, salaries, many of which were unjust or excessive, had been passed by the Legislature, that was an additional reason for a

thorough enquiry into the matter, but if the House preferred that the Government should first frame a measure to be submitted to them, they were prepared to acquiesce

Mr BURFORD believed that the question should be left with the Ministers, who were best capable of judging of the labours and minutia of the several officers. They possessed knowledge from their official positions which a select committee could not.

Mr PEAKE considered that what was the obvious duty of the Ministers should not be devolved on a select committee.

Mr YOUNG considered it was a most opportune time for the representatives of the people to revise the salaries of public officers

Mr HAY trusted that the hon the Commissioner of Public Works would withdraw his motion, as he believed that the question could be fully considered when the salaries came on for consideration

The TREASURER said the object the Government had in view in proposing the appointment of a select committee was to obtain a permanent scale of salaries. The Ministers were prepared to make certain changes, but he imagined that the onerous duty would more fitly devolve on a committee of the House. On the Estimates there was a sum of more than £3,000 set aside for good service pay, but no details were given. Now, a committee of the House could determine how this should be appropriated. Yet if the House considered that the Ministers should undertake the duty they would grapple with the question.

The COMMISSIONER of PUBLIC WORKS regretted to find a disinclination to aid the Government by the appointment of a select committee, such assistance having been readily granted to the previous Cabinet

The motion was carried, and the following gentlemen were appointed a Select Committee.—The Commissioner of Public Works, the Attorney-General, the Commissioner of Crown Lands, the Treasurer, Messrs Blyth, Torrens, and Finnis. To report that day three weeks

THE ESTIMATES

On the motion of the Treasurer the further consideration of the Supplementary Estimates in Committee was made an order of the day for Tuesday next.

TIMBER PRESERVING PROCESS

The Commissioner of Public Works, in reply to Mr. Lindsay, stated that no steps had been taken by the Government for bringing into use in this colony the timber preserving processes which had been for years past resorted to in Europe and America. The hon gentleman said he would make enquiries, and if the Government could obtain a sufficiently economical plan they would be happy to adopt it.

The House then adjourned till Tuesday next.

LEGISLATIVE COUNCIL.

TUESDAY, OCTOBER 13

MONTHLY POSTAL BILL

This Bill was read a third time and passed.

CONVICTS PREVENTION BILL

Some verbal amendments were made in the first clause, and the third reading of the Bill was made an Order of the Day for the following day.

AGRICULTURAL STATISTICS

Major O'Halloran having directed the attention of the Chief Secretary to the necessity of collecting agricultural statistics, the House adjourned till the following Tuesday

HOUSE OF ASSEMBLY.

TUESDAY, OCTOBER 13.

EAST TORRENS.

Lavington Glyde, Esq., the newly-elected member for East Torrens, took the oaths and his seat

MESSRS. ABBOTT AND FRANKLIN.

Mr Blyth brought up the report of the Select Committee appointed to enquire into the petition of Messrs. Abbott and Franklin.—The Committee recommended that nothing further be done in the matter.

MR. HACK'S EXPEDITION.

The reports furnished by Mr. Hack relative to his late expedition were laid upon the table, and ordered to be printed.

WASTY LANDS BILL.

This Bill was further considered in Committee, and the amendments made by the Legislative Council, with the exception of a verbal alteration in the preamble, agreed to.

CHINESE BILL.

The House went into Committee and adopted the amendments made by the Legislative Council in this Bill.

IMMIGRATION BILL.

The amendments made by the Legislative Council in this Bill were agreed to.

MONTHLY POSTAL BILL.

The Legislative Council intimated that they had agreed to the Bill, but had passed an additional clause, with which they requested the concurrence of the Assembly.—The consideration of the Bill was postponed till the following Friday.

ELECTRIC TELEGRAPH BILL.

The House went into Committee on this Bill. Clauses 1, 3, and 4 were passed with slight alterations.—Mr Hughes opposed clause 5, which he contended was evidently intended to allow parties constructing the telegraph to go on unenclosed private property to obtain timber.—Mr Hallett thought the clause should be struck out.—The clause was agreed to, and leave given to the Committee to sit on the following day.

ESTIMATES.

The House went into Committee on the Estimates.

Department of Governor-in-Chief, £825 ls. Passed.
Executive Council, £330. Passed.
Legislature, £4,575. Postponed.

The TREASURER stated, in reply to Mr. Finnis, that, although a select committee had been appointed to consider the salaries of Government officers, it was not expected at the time they were appointed that their report would be in readiness soon enough to make it available for the Estimates for 1858.

Mr. BLYTH was willing to proceed with the Estimates upon the understanding that the salaries voted were not to be considered permanent

The COMMISSIONER of PUBLIC WORKS stated that the Government intended to proceed with the enquiry, and a meeting of the Committee had been called for the following day.

Mr. PEAKE considered that the Committee having been appointed, it would be inconsistent to proceed with the Estimates in the absence of their report. The Committee was asked for in consequence of many salaries requiring grave consideration, and the Government not wishing to take the responsibility of settling them.

Mr. HUGHES hoped the Estimates would be withdrawn until the report of the Committee had been furnished.

The TREASURER stated that the principle the Government intended to adopt was to reduce the number of officers, and not the salaries. Those officers who were withdrawn from the Civil Service would be employed upon public works as opportunity offered.

Mr BABBAGE regretted the Committee had not been appointed in sufficient time to have made their report available for the Estimates.

The item of £780 for sundries for the office of the Chief Secretary was then agreed to

SUPPLEMENTARY ESTIMATES.

The following items were agreed to —
 Messenger, Governor-in-Chief, £18 4s
 Chief Secretary's Office—Contingencies, £10.
 Commissioner of Crown Lands—Occasional clerical assistance, £25
 Cemetery—Additional salary to Superintendent, £30
 Legislative Council—Addition of £200.
 Woodarde Court-House, £750,
 Boring for water, Port Augusta, £500.
 Survey Murray Mouth, £50.

The TREASURER stated that on the present Estimates the balance available for 1858, after making provision for the present year, appeared to be £54,999, but some savings had been effected, and the actual balance would be £60,289. The present Government estimated the Customs receipts for the next year at £154,000, instead of £160,000, as in the printed Estimates. They arrived at that amount by making the increase in the same ratio as the increase of 1857 over 1856. They believed the percentage of increase would not be greater next year, as immigration had largely decreased. The Harbour Dues also were estimated £300 less than by their predecessors. The receipts from the Goolwa tramway were calculated to be less by £500, owing to the diminution of traffic on it, consequent on the navigation of the river mouth. Those reductions would bring the estimated ways and means down from £475,999 to £474,489.

A document laid upon the table by the hon gentleman showing the amount of good-service pay accruing to each officer in the service, was ordered to be printed.

The House then resumed.

CORN EXCHANGE

Mr. Dunn moved that the House go into Committee for the purpose of considering the propriety of presenting an address to His Excellency, praying him to place £2,000 on the Estimates for the erection of a Corn Exchange.—The Treasurer opposed the motion, the local Government, unlike the Home Government, having no interest in ascertaining the quantity of grain sold and the price, and experience had shown that even if a Corn Exchange were established the farmers would not avail themselves of it.—The motion was negatived.

MESSAGES FROM THE GOVERNOR.

The following messages from His Excellency the Governor-in-Chief were received —

No. 10. The Governor-in-Chief transmits herewith, for the consideration of the House of Assembly, a schedule of the necessary additions to the printed Supplementary Estimates of the current year, now on the table of the House

No 11. The Governor-in-Chief transmits herewith, to the House of Assembly copy of an address from the Legislative Council, recommending the shipment of "One hundred troop horses, or such other number as His Excellency may think fit to recommend as an offering from this province to the Indian Government." As the subject of that address involves the mitigation of an expenditure of the public funds, the Governor considers that the proper course is to forward it for the consideration of the House of Assembly. The Governor also transmits to the House copy of a report of the Commissioner of police on the number of police horses in this province, and their fitness for cavalry purposes.

No. 12. The Governor-in-Chief informs the House of Assembly that, in compliance with the request contained in Address No 11, of the 9th instant, he will cause a sum of £50 to be placed on the Estimates of 1858, as salary for the Keeper of the Records of the Legislature.

The report of the First Inspector of Police was read, from which it appeared that the police horses were not suitably trained for the cavalry service.

Adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, OCTOBER 14

RENHAM'S PATENT BILL

Mr Blyth brought up the report upon this Bill, which was read a first time.

CRAIG'S PATENT REAPING MACHINE.

Mr. Mildred brought up the report upon this Bill, which was read a first time.

RAILWAY CROSSING AT BOWDEN

Mr SCAMMELL moved in Committee—

"That an address be presented to His Excellency the Governor-in-Chief, requesting him to cause the sum of three hundred pounds (£300) to be placed on the Estimates, for the purpose of constructing a level crossing over the City and Port Railway, in Drayton-street, Bowden."

The honourable gentleman stated that five public streets in Adelaide were absolutely closed to the public. A former Legislature had contemplated the construction of the work, which he now proposed, but it had been postponed in consequence of the proposed crossings over the railway not being definitely marked upon the plans.

Mr COLE seconded the motion.

The COMMISSIONER of PUBLIC WORKS regretted he must oppose the motion, as the recommendations of the Committee which sat on the petitions of the inhabitants of Bowden and Brompton had been carried out. Compensation had been given to Mr. Fisher, the original proprietor of the township, and he had been informed by the Chairman of Commissioners, that any level crossing at Drayton-street would interfere materially with the goods traffic of the line, should a goods station be constructed at Bowden

Mr. HUGHES opposed the motion, as there were

already three crossings in the neighbourhood, within a distance of three quarters of a mile.

Mr BLYTH opposed the motion, but had no objection to the appointment of a select committee to enquire into level-crossings generally.

Mr BAGOT supported the motion, thinking that what was asked for, was merely an act of justice to the inhabitants of Bowden.

The ATTORNEY-GENERAL did not think that the House should support the motion, merely on the *ex parte* statements of an hon. gentleman, which were entirely unsupported, but if the inhabitants of Brompton and Bowden could show to a select committee that they had a claim which could be allowed without injustice to the other interests that House was bound to protect, he would freely support it. He would suggest that the motion, in its present form, be withdrawn, and that a select committee be asked for,

Mr SCAMMELL would not withdraw the motion, as he considered the object of the proposers of the select committee was to shelve the question.

The ATTORNEY-GENERAL objected to such imputations being thrown out.

Mr SCAMMELL imagined that to be the motive. The question had been before the public for two years, but the inhabitants of Bowden, who were interested in the question, were of the class who might be termed the bone and sinew of the colony, but who, from want of education, could not speak for their rights nor command the Press, and that was the reason the matter had progressed so slowly.

The TREASURER believed that the proposed level crossing would greatly interfere with the goods station, as it would be situated between the goods and the passenger stations. He had no objection to refer the matter to a select committee.

Mr BONNEY was not disposed even to support the motion for a select committee. No doubt all districts benefited by the proximity of railways, and he was of opinion that the expense to the country for their construction should never include alterations simply for the interests of certain localities. The districts interested should defray the expense of such works.

Mr BURFORD said, if satisfied the claim was a just one, the consideration in reference to the goods station should not affect it,

The motion was declared by the Speaker to be carried, but upon a division taking place, it was ascertained it was lost by a majority of three.

MINIE RIFLE BILL

Mr KRICHAUFF moved the second reading of the Minie Rifle Bill.

Mr BAGOT seconded the motion, with the understanding that he only supported the preamble of the Bill.

Mr HAY opposed the Bill, which he regarded as utterly useless for any emergency which might arise.

Mr TORRENS opposed the Bill considering that it would tend to no organisation which would be of the slightest utility.

Mr HUGHES opposed the Bill, and hoped that for the

future no money would be spent on volunteer forces. Had the Bill been on a voluntary principle he might have supported it, but he objected to authoritatively making District Councillors Field Marshals or Generals, or vesting them with similar authority.

Mr LINDSAY supported the Bill on the principle that it was better to have half a loaf than no bread.

The question was negatived.

GOOLWA POST OFFICE.

Upon the motion of Mr Lindsay, a petition for the establishment of a Post Office at Goolwa, was ordered to be printed.

PASTORAL LEASES.

Mr TORRENS in pursuance of notice, asked the Hon the Attorney-General whether it was the intention of the Government to grant pastoral leases in compliance with applications received by the Government and not yet dealt with, comprising nearly 5,000,000 acres, if so, to inform the House under what authority, at what rentals, for what terms of years, and subject to what restrictions or considerations, it is proposed to grant such leases.—The Attorney-General said the Government intended to grant the leases, unless any of the claims should appear to the Commissioner of Crown Lands open to special objection. With regard to the other portion of the question he would say leases would be granted under the Act of December, 1855, and probably they would be issued under its provisions. But probably, if the new Act was passed, some new provisions might be introduced, such as, for instance, the sufficient stocking of runs.

ALIENS NATURALIZATION BILL.

Mr BAKEWELL, in moving the second reading of this Bill, remarked that it was based upon the English Act, with certain modifications to suit the circumstances of the colony. The old Bill provided that if the applicant was a fit person to be naturalized, the Governor granted him a certificate. He then took the oath of allegiance. His certificate was sent home for confirmation, and if confirmed by her Majesty he became naturalized. The present Bill provided that the oath of allegiance should not be gazetted until his naturalization had been proclaimed in the *Government Gazette*, and, after her Majesty's assent had been received, the Governor then granted his certificate. It was now provided that the granting of the certificate, if proved, was all that was necessary. The new Act also prescribed that a person taking the oath before a Deputy Registrar should be considered sufficiently naturalized. The Act also provided that any woman married to a natural-born subject, or to a naturalized subject, should be deemed naturalized, and it also admitted the children of naturalized persons to the full powers it conferred.

Mr KRICHAUFF seconded the motion.

Mr HAY supported the Bill, but objected to the provision that a person should not take the oath of allegiance before his certificate was confirmed by her Majesty.

The ATTORNEY-GENERAL intimated that in Committee he should oppose the clause referred to by the last speaker. He would allow a person, after having taken the oath of allegiance, to obtain all the rights of citizenship, except that of becoming a member of the Legislature. To obtain that privilege there should be a special enactment, which he thought should provide, as one of the essential conditions, at least a five years' residence in the colony.

Mr. BURFORD was in favour of giving every possible facility to parties to come to the colony and settle.

The Bill was then read a second time, and the House went into Committee upon it. Clauses 1 and 2 were passed without discussion.

The 3rd clause provided that aliens friendly should have the power of holding personal property except chattels real.

The ATTORNEY-GENERAL proposed an amendment which would allow aliens to obtain every species of property.

Mr BURFORD supported the amendment, thinking it would be perfectly suicidal to throw impediments in the way of aliens.

Mr. MACDERMOTT opposed the amendment, which would render the act of naturalization of but little consequence.

Mr. BAKEWELL considered the amendment opposed to the fundamental law of England.

The ATTORNEY-GENERAL pointed out that the rule which prevailed at home that aliens could not hold real property arose out of the feudal system, but was not applicable to this colony.

Mr. BAKEWELL asked the Attorney-General if, as the legal adviser of the Crown, he was prepared to recommend the Government to authorize aliens to hold real property. He really did not think the Imperial Legislature would sanction it.

The ATTORNEY-GENERAL was certainly prepared to give such a recommendation, but as this was not a measure on which the Government had any views as opposed to the wishes of the House, he would not press his amendment.

The 3rd clause was then passed, also the 4th clause providing that aliens friendly may hold lands for twenty-five years.

The ATTORNEY-GENERAL proposed, in reference to the 5th clause, to strike out the words "that any such naturalized subject shall be eligible to sit in the Legislature after five years," and to substitute a provision that such right be not conceded until the certificate had been granted five years from taking the oath of allegiance.

Mr. PEAKE supported the amendment. It was a serious question whether aliens should be admitted into the Legislature at all, and he would at least require a long residence as an essential to eradicate those views which had been infused into the minds of aliens, and which were incompatible with our Constitution.

Mr. MACDERMOTT supported the amendment, thinking that aliens had no right to make laws for the colony.

Mr. BAGOT supported the motion, thinking the amendment opposed to the Constitution Act.

Mr. BAKEWELL opposed the amendment, and thought it an ungracious act on the part of the Government to attempt to deprive aliens of their social rights.

The ATTORNEY-GENERAL had no objection to alter his amendment to the qualification of a five years' residence, and until the expiration of three years after obtaining a certificate. There were very few States where a residence of five years qualified a person to be a lawmaker.

The amendment was carried by a majority of four, and the House resumed, the Committee obtaining leave to sit again on the following day.

PRIVILEGE,

The Attorney-General moved that a Committee, consisting of Messrs. Torrens, Blyth, and himself be appointed to take into consideration the reasons offered by the Legislative Council on the subject of Privilege. It would be the duty of the Committee to draw up reasons, to be submitted to the whole House. The resolutions of the other House had evidently been submitted in a spirit of candour and concession, but there were doubtless details to which he and every other hon. member would object. Whilst the House of Assembly would not budge one iota from the position they had assumed, still they should approach the subject in a similar spirit of candour, and he hoped the business of the country would no longer be delayed by this long-pending difficulty.—Mr. Torrens, in seconding the motion, concurred with the remarks of the hon. the Attorney-General.—The motion was carried.

ELECTRIC TELEGRAPH BILL.

The 4th and 5th clauses were struck out; the preamble was passed as printed, the title was verbally amended; the report adopted, and the third reading made an order of the day for the following day.

The House then adjourned.

HOUSE OF ASSEMBLY,

THURSDAY, OCTOBER 16.

MOUNT BARKER;

Mr. Milne presented a petition from the inhabitants of the District of Mount Barker, praying that a sum of £100 should be placed on the Estimates to meet certain extra postal expenses.—Received and read.

TELEGRAPH TO MOUNT BARKER,

Mr. KRICHAUFF moved the House into Committee to consider the motion standing in his name—

"That an address be presented to his Excellency the Governor-in-Chief, requesting him to place on the Estimates for the year 1858 a sum sufficient for a line of telegraph from Adelaide to Mount Barker, in connection with the intercolonial line of telegraph."

The petition, signed by 235 persons, was read.

Mr. DUNN seconded the motion for an address.

The COMMISSIONER of PUBLIC WORKS found on enquiry that there was no available balance for the purpose. He had no doubt that the proposed line would be found to be productive, but the work would cost from £1,500 to £2,000. He would recommend the hon. gentleman to withdraw his motion, on the understanding that the Government would take the matter into consideration.

Mr. PEAKE would support the motion, because it was in aid of a productive work, and because they were still unable to give a line of railway to the district of Mount Barker. Telegraph communication was only second in importance to railways.

Mr. TORRENS must oppose the motion. He did not consider they were in a position to spread a network of telegraph communication all over the colony, and he doubted whether the proposed line would be productive. He could see no special grounds for giving any preference to the claim of the Mount Barker district over that of any other, independently of which the

financial position of the Government would not permit such works to be undertaken.

The ATTORNEY-GENERAL suggested that the motion should be withdrawn, on the understanding that the Government would take the matter into consideration.

The TREASURER stated that, by the Estimates, the expenditure came up to the revenue within £1,000 or £1,200, and, therefore, without some considerable item were knocked off the Estimates, the Government were not in a position to concede the claim for the present.

Mr BLYTH thought the House was not in a position to vote the amount that would be required consistently with other claims

Mr. BAGOT was in favour of the motion, but suggested that it should be withdrawn, the objections of the Government being merely grounded upon want of funds.

Mr LINDSAY suggested that in reference to all future telegraph lines to be constructed in this colony the posts used should be of an incombustible character.

Mr KIRCHAUFF withdrew the motion.

BUILDING ACT

The Commissioner of Crown Lands asked permission to go on with the motion standing in the hon Mr Neales's name, that gentleman being absent from illness—The Speaker ruled that such a proceeding would be irregular.

LITERARY INSTITUTES.

Mr GLYDE moved—

“That an address be presented to his Excellency the Governor-in-Chief, requesting him to place on the Supplementary Estimates for the current year a further sum of £500, for the encouragement and assistance of country literary institutes, so as to increase the amount to be appropriated to that purpose to £1,000 sterling”

He imagined that no one would object to the principle of the motion, it having been already carried out with reference to the Adelaide Institute. He would ask leave to amend his motion, so as to apply to the Estimates for the present year.

Leave was given to amend.

Mr. BONNEY seconded the motion.

The TREASURER regretted that he must oppose the motion, but he would point out that the increase on the Estimates this year, for institutes and educational purposes, amounted to £6,574. In the present state of the finances, the Government could not advance the required sum. But if it was found that funds were available, the Government would freely place on the Supplementary Estimates for 1858, a sum of £500 for the object proposed.

Mr BLYTH, as a strong and warm friend of education, would vote for the sum asked for.

Dr. WARE would support the motion. He found that £1,000 was put on the Estimates for the Adelaide Institute, and only £500 for the remaining institutes of the colony, whereas the City of Adelaide only contained one-fourth of the population of the province

Mr. SWEDLEY supported the motion. Throughout the country districts there was a rapidly-increasing desire for education, and to refuse the vote asked for

would be a great disappointment to the mass of the colonists.

Mr BARRAGE rose to explain that the Adelaide Institute was a national institute, open to all the country. It was proposed, instead of assisting the country institutes with money, that those which were affiliated with the Adelaide Institute, should be assisted by supplies of books, which could be circulated from one institute to another.

Mr TORRENS would be quite prepared to support the motion, if the hon. gentleman would allow the vote to be conditional on a sufficient surplus being saved from the Estimates.

Mr BURFORD had pledged himself from the first to advance the interests of Mechanics' Institutes, but he thought that under the circumstances they should trust to the promise of the Government that, when the money was in hand, it would be forthcoming, if required.

Mr. HARVEY supported the motion.

Mr GLYDE altered his motion so as to apply to the Estimates for 1858, provided the revenue would bear it.

The motion, as amended, was agreed to, and the House resumed.

DINHAM'S PATENT BILL.

This Bill was read a second time and passed through Committee, the third reading being made an order of the day for the following day—Mr Bagot hoped that a cheaper mode of obtaining patents would shortly be introduced.

CRAIG'S PATENT BILL

This Bill was read a second time and passed through Committee, the third reading being made an order of the day for next day.

ELECTRIC TELEGRAPH BILL.

This Bill was read a third time and passed.

DRY CREEK STOCKADE.

The Attorney-General laid on the table a return showing the number of prisoners liberated before their time from the Dry Creek Stockade, &c.

ELECTRIC TELEGRAPHS

The Commissioner of Public Works laid on the table a report by the Superintendent of Electric Telegraphs.

INQUESTS.

The Attorney-General laid on the table a return of the number of inquests held during the last two years.—The papers were ordered to be printed.

MR. BAKER'S NOMINATION.

Mr. PEAKE asked leave to substitute his notice of motion by the following.—

“That, in the opinion of this House, the nomination of any member of the Legislative Council of this province, at any district election of members to serve in the House of Assembly, is highly irregular; and, should such nomination result in the election of any member of the Legislative Council to a seat in the House of Assembly, such election shall be null and void, being opposed to the spirit of the Constitution, and likely to furnish a dangerous precedent for the future. And, further, in the opinion of this House, the proceedings of the hon. John Baker (in a recent election of a member to represent the District of East

Torrens in the House of Assembly), in allowing himself to be nominated as a candidate for the suffrages of the electors of that district whilst retaining his seat in the Legislative Council, was highly irregular, and would form a dangerous precedent if suffered to pass into usage by this House."

After some opposition from Mr. BAGOT, leave was given to amend.

Mr. PRAKE, before proceeding, would adopt the suggestion of the Attorney-General, and strike out the after part referring to the hon John Baker His reason for including the name of that gentleman was to show that a case in point had arisen, and that his motion had some immediate application. The hon John Baker—for he was obliged to refer to him still—allowed himself to be nominated for the Lower House while he yet retained a seat in the Legislative Council, although he had promised to vacate his seat. But he did not do so, and, as had been said, there appeared to be nothing in the Constitution Act which compelled him. The Conference now going on might be called upon to give this subject its consideration, if the two Houses thought fit, in order that the question might be settled as soon as possible.

Mr. BURFORD was astonished that any member of the Upper House should so far forget his dignity as to seek a seat in the House of Commons. Some good, no doubt, would arise from the eccentric course taken by the hon gentlemen referred to, and thus, he thought, was one of the cases which verified the old saying, that "The devil sometimes outwits himself."

Mr. TORRENS thought that the common law of the Parliament of England, that a member of either House could not hold a seat in the other House, applied equally to the colony.

The ATTORNEY-GENERAL said that with regard to the Constitution Act, there were many things not prohibited by that Act, which could not take place, because they were opposed to the common law of Parliament, which existed here as much as the common law of England. As a lawyer, it was his opinion that if the hon member referred to had been elected, his election would have been void.

The motion was carried.

ONKAPARINGA BRIDGE

Mr. Mildred moved the House into Committee, in order that an address be presented to his Excellency the Governor-in-Chief, requesting his Excellency to place upon the Estimates the sum of £2,000, to defray the expense of extending the bridge from the tramway across the Onkaparinga, from the north to the south side of that river.—The Commissioner of Public Works admitted that the work was a very desirable one, but he was aware of more pressing wants. He found that a sum of £35,000 would be required for the year 1853, for a grant to the District Councils, on the plan of voting an equal amount to the assessment raised. The next year that plan would have to be departed from, and smaller amounts voted.—The motion was negatived.

GAWLER RAILWAY EXTENSION BILL.

IN COMMITTEE

The 10th clause was amended as passed

The ATTORNEY-GENERAL proposed a new clause to provide for a more economical mode of constructing level crossings, by adopting the American plan of digging ditches at crossings to prevent cattle straying on

the lines, and at the same time to dispense with gates and gatekeepers

The clause No 11, was agreed to.

Mr. BLYTH would urge upon the House and Government the desirability of giving full consideration next session to the Teatree Gully extension as the nearest route to the Murray.

The ATTORNEY-GENERAL said the only reason for delay was the doubt which existed as to the best way of piercing the hills for further extension.

The preamble was agreed to, the report brought up and adopted, and the third reading made an order of the day for Tuesday next.

ALIENS BILL.

Postponed.

Adjourned till the following day.

HOUSE OF ASSEMBLY.

FRIDAY, OCTOBER 16.

FEDERATION.

The ATTORNEY-GENERAL moved—

"That a Select Committee be appointed to consider His Excellency the Governor-in-Chief's Message, No. 9, enclosing a despatch from the Secretary of State for the Colonies on the subject of federation, with power to confer with any Committee to be appointed for that purpose by the Legislative Council, and that such Committee have power to call for papers, persons, and records."

The subject was most important as affecting the future interests of South Australia, and although all probably deemed a federation of the several Australian colonies necessary, he confessed he did not think the period had yet arrived for it. It was desirable, however, to determine the basis upon which such an union should be negotiated, and therefore it was that he proposed a Select Committee in order that the two Houses might confer upon the subject.

Mr. BURFORD thought they should not lose sight of the fact that the message from His Excellency upon this subject emanated from a private body of individuals, and there might be some scheming in the matter. He objected to the Federation of the Australian colonies so far as this province was concerned, the different colonies entertaining different opinions upon many very important questions. He saw nothing but disaster likely to result from a federation.

Mr. PRAKE supported the motion for a Committee, but, at the same time, believed that federation would be far from desirable, in fact, that it would be suicidal to their interests, as it might shut them out from opening up the interior of the colony, extending internal communication, and carrying out many works which had been determined upon.

Mr. BAKFWELL believed a Federal Union very desirable, and enumerated many measures which might be rendered similarly applicable to each of the colonies.

The ATTORNEY-GENERAL having briefly replied, the motion was carried, and a Committee appointed, consisting of the Treasurer, the Attorney-General, Messrs. Blyth, Bagot, Bakewell, and Milne.

PRISONERS AT THE STOCKADE

Mr. MILDRED stated that in the return which had been furnished in reference to prisoners liberated from

the Stockade, the name of the very person respecting whom he was desirous of obtaining information was omitted. He alluded to Samuel Percy Allom, who had been liberated, although his sentence had not expired by 425 days.

The ATTORNEY-GENERAL remarked that by regulations approved by a former Legislature a prisoner might by good conduct be entitled to his discharge before the expiration of his sentence, the object being, by working upon the two principles of hope and fear, to effect if possible reformation.

Mr. BLYTH thought further enquiry should be made, and the return which had been furnished sent back for correction.

Mr. BABBAGE thought the matter should be dropped.

The ATTORNEY-GENERAL undertook to be prepared with a full explanation at the next meeting.

INSOLVENT BILL.

The ATTORNEY-GENERAL moved the second reading of the Bill. He believed that all members of the House were aware that the existing insolvent law was not satisfactory. It was now proposed to embody in one Act all the provisions which were applicable to that part of the law. The Act it was proposed to introduce adopted the general principles of the Act recently introduced into England, but modified to suit the circumstances of this colony. The first object of this Bill was to provide a Court of Insolvency, which should have the power of dealing with all such matters, leaving the Supreme Court simply as a Court of Appeal in reference to such matters. The jurisdiction of this Court would extend over all matters relating to insolvency, and the Supreme Court would only be a Court of Appeal from the decisions of the Court of Insolvency. All the existing circumstances by which a person could be declared to be insolvent were adopted, but they adopted also some other matters. At the present time, if a petition were presented against an insolvent, he could sometimes compound by effecting an arrangement with a petitioning creditor. The Act now provided that the very act of compounding or making arrangements with creditors was an act of insolvency. In reference to this part of the subject there was one very important alteration. In these colonies, insolvents, from fear of long imprisonment, have left the colonies, thus leaving their affairs in confusion and escaping punishment. The present Bill provided that an insolvent might be arrested by an order from the Judge, thus offering additional security. The Bill also empowered the Commissioner to treat any insolvent as an insolvent debtor. The Bill, while giving every facility to honest misfortune, gave power to punish proportionate to the offence, and that, he considered, was a most important object to be accomplished. It was not his intention to take the matter into Committee that day, as it was proposed to embody certain additional amendments.

Mr. BAGOT supported the second reading, considering the Bill a great improvement upon the existing law.

Mr. BAKEWELL supported the measure, pointing out that whilst the existing bankrupt law applied only to traders, the present Bill applied to all persons owing money.

Mr. BLYTH cordially supported the Bill, which had evidently been most carefully prepared, and he considered it a very creditable measure.

Mr. HAY cordially supported the second reading.

The ATTORNEY-GENERAL disclaimed any merit for framing the measure, which he stated had been prepared by another member of the legal profession, and he believed it would be found well worthy the attention of the House.

The Bill was read a second time and considered *pro forma* in Committee, the Committee obtaining leave to sit again on Tuesday next.

POSTAL BILL.

The House went into Committee for the consideration of an amendment made by the Legislative Council in the Steam Postal Bill. The amendment being of the nature of a Money Bill,

The ATTORNEY-GENERAL, acting upon the suggestion of the Speaker upon a point of order, proposed that the amendment of the Legislative Council down to the word "England" be agreed to, inasmuch as it only involved the resolution of this House of the 9th September, transmitted with the Postal Bill to the Legislative Council, and therefore may be taken to have originated in this House, that all the words of the amendment of the Legislative Council after the word "England" be not agreed to, inasmuch as they have the effect of asserting the power of the Legislative Council to place a limit on the right of this House to appropriate the revenue of this colony.

The COMMISSIONER of PUBLIC WORKS, in reply to Mr. Babbage, stated that the present contract was limited to 1861, consequently he could not see the necessity for the amendment of the Legislative Council.

The amendment, as amended, was then agreed to; and upon the motion of the Attorney-General the report was adopted, the consideration of its transmission by message being made an order of the day for the following Tuesday.

Mr. FINNIS expressed a fear that by adopting the amendment they would be thrown out of the postal arrangement altogether. He thoroughly approved of striking out the last part of the resolution.

Leave was given to the Committee to sit again on the Tuesday following.

CAVALRY HORSES FOR INDIA.

The TREASURER moved that the House go into Committee to consider the message from the Governor respecting sending cavalry horses to India. It appeared that the police horses were altogether unfit, and he did not consider that any claim had been made on the House. It would be very well for patriotic individuals to enter upon such enterprises, and it would be a fit subject on which the public could show their sympathies, but he was persuaded that the House would not act rightly in voting money for such a purpose.

The ATTORNEY-GENERAL seconded the motion. Out of courtesy to the Governor and to the other House they should not refuse to discuss the matter, but he was not quite sure, with regard to the affairs in India, which were under the government of a company, that South Australia should be called upon to contribute any pecuniary assistance.

Mr. BABBAGE said the army in India was in want of troop horses, and money could not always supply them, but it appeared there were none here which would be of any real service.

The House having resolved itself into Committee

Mr. BLYTH stated that at Adelaide, the Police, as appeared by the report, had forty-one horses, of which twenty-seven were unserviceable. At Yorke's Penn-

sula, where many sanguinary deeds had taken place, they had only two serviceable horses

The TREASURER mentioned that a large proportion of horses enumerated in the report were serviceable for the police, although not for cavalry.

The ATTORNEY-GENERAL proposed that in the opinion of this House the objects referred to in the address of the Legislative Council, transmitted in the message of his Excellency, are not such as to justify this House, under existing circumstances, in voting the public funds for their attainment, and that the sympathy which must be universally felt with our suffering and endangered fellow-subjects in India should find its manifestation in private subscriptions, and not in a vote of public money.

Mr BLYTH would be sorry to see the Government refuse entirely to render the assistance of sending a few horses on an emergency like the present

Mr. BAGOT concurred with the last speaker, and thought it important that some of the police horses should be allowed to go, to which number would be added those which would be obtained by private subscription.

Mr. MACDERMOTT suggested, as a very acceptable gift, that his Excellency should be empowered to appoint an officer to purchase 100 or 200 horses for the Indian Government, and, at the same time, an account could be furnished to that Government of the cost of the same.

The COMMISSIONER of PUBLIC WORKS thought that the best sympathy that could be expressed would be of a public character, and that the Legislature should only supplement private subscriptions.

Mr BLYTH pointed out that the report showed the evident dislike of the Inspector of Police with reference to the proposal of sending horses to India. He would move, as an amendment, that an address be presented to his Excellency the Governor-in-Chief, requesting him to recommend to this House the expenditure of a sum of money to purchase forty horses, to be presented to the Government of India, provided forty horses are supplied by private subscription for the same purpose.

Mr. MILNE pointed out that by the report of the police, there were no less than ten stations from Mount Searle to Port Wakefield, which were entirely destitute of horses.

Mr PEAKE felt assured if the Queen of England had required any assistance from South Australia, the British Government would very soon have made known the fact, which he was persuaded would then have been at once responded to, but he objected to sending such a lot of "screws" as the report enumerated, to India, as being utterly useless, and, for the present, he did not consider the Government were called on to take action in the matter at all.

The COMMISSIONER of CROWN LANDS remarked that, if on the receipt of the news from India, it appeared that the position of the Indian affairs had not improved, he would freely adopt the suggestion of the hon. Mr. Macdermott

Mr. BONNEY doubted whether the benefit they would confer on the British Government by sending the horses to India would be an equivalent to the loss this colony would sustain in consequence.

Mr. GLYDE would certainly vote against sending any horses to India

The proposition of the Attorney-General having been carried the House resumed, and the report was ordered to be transmitted by message to his Excellency.

ADFLAIDE AND PORT RAILWAY

The Commissioner of Public Works asked for leave to introduce "A Bill intituled an Act to authorise the raising of a further sum of £43,200, for the completion of the Adelaide City and Port Railway, and to provide additional rolling stock"—Leave was given, and the Bill was read a first time, the second reading being made an order of the day for Wednesday next.

ADELAIDE AND GAWLER RAILWAY.

The Commissioner of Public Works asked for leave to introduce "A Bill intituled an Act to authorise the raising of a further sum of £37,500, for the completion of the Adelaide and Gawler Railway."—Leave was granted, and the Bill was read a first time, the second reading being made an order of the day for Thursday next.

ESTIMATES.

The Treasurer said it was intended to put a revised copy of the Estimates in the hands of hon members, extensive alterations having been found necessary in consequence of claims under the Superannuation Act and the interest on the loans for the Port and Gawler Town Railways, as well as the interest on the money to be raised for the Kapunda extension.—The further consideration of the Estimates was in consequence postponed till Tuesday next.

IMPOUNDING ACT.

The Attorney-General stated, in reply to Mr. Harvey, that it was not the intention of the Government to introduce an amended Impounding Act during the present session, but if a suitable measure were introduced by any hon. member the Government would support it.

DINHAM'S PATENT BILL — CRAIG'S PATENT BILL.

These Bills were read a third time and passed, and the House adjourned.

LEGISLATIVE COUNCIL.

TUESDAY, OCTOBER 20.

MESSAGES FROM THE HOUSE OF ASSEMBLY.

The President announced that he had received from the House of Assembly the following messages.—No. 27, forwarding the Waste Lands Act, with amendments on the amendments of the Council, No. 28, agreeing to the amended Chinese Bill, No. 29, agreeing to the Immigration Agent Bill, No. 30, transmitting the Electric Telegraphs Bill, No. 31, transmitting Dinham's Patent Bill, No. 32, transmitting Craig's Patent Bill; No. 33, transmitting the Gawler Railway Extension Bill.

GAWLER RAILWAY EXTENSION BILL.

This Bill was read a first time, and the second reading was made an order of the day for Tuesday next.

ELECTRIC TELEGRAPHS BILL.

Read a first time. The second reading was made an order of the day for Wednesday.

TRIAL BY JURY.

Mr. Gwynne asked leave to introduce a Bill under the title of "An Act to restore to South Australia the full-benefit of trial by Jury." The hon gentleman in-

roduced the measure in a very lengthy and able speech, pointing out the defects in the existing law which the proposed Bill was intended to remedy.—Mr. Morphett seconded the motion.—The consideration of the question was adjourned till the following day.

CHIEF MINISTER.

The Chief Secretary, in reply to Mr Baker, stated that the Chief Secretary was the medium of communication between the Ministry and the representative of her Majesty.

CONVICTS PREVENTION BILL

This Bill was read a third time and passed, and the Council then adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, OCTOBER 20.

THE ROYAL ASSENT

Mr Blyth asked the hon the Attorney-General if there was any reason why his Excellency the Governor had not specially assented to certain Bills which had been passed during the session. He alluded to the Chinese Bill, the Murray River Duties Bill, and others.—The Attorney-General could not answer for his predecessors in office, but he would state that action would be taken in the matter at once.

GAWLER RAILWAY EXTENSION BILL.

Read a third time and passed.

INSOLVENT BILL.

In Committee.

Twenty-nine clauses of this Bill were read and passed, and the House then resumed.

ESTIMATES

The House then went into Committee on the Estimates.

Captain HART (the Treasurer) made the following statement.—In estimating the revenue for 1858, it will appear by the amount now laid on the table that, compared with the Estimates previously printed, many considerable alterations have been made. After providing for the Supplementary Estimates for this year, there is a balance available for the service of 1858 of £61,892 16s, instead of £54,997, as previously shown. This difference arises from certain reductions proposed by this Government and agreed to in Committee, amounting to £7,893 16s, less £1,000 on the credit side paid into the General Revenue on account of the Port Bridge, without the corresponding debit on the other side. The estimated Customs Revenue for the year is £154,000, instead of £160,000, as before calculated. The Harbour Dues and Railway receipts are also reduced—the former £300, the latter £500, in the present Estimates, the result of these being as follows:—

Balance available for 1858	£61,892 16
Land Sales	180,000 0
Ordinary Revenue	234,200 0

£476,092 16

In estimating the expenditure of 1858, it has been found necessary to make still greater alterations in the Estimates formerly printed, wherein the whole of the general revenue, as well as the balance of 1857, was expended within £404 10s. Although many important liabilities were unprovided for, as, for instance, provision required to settle the claims under the Superannuation Act, probable amount, £9,351 7s 1d, interest on Gawler Town Extension Bonds, £100,000, in 1858, £6,000, for Adelaide and Gawler Town Railway

Bonds, £37,500; interest, £2,250; City and Port Railway, £43,000; interest, £2,592, electoral expenses, £15,000, statistical returns, £1,000, exploration to the North, £2,000, and a few other additions. Whilst, on the other hand, the following reductions have been made:—£6,000 from estimated interest due on Waterworks and Drainage Bills, not required to be issued for 1858.—

	£	s.	d.
Reductions on Establishments..	1,858	12	6
Public Works and Buildings..	1,500	0	0
Unforeseen Expenses..	1,000	0	0
Reward for Discovery of Coal..	3,000	0	0
Custom House, Blanche Town..	500	0	0
Adelaide Hospital	1,000	0	0
Immigration.....	20,000	0	0

With these alterations, the estimated Revenue will exceed the expenditure by £10,768 2s 3d. Of the large balance left at the disposal of the first responsible Ministry, amounting to £210,000. £150,000 has already been disposed of in addition to the General Revenue, and Land Fund for the current year, during which only £38,307 10s is payable for interest and principal on bonds. That only £61,000 is left to be added to the general revenue of 1859. With an interest and redemption account increased to £73,802, and in the lately proposed appropriation for 1858 no balance whatever is left to assist the general revenue for 1859 with its liabilities on loan account increased to £84,602, or to provide for the supplementary estimates that will be required, including the extra claims we may expect for main roads and District Councils. If the present system is continued, I feel sure that the House will consider that the present proposed expenditure is quite as great as can be safely voted without providing other Ways and Means. There is no doubt a probability of the Estimates of Ways and Means being undervoted, especially in reference to the Land Revenue. Should this be the case, further sums for Immigration and for Roads may be placed on the Supplementary Estimates. The hon gentleman announced in conclusion, that the Government intended to bring in a Bill during the Session, empowering them to make an assessment on stock. This was deemed necessary from the financial state of the colony, and could not be objected to by the squatters, as there would be a considerable expenditure of public funds on their account in the ensuing year.

Mr TORRENS opposed the immediate consideration of the estimates as he disagreed altogether with many of the items. He did not take such a gloomy view of the prospects of the colony as the Treasurer. He believed that a larger Customs Revenue might safely be calculated upon, and as £150,000 were in the hands of the Home Government for railway purposes, he could not see that it would be necessary to borrow at the beginning of the year. He considered it unadvisable to take away £20,000 for Emigration when extensive public works were about to be undertaken. With regard to the assessment on stock, if it were proposed to raise 5 per cent. on the value of the annual increase of stock it would be a mere delusion, as not more than £8,000 or so would result.

The ATTORNEY-GENERAL said the Estimates were framed from the experience of the past. He considered it was always better to under estimate than over estimate the revenue of the country, and if next year, on the meeting of Parliament, there should be large surplus, there would be no difficulty in spending every farthing of it. The intention of the present Government was to impose such an impost on stock as would be fair between the colonists on the one hand, and the stockowners on the other. There was no person who could not feel that some such a measure was very expedient at the present time. Unless they were prepared

to abandon the advancement of roads and other public works it would be necessary to meet the gradual deficiency in the available balance. That balance of £200,000, had now fallen to one-third. He now moved the reading of the first item.

Governor-in-Chief, \$825 ls.

Mr. FINNISS believed that the income which the Treasurer estimated would fall in next year, would be far below what might be reasonable expected. The colony was evidently progressing in every direction and such increased prosperity evidently dictated an increase of revenue. He would not object to the under estimate if it were not accompanied by an avowal to increase taxation. It appeared that the statement of the Treasurer was made a pretext for imposing increased taxation. The chief item on which he should join issue was the estimate of the land sales. In 1856 and 1857, the sales realised each year more than £220,000, therefore he could see no reason for calculating a less sum for 1858. Then, with regard to the Customs, the absolute revenues of the Customs of 1857 exceeded the Customs of 1856 by 18 per cent. Seeing the increase of our population, and the annual increase of wealth, it was not an unfair estimate to raise the Estimates of 1857 at least 10 per cent for the next year. The aggregate revenue, he calculated for 1858, was £472,251, and that he found was about 5 per cent over the revenue of 1857. He could, therefore, see no reason for the caution exercised. If the hon gentleman wanted money, he would point out several items which he would cut down or cut out, amounting in the aggregate to £11,000. The items for repairs of buildings, the Governor's cottage, Government-house, Botanic Gardens, survey of the coast, the Harbour-Master's Department, &c., might be struck out or reduced.

The TREASURER said the only difference between the present Estimates and those of the hon gentleman who had recently spoken, was a sum of £6,000. No person was more alive than himself to the absurd position of paying a large interest for borrowed money, when a large balance was in hand. Their real position was, that instead of having £150,000 to spend, they had only a clear balance of £60,000. With reference to the Adelaide Water Works' bonds, he found that a large proportion of them would not be issued in 1858, for that portion he had, therefore, made no provision. Then, again, with regard to the Superannuation Fund, he had been compelled to provide a sum to meet the balance unexpended, inasmuch as the late Ministry had entirely overlooked it. He would say, as he said before, that he believed the land sales would amount to more than the estimate, but, if so, the surplus could be well employed for roads, and for aiding District Councils. He was quite sure that the House would see that the hon Mr Torrens was in error, in his estimate, when it was considered that out of an available balance of £220,000 they had spent £150,000 last year.

Mr. TORRENS contended they had a right to expect an increase of revenue. He would assert that sufficient provision was made by the former Government to meet the interest on railways. The hon the Treasurer had not explained how he should require twelve months' interest for 1858, for the loans to be raised, such a sum could not be required, except the bonds were to be sold on the 1st of January. But, for that, he could not see the least necessity. He would rather cut down the vote for the electric telegraph than stop emigration, and that would be the effect of this budget.

The COMMISSIONER OF CROWN LANDS could see no indication, from the Estimates, that there was any reference to the stoppage of emigration. On the other

hand, it was shown that for the next twelve months, all the necessary provision had been made for that department.

The ATTORNEY-GENERAL imagined the hon Mr. Torrens would not proceed with his motion to a division, but that he had already answered his purpose, by prolonging the discussion. He would observe that the omission of the former Government in the Estimates had not reference to obligations already incurred, but to liabilities which it was their avowed intention to incur. He might be under a delusion, but he believed that the hon gentleman did intend to carry a measure for railway extension, if so, no provision was made in the Estimates for the money which would be required for the same. With regard to many of the suggestions of the hon. Mr. Finnis for reductions in the expenditure, he would say generally they would be favourably entertained. The Government were always very willing to receive suggestions from the House, and they were often thereby induced to proceed with measures which they would otherwise hesitate to introduce.

Mr. HUGHES could see no necessity for reducing the item for emigration. He hoped that when the Government proceeded with the Estimates, they would give further explanation of the policy they meant to adopt with regard to the waste lands.

The COMMISSIONER OF PUBLIC WORKS said that it was well understood that an Act had been passed by the Legislature, with reference to the waste lands, but that Act had not yet received the assent of His Excellency.

The item was passed.

Mr. BAGOT would rather see the vote for emigration stopped than stop public works, for the more public works were extended in this province the greater would be the inducement for free emigration. He was pleased to hear that the Government proposed an assessment on stock. Before sitting down he would express a hope that with that debate would terminate the system of long-winded speeches which had so seriously impeded the business of the country this session.

The House resumed, and the Chairman reported progress. The Committee obtained leave to sit again on Friday.

The House adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, OCTOBER 21.

CRAIG'S PATENT BILL.

Read a first time, and a select committee was appointed to consider whether or not the preamble was proved.

RESTORATION OF TRIAL BY JURY.

This Bill was read a first time, the second reading was made an order of the day for Tuesday next.

ELECTRIC TELEGRAPH BILL.

This Bill was read a second time, and clauses 1 to 15 inclusive, excepting 5 and 10, were passed.—The Committee obtained leave to sit again next day.

The House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, OCTOBER 21.

KANGAROO ISLAND.

The Treasurer stated, in reply to Mr. Mildred, that a sum had been voted for the survey of Troubridge Shoal, also for the services of the Yatala. It was suggested by the naval officer in command of that vessel, that the season was favourable for extending the survey, and he proposed to survey the whole of Kangaroo Island, with a view to correct soundings for the ocean steamers. The Government consented that the Yatala should be so employed, and she sailed three or four days since, to survey the whole of the island.

MEDICAL ASSISTANCE FOR COUNTRY DISTRICTS.

Mr YOUNG moved that the House resolve itself into Committee to consider the following —

“That an address be presented to his Excellency the Governor-in-Chief, requesting him to cause to be placed on the Estimates for 1858 the sum of £500, also such other sum as may be expedient for the purpose of providing medical attendance and supplying medicine to indigent persons in country districts.”

Large sums were voted for relief for destitute persons and for the Adelaide Hospital, yet in many country districts it was difficult for sick persons who were destitute to obtain medical relief. In some instances medical men, finding that their remuneration for attending destitute persons was very uncertain, caused their patients to be sent to the Hospital, thus entailing an additional expense on the country.

Mr SMEDLEY seconded the motion, being well aware of the great benefits that would arise from the proposed vote.

Mr. MILDRED, while supporting the vote, did not consider the Destitute Board fully competent for the relief of the destitute. One reason for the inefficiency of the Board was that it was not properly constituted. In several cases it was well known that the decision of the Destitute Board had been partial. Its constitution should be altogether changed.

Mr BONNEY concurred in the opinion that the working of the Destitute Board was unsatisfactory, but he must oppose the vote, as he could not see how such a sum could be properly spent without a responsible head.

The ATTORNEY-GENERAL did not intend to offer any opposition to this motion. Should the sum be voted, it would be expended under the superintendence of some person, responsible to the Government. It had been suggested that it would be better to throw the support of the destitute poor on the District Councils. That was a question which the Government would have to take up at an after day, with a view to a more systematic plan than at present existed. He imagined the Government would not be prepared to introduce a poor law machinery by providing that in every district there should be some officer appointed to administer relief. With regard to the topic adverted to by Mr Mildred—the management of the Destitute Board—he would say it was hardly consistent or fair to make a complaint of the inefficient manner in which they discharged their duties without giving them an opportunity to answer it.

Dr WARK considered that the whole system of affording medical relief to the destitute required revision. As an instance he would refer to the fact that one-half of the city of Adelaide had the benefit of

medical relief from the Colonial Surgeon, the other had no such gratuitous attendance. All that he required was, that the Government should remunerate the services of medical men where the case justly required it.

Mr MILDRED would state that he had no intention of throwing any imputation on any member of the Destitute Board, he merely expressed the general feeling on the subject.

Mr BONNEY would propose, as an amendment, that the following be added — “To be granted in aid of any funds which might be voted by District Councils.”

The TREASURER pointed out that in some districts there were no Councils at all. With reference to a remark which fell from Dr. Wark that the Colonial Surgeon only attended half Adelaide, he would say no doubt there was great difficulty in the case, and that North Adelaide did not receive equal gratuitous medical attendance. He would mention that a short time since, in a conversation he had with the hon the Attorney-General, that gentleman made a suggestion with reference to the subject, which, he imagined, was very applicable. It was this.—Instead of voting a large salary for the Colonial Surgeon the system that prevailed at home should be adopted. It was, for instance, that one medical person should be appointed to attend the Gaol, say at a salary of £100 a year, another for the Hospital, at £200, another for the Lunatic Asylum, and another for the Stockade. Such a plan would not only provide assistance to the poor in North Adelaide, but would include such places as Glenelg and other districts. Such a Bill would be probably brought in next year should the expression of the House on the question before them be favourable.

The COMMISSIONER OF CROWN LANDS would suggest, as an amendment, that a power of control should be placed in the hands of the Government.

Mr. MILDRED opposed the amendment, as the first attempt at introducing the fine end of the wedge. He had no objection that all accounts should be referred to the Colonial Surgeon.

The original motion was agreed to.

The House resumed, and the report was adopted.

TELEGRAPH TO KAPUNDA.

The House went into Committee, when Mr. Bagot moved that an address be presented to his Excellency the Governor-in-Chief, requesting him to cause a sum to be placed on the Supplementary Estimates for the extension of the Northern Telegraph to Kapunda. He supported this measure because he considered it an exceptional case, inasmuch as the Kapunda railway extension would soon be in a state of progress, and he believed they could not have all the advantages of a railway without it being accompanied by telegraph. —The Commissioner of Public Works said the Government would agree to the measure conditionally that the telegraph was constructed simultaneously with the construction of the railway. —The motion, as amended, was agreed to.

ABORIGINES.

The Treasurer moved that the memorial of the Committee appointed to ameliorate the condition of the aborigines be printed. —The Attorney-General hoped the memorial would have the effect of directing the attention of the House to the subject, it was one of very great importance, and there were but few persons who would not consider that some further measures of relief should be afforded. It would only be just that something more should be done, in accordance with the request of the petition.

MESSAGES BETWEEN THE HOUSES.

The ATTORNEY-GENERAL said the motion standing in his name expressed so fully the object he had in view that it was unnecessary for him to say anything on it. The hon gentleman proposed—

“That Message No. 7, from the Legislative Council to the House of Assembly, be taken into consideration in Committee of the whole House, when he will move the following resolution.—

“That, in the opinion of the House of Assembly, it is highly inexpedient to attempt a rigid adherence to the practice of the Imperial Parliament, as quoted in Message No 7 of the Legislative Council, viz, ‘That a message can only be sent from one House to the other whilst both Houses are sitting, the Speaker of each House being in the chair’

“That, in the opinion of the House of Assembly, the reasons which led to the adoption by the Imperial Parliament of the rule above quoted are wholly inapplicable to the conduct of business in the legislation of this colony; and that a strict adherence to the rules governing the communications between the Houses of Lords and Commons of the Imperial Parliament of Great Britain would interfere with and retard the efficient dispatch of the public business of the colony, inasmuch as it must frequently delay the delivery of important messages between the Houses and the dispatch of business consequent thereon.”

“That, with a view to afford all possible facilities for the dispatch of public business, the House of Assembly rescinds Standing Order No. 127, and adopts the following in lieu thereof;—

“The House of Assembly will receive messages from the Legislative Council at all times when the House of Assembly is sitting, such message to be delivered by the Clerk of the Legislative Council to the Sergeant-at-Arms of the House of Assembly at the bar of the House while in session. The Sergeant-at-Arms will deliver the said message to the Speaker, who will read the same to the House as soon as the business before the House then under discussion is terminated”

“That a message be sent to the Legislative Council, transmitting a copy of these resolutions, and requesting the Legislative Council to adopt a similar practice with regard to messages carried by the Clerk of the House of Assembly to the Legislative Council”

Mr BAGOT would suggest that, the word “highly” in the second line, and “wholly” in the ninth line, be struck out,

The ATTORNEY-GENERAL assented.

The motion, as amended, was agreed to.

WASTE LANDS REGULATIONS.

Mr. TORRENS rose to move—

“That, in the opinion of this House, the general rules respecting the granting of pastoral leases of waste lands, published by proclamation in the *Government Gazette* of the 27th December, 1855, being repugnant to the Order in Council under the authority of which they are professedly issued, are illegal; and, therefore, that the granting of any fresh leases of such pastoral lands at the uniform rental of ten shillings per square mile in conformity with such rules would be unwarrantable, as well as opposed to the general interests of this province”

Having recapitulated several Acts, the hon gentleman urged that her Majesty had never delegated to the Governor the power which he had exercised under the advice of the present Government

Mr ANDREWS seconded the motion.

The ATTORNEY-GENERAL said the present Ministry were not very anxious to defend what had been done by a Government some two years ago, and with regard to the same point, new regulations would soon be published, and all subsequent leases would be granted under them. He had no hesitation in pronouncing his opinion that the regulations were not illegal. He opposed the motion.

Mr NEALES said the fact of passing the resolution as it existed would render all the covenants and leases of waste lands issued during the last two years null and void. That was the only interpretation he could give to the motion, and he must therefore oppose it.

Mr. ANDREWS supported the motion on its legal merits.

Mr. HALLETT said it was his intention to oppose the motion, as he felt satisfied that the leases granted were perfectly consistent with the Orders in Council.

The COMMISSIONER of PUBLIC WORKS was quite astonished at the course the hon member for the city (Mr. Torrens) had taken. Had he kept a diary, he could a tale unfold, as to certain opinions expressed, but he did not do so. Circumstances had compelled him to allude to the antecedents of the hon gentleman. He was not prepared to abide by that hon. gentleman's dictum, which was occasionally found as expensive in its consequences as incorrect in its application. If they took his law on the question at issue, they would thus sweepingly cut away all the leases and covenants made since the regulations of 1850. Should the House adopt that dictum, endless litigation would be the consequence, it would embroil the squatting interest, and lead to endless confusion.

Mr. TORRENS said the hon gentleman had said he did not keep a diary. Now, he (Mr Torrens) must say, that if he had kept a diary, and had noted in the House the observations made by him in the debate alluded to, the hon gentleman would not have fallen into such a mistake. In that very debate, he impugned the legality of the regulations.

The SPEAKER put the question, and declared it negatived

Mr TORRENS called for a division, which resulted in a majority of 17 in favour of the Noes

AYES, 6.

NOES, 23.

Mr Andrews	The Attorney-General
Mr Hughes	The Treasurer
Mr Leake	Commissioner of Crown Lands
Mr Lindsay	Commissioner of Public Works
Mr Peake	Mr Babbage
Mr. Torrens.	Mr Bagot
	Mr Blyth
	Mr Bonney
	Mr Burford
	Mr Cole
	Mr Dawes
	Mr Glyde
	Mr Hallett
	Mr Harvey
	Mr Hay
	Mr Marks
	Mr Mildred
	Mr. Milne
	Mr Neales
	Mr Scammell
	Mr Smedley
	Mr Wark
	Mr. Young

NOTARIES PUBLIC BILL.

Mr. BAGOT moved the second reading of this Bill. He found that no Act of the Colonial Legislature gave power to appoint notaries public, and as the office was very important, he deemed it expedient that any doubt raised on the subject should be remedied by a Bill to meet the case.

Mr. BLYTH seconded the motion.

Mr. BAKEWELL said his view of the appointment was, that it should be left with the Supreme Court.

The ATTORNEY-GENERAL would not oppose the second reading, but he would ask that the Bill be not taken into Committee that day. The position of notaries public was rather anomalous in this colony, but their authority had always been recognised here and in the United Kingdom. He was disposed to think that the appointment should be left to the Supreme Court, and he also thought that there should be some provision giving power to suspend officers, if deemed necessary.

The Bill was read a second time, and the House went into Committee *pro forma*. The further consideration of the Bill was made an order of the day for that day week.

SHORTENING WILLS BILL.

The Attorney-General said that he proposed to introduce a Bill to amend the law of real property, and he hoped the subject matter of the measure introduced by Mr. Bagot, would be included in it. That measure would thus form part of the entire scheme, he would therefore ask the hon. member to postpone the Shortening Wills Bill for a week, before which time he hoped to lay his Bill on the table.—Mr. Bagot would willingly consent to a postponement, on the understanding referred to.

PORT RAILWAY COMPLETION BILL.

The Commissioner of Public Works said it was not his intention to go on with the Bill in its present form. It had been considered necessary to embody the two amounts, and he would ask the House for £73,000 instead of £81,000 as originally intended.

STATE OF THE CUSTOMS DEPARTMENT.

Mr. Blyth asked the hon. the Treasurer whether it is true that great disorganization has lately appeared in the Customs Department, whether any correspondence has taken place between the acting head of that department and the Government, whether charges of a serious nature have been preferred by one officer against another, if those charges have been proved, and if so, whether the officer so charged is still retained in the service, and whether the Government will lay the whole of the correspondence relating to this matter on the table of the House?—The Treasurer said that there had been several disputes between the officers of the Customs House at the Port, and there had been a correspondence with the Government relative thereto, that correspondence had been closed by the decision of his predecessor, and the matter had not been brought before him officially since taking office.

PORT LINCOLN POLICE COURT.

Mr. Mildred moved that there be laid on the table of this House a return of all cases, civil and criminal, brought before the Court at Port Lincoln during the year ended 30th September, 1857, with the dates, offence, names offenders, decisions of Courts, and names of place or places where the sentences were carried out.—The Treasurer said he would supply the required information.

LEVEL CROSSING AT BOWDEN.

Mr. Cole moved that a select committee be appointed to enquire into all matters in connection with the level crossing, as prayed for by the inhabitants of Bowden and Hindmarsh.—Mr. Scammell seconded the motion, which was put and carried.

The following gentlemen were appointed as a Select Committee.—Messrs. Bagot, Cole, Mildred, Smedley, Blyth, Hughes, and Scammell, to report on that day fortnight.

The House adjourned

LEGISLATIVE COUNCIL.

TUESDAY, OCTOBER 22

LEGAL EXPENSES.

The Chief Secretary stated, in reply to Mr. Baker, that he would lay on the table returns of the legal expenses of the Government, in continuation of a late return laid on the table of the late Council.

FEDERATION

The Chief Secretary laid on the table a despatch from the Victorian Government relative to Federal Government.—Ordered to be printed, and referred to the Select Committee standing on the subject.

WASTE LANDS BILL

The Chief Secretary moved that the amendments of the House of Assembly upon the amendments of the Legislative Council on the Waste Lands Bill be taken into consideration.—The amendments were adopted.

Captain Hall proposed that in retransmitting the Bill to the Assembly, the following resolution should be forwarded with it.—That the House of Assembly, in transmitting the Waste Lands Bill, with amendments, to this Council, on the 20th instant, directed that it should be accompanied by a resolution of that House, stating that inasmuch as the amendments made by the Council did not interfere with or alter in any essential manner the money clauses of the Bill, the House of Assembly had agreed to the same. The Council feels itself called upon to re-assert its right to alter or modify any Bill transmitted to it by the House of Assembly.—Captain Bagot seconded the motion, which was agreed to.

ELECTRIC TELEGRAPH BILL.

This Bill was further considered in Committee.

Clause 5 Providing that officers could cause to be removed trees on private property within ten feet from the public road, was, after some discussion, struck out.

The Interpretation Clause was agreed to, and the House resumed.

The third reading of the Bill was made an order of the day for that day week.

The House adjourned till Tuesday

HOUSE OF ASSEMBLY.

TUESDAY, OCTOBER 22.

NOTARIES PUBLIC BILL.

Mr. Milne presented a petition against the Bill from William James

MOUTH OF THE MURRAY

Mr. Lindsay moved that the House resolve itself into Committee to consider the motion in his name.—That an address be presented to his Excellency the Governor-in-Chief, praying that his Excellency will be pleased

to place on the Estimates for the year 1858, provided the excess of the revenue over the expenditure shall afford funds available for the purpose, the sum of £30,000, or such other sum as his Excellency may be advised is necessary, for the purpose of facilitating the navigation of the sea-mouth of the Murray, and for effecting and perfecting such improvements at the ports of Port Elliot, Victor Harbour, and Rosetta Harbour, as may be found necessary for rendering them safe and convenient shipping places for the local trade, and for the vessels employed in connection with the rapidly-increasing traffic of the great river system of South-eastern Australia—a traffic that is of vital importance to this province to secure.—The motion was negatived.

NOMINATION OF EMIGRANTS.

Mr HAY moved—

“That in the opinion of this House the privilege of nominating persons for a free passage to this province from the United Kingdom, now restricted to purchasers of land, should be extended to all parties desirous of doing so, on payment of a small fee, and subject to the usual regulations.”

The plan he proposed would, in a great degree save the expense and trouble of obtaining emigrants in England. The existing system offered greater facilities to parties residing in town to obtain emigrants than to those residing in the country. Purchasers of land often sold their right to nominate emigrants for a trifling consideration.

Mr MILDRED seconded the motion.

Mr BONNEY approved of the resolution; indeed a very similar one had recently been passed by the House

The COMMISSIONER OF CROWN LANDS considered the purchasers of Crown Lands should have some privileges in nominating emigrants. He admitted the present system was often abused, but as soon as the Emigration department which it was proposed to establish was organized, the subject would receive every attention.

Mr PEAKE opposed the motion, believing it would aggravate the evils it proposed to remove.

Mr NEALF suggested the motion should be withdrawn, otherwise he must oppose it, as it would be productive of great injustice to the purchasers of land

Mr SMEDLEY thought land purchasers should have a prior right to nominate emigrants, but that such right might be very judiciously extended.

Mr. GLYDE hoped the motion would be withdrawn, and the matter left in the hands of the Government.

The COMMISSIONER OF CROWN LANDS considered land purchasers should have the prior right, and if further nominations were required they might be left open to the general public.

Mr. MILNE suggested that purchasers should only have a prior right for the space of one month from the date of their purchases.

Mr. HUGHES hoped that emigration would be conducted on a better system than at present, and that until an Emigration Agent for shipping emigrants had been appointed, nothing further would be done in the matter.

Mr HAY withdrew the motion, but was at a loss to see what injustice would arise from it to the purchasers of land.

IMMIGRANTS.

The Commissioner of Crown Lands laid on the table a return of the nominated emigrants for the first nine months of the year, which showed that 2,985 emigrants had been nominated including 333 statute adults.

SEARCH FOR COAL.

Mr HAY moved in Committee:—“That an address be presented to his Excellency the Governor-in-Chief, requesting him to place the sum of £1,000 on the Estimates for 1858, to be expended in searching and boring for coal in the colony.”

Mr. MILDRED seconded the motion.

Mr. HUGHES suggested that the sum should be placed on the Estimates as a reward for the discovery of a coal-field.

Mr MILNE opposed the motion.

Mr. NEALF supported the motion. He believed a man named Thompson had found coal, but he had not the money to prosecute the search. Some years ago samples had been obtained from North Adelaide, which samples were pronounced by competent judges to be from the upper stratum of a coal-field. A portion of land had since been purchased near the North Road, but Thompson had only been enabled to sink 300 or 400 feet, and he never expected to find coal under 800 or 900 feet. He would add that the indications of that shaft were precisely similar to those observed in the Bristol coal-fields.

Mr BLYTH said the effect of the motion would be that a large number of persons would be anxious to go about searching for coal. Should coal be at any time found he had no doubt the Government would unanimously vote a considerable reward to the discoverer. He would move, as an amendment, that all the words after “1858” should be struck out, and that the words “for a reward for the discovery of a coal-field in this colony” be added.

The COMMISSIONER OF CROWN LANDS objected to money being voted to prosecute a wild-goose chase.

Mr MARKS supported the motion.

Mr BONNEY saw no good likely to result from the expenditure of the proposed vote. If there were really any indications of coal capitalists would take up the matter.

Mr. NEALES pointed out that the area of the land referred to could not be bought under a heavy price if at all. He had full faith that coal would be discovered.

The TREASURER said the Government must oppose the motion, as they could not afford to speculate on very valuable land nor undertake to sink such a depth as 900 feet. He believed the most likely place to find coal was on Yorke's Peninsula.

Mr. MILBRED doubted the existence of coal in North Adelaide, and was certainly not desirous of confining experiments to that locality.

Mr BAGOT believed that any money expended should be for rewards for actual discoveries

The COMMISSIONER OF PUBLIC WORKS opposed the motion, and Mr HAY having replied, the motion lapsed it being 3 o'clock, and there not being a sufficient number of members present to rescind the standing order, that the orders of the day be proceeded with.

ADELAIDE BUILDING BILL.

The House went into Committee upon this Bill Upon the third clause prohibiting the erection of wooden buildings being read,

Mr COLE proposed amendments—first, the insertion of the words “combustible” before “material in walls,” and afterwards the introduction of a proviso to prevent ceilings being of inflammable materials.

The clause, as amended, was agreed to.

Clause 2, “Dangerous buildings may be ordered to be removed, and compensation awarded” Agreed to with slight amendments.

Clause 3, “All wooden buildings now standing to be removed within a specified time.”

Mr. COLE moved the addition of the words, “or other combustible material”

The clause, as amended, was agreed to

Clause 4, “Prohibiting cellars, &c, being let or occupied as separate places, or impose penalties,” was agreed to.

Clause 5, “Party-wall timbers to be at certain distances apart.”

Mr COLE proposed the insertion of the words “which would compel the erection of parapet walls between each adjoining roof.”

The clause, as amended, was agreed to

Clause 6, “Repairs of party-wall or fence.” Agreed to, with some amendments.

Clause 7, “Rebuilding of party-walls,” was amended, on suggestions from Mr. Cole, and agreed to

Clause 8, “External wall required against party-wall in certain cases,” was verbally amended, and agreed to.

Clause 9, “Damage to party-wall by erection of external wall, cutting into footing and chimneys”

Mr COLE moved verbal amendments, which were agreed to, and the clause passed.

Clause 10, “Making good such damage, survey, damage from carelessness, rebuilding,” was read.

The CHAIRMAN observed there was not the requisite number of members present

The House adjourned until next day.

HOUSE OF ASSEMBLY.

FRIDAY, OCTOBER 23.

REMOVAL OF THE MILITARY.

The Treasurer stated in reply to Mr. Blyth that he was not aware whether despatches recently received contained any order for the removal of the military.

THE ESTIMATES

The House resolved itself into Committee upon the Estimates. The Treasurer remarked that the Estimates for salaries for 1858 did not include good service pay.

Executive Council, £330. Agreed to.

The Legislature, £4,625. Reserved.

Office of Chief-Secretary, £780.

Mr. MILDRED proposed a reduction of £300 believing that the duties of Chief Clerk could be performed by the Under Secretary.

Mr BURFORD remarked that the item did not include the total expense of the office. There was the salary of the Chief Secretary, £1,300.

Mr TORRENS believed if any item could be reduced, it was that of the Chief Secretary, which might be cut down to £1,000 The Chief Clerk had confidential employment which fully occupied him.

The item was agreed to.

Audit, £1,610

Mr BURFORD saw the Assistant Auditor-General was put down at £400, he would move that it be reduced to £300.

Mr. MILDRED supported the amendment.

Mr BLYTH considered that, for the work the Assistant Auditor-General did, the salary of £400 a year was not too much.

Mr. FINNIS would bear his testimony to the necessity of retaining the item as it stood Not only were the duties of Assistant Auditor-General very onerous, but they required a person of great official experience.

Mr NEALFS was aware that persons in business were constantly receiving applications from accountants, none of whom demanded more than £4 a week, at which figure the most efficient could be obtained.

Mr BURFORD considered that Mr Torrens and Mr. Finnis were well acquainted with routine; they were accustomed to high salaries, and did not understand being merely paid for what they did.

Mr. BAGOT understood that during the discussion on the Estimates, the salaries were only to be voted as temporary, but at the same time he could see no reason for reducing the salaries during the present year.

The ATTORNEY-GENERAL said that during the discussion of the Committee on Salaries, the Government understood that the salaries for the present year were left to their responsibility.

The CHAIRMAN put the amendment, which was lost by a majority of 17 to 6.

The item was passed as printed, and then recommitted.

Mr HAY moved that the sum of £30 for contingencies be reduced to £50. Also, that the £50 for occasional assistance, be struck out. The amendments were agreed to.

Police, £36,055.

The TREASURER moved an amendment to this item, so that the words “7s 6d per diem,” might read “an average of 7s. 6d. per diem.” He did so, because the Commissioner of Police had informed him that the new hands were not so useful as the more experienced men; who should, therefore, according to his recommendation, be paid somewhat higher.

Mr. TORRENS would object to the pay of any of the police being more than 7s. 6d. a day.

Mr. NEALES would object to the question of average being left to the Commissioner of Police.

Mr. TORRENS would move an amendment to the effect that the pay of constables should range from 6s. 6d. to 7s. 6d. a day.

The ATTORNEY-GENERAL considered it was right that the Commissioner of Police should have the power of determining the relative salaries of his subordinates. As to the precise sum for the men, he did not think

that 7s. 6d. a day was too much; but if the House wished it, the Government would have no objection to reduce the average.

Mr NEALES was quite satisfied that the police were not paid too well as an efficient class of men. They might occasionally, by going to ships, get labourers for 5s. a day, but they were only the scum, and would be probably found not worth a sixpence.

Mr FINNISS would not attempt to reduce the average pay of the police. The true system was to pay them at a permanent rate, which would hold out an inducement for them to remain.

Mr. BURFORD said it would be unfair, if the high salaries were left untouched, that they should cut down the subordinates.

Mr. BAGOT would move that the sum of £760 for the Inspector of Foot Police be struck out, and that £200 be inserted.

The SPEAKER said that an increase of the item would require an address to his Excellency.

Mr FINNISS thought the interpretation of the Constitution Act, was, that the Government should place on the table blank estimates, which the House could fill up as to salaries.

The CHAIRMAN stated that by the practice of the English House of Commons, an address would be required with regard to all increases.

The ATTORNEY-GENERAL said the interpretation of the hon. Mr FINNISS might be correct according to the strict letter of the law, but the spirit of the law was in accordance with the hon. Chairman's ruling. He imagined it would be expedient to adopt the practice of the House of Commons in this respect.

The sum of £280 for the Inspector of Foot Police was agreed to.

The item of £40 for quarters for one Inspector was struck out.

The sum total of £36,035 was passed.

Sheriff, £720.

The ATTORNEY-GENERAL explained that the duties of the Sheriff were well paid by a salary of £500, but he would remark that the office was a very responsible one. In answer to Mr Mildred, he stated that the Sheriff received no fees as Returning Officer for the Upper House, he merely received £100.

Mr BLYTH said it appeared by the Act that the Sheriff was entitled to the fees for certificates granted for the Upper House, and it showed a very liberal discretion on his part that he waived his claim.

Mr BAGOT considered that the sum of £500 was too small for the Sheriff.

The item was passed.

Gaols, £3,534 12s. 6d.

Mr HUGHES proposed that the item of £20 for the matron be raised to £50, as her duties had much increased.

The TREASURER said the Government would consider the proposed increase.

Mr. MILDRED objected to the item of £127 for Keeper of the Port Lincoln Gaol.

Mr MACDERMOTT pointed out that Port Lincoln was peculiarly situated, it being quite isolated from other districts.

The item was passed.

Convicts, £5,215. Passed.

Post Office, £17,077 10s. Passed.

Education, £18,246 17s.

Mr BURFORD moved that the Sub-Inspector's salary be reduced from £350 to £309, and the Secretary's salary be raised from £220 to £250.

Mr. BONNEY would propose that the forage allowance for the Sub-Inspector be reduced to a supply for one horse instead of two.

Mr HUGHES objected to the proposal to reduce the salary of the Sub-Inspector, or the forage for two horses.

Mr. BLYTH moved that the item for Inspector of Schools be reduced to £450, and that the item of £90 attendance fees be struck out.

Mr. BAGOT hoped that the item for attendance would not be struck out. It only amounted to £3 3s. for eighteen attendances, and that amount was totally inadequate as a remuneration.

Mr HUGHES objected to a proposition of giving District Councils the power of visiting schools. He had come into contact with many District Council Chairmen, and he certainly thought they were generally not the best fitted persons to inspect schools.

Mr TORRENS trusted that the items for Inspectors' would be left as they stood.

Mr BONNEY pressed his motion for the reduction of the forage allowance.

The motion to reduce the salary of the Inspector of Schools to £450 was agreed to. The motion for a reduction of forage was lost.

The salary of the Sub-Inspector was reduced to £300; the salary of the Secretary was raised to £250; the item for the Clerk was raised to £150, and the sum of £90 for attendance of members was struck out.

Mr. BURFORD objected to the item of £220, for travelling expenses.

The item was passed with but one dissident.

The item of £18,096 17s. 6d., for education was then agreed to.

Registrar-General of births, deaths, and marriages, £1,200.

In answer to Mr. BAGOT—

The TREASURER stated that at present no salary was attached to the office of Registrar-General, which was held by the hon. Mr. TORRENS. It was proposed to raise the Deputy-Registrar of Births to the office at a salary of £350, the original office to be done away with.

Mr MILDRED proposed, as an amendment, that the salary stand at £300.

The amendment was agreed to.

The item was passed at £1,150.

Medical officers, £1,897. Passed.

The report was brought up, and the Committee obtained leave to sit again on Tuesday next.

PUBLIC WORKS.

Mr Lindsay asked the hon. Commissioner of Public Works whether the different branches of the public

works of this province, viz., the Harbour Trust, the Central Road Board, the Railway Commission, the Waterworks Commission, &c., &c., are in any respect under the control or responsible to his department, which alone is responsible to this House.—The Commissioner of Public Works said that the following officers and boards were under the direction and control of the Commissioner of Public Works, viz.—The Colonial Architect, the Central Road Board, the Harbour Trust, the South Australian Railway Commission, the Waterworks Commission, the Electric Telegraph Department, the Superintendent and Staff of the Port Elliot and Goolwa Tramway, and the District Councils in their capacity of District Road Board Commissioners. The Commissioner of Public Works also stated that several of the Boards above referred to did enter contracts without his previous sanction.

EXPLORATION IN THE NORTH

The Commissioner of Crown Lands laid on the table Captain Freeling's report of his expedition to the North.—Ordered to be printed.

House adjourned till Tuesday.

LEGISLATIVE COUNCIL

TUESDAY, OCTOBER 27

GAWLER RAILWAY EXTENSION BILL

The CHIEF SECRETARY, in rising to move the second reading of this Bill, said it proposed to extend the existing line of railway from Gawler Town to Kapunda, the cost of the construction being estimated at £8,500 per mile, equal to a sum of £180,000 in the aggregate. The annual proceeds were estimated at £25,400, the expenses of working the line at £18,000, leaving a net profit on the year of £7,400 calculated at the present traffic along that line of road, but, which would, no doubt, be largely increased, if any weight was to be attached to all previous experience, so soon as the railway should come into operation. A Committee of the House had reported to the following effect—"The weight of evidence taken by your Committee is in favour of railways worked by steam-power. There cannot be a doubt that such a system of railways affords the most perfect known means of transit." The Committee also found that "the cost of constructing the proposed locomotive line between Gawler and Kapunda might be taken at the estimate of Mr W Hanson, C E., the evidence of Mr Murray, the Surveyor-General, and others, giving a general support to that estimate." In so much of the report of the Committee he fully concurred, and he would proceed to a brief exposition of the claims which the districts of Gawler, Kapunda, and the north districts generally possessed for the outlay of the money, and to the ability of the colony to support and liquidate the loan which the Bill proposed to incur for the construction of the work. It appeared, from a printed return from the Surveyor-General's Office, No. 143, from the 7th November, 1854, to the 31st July, 1857, in the countries north of Gawler, close upon 270,000 acres of Crown lands had been disposed of, yielding to the revenue of the province of £322,000, and it was a fair inference to draw, that during the two years which it would possibly require to construct a railway, a similar proportionate amount would be realised from that source, which would give a sum of £235,000, arising from the sale of Crown lands during the time occupied in the construction of the line from the northern portion of the colony, which would more immediately benefit by the proposed project—a sum exceeding by £55,000 the whole amount required to complete the work. Up to the end of July last, only three miles and three quarters of main road had been

formed and metalled, while one mile and a half was in course of formation in all this great country north of Gawler. He felt quite satisfied they would concur with him that the northern portion of the colony had claims to the full amount of the expenditure sought by the Bill. Exclusive of the waterworks and drainage loan, the total amount of loans for which authority had been given by the Legislature was £536,000, of which up to the end of this year £52,000 of the principal had been provided and paid off, leaving the existing liability of the colony at the end of the current year at £484,000. The Bill before the House proposed to increase this by the addition of £180,000, which would make the total of loans after the extension to Kapunda was completed, £664,000. Then, with respect to the ability of the colony to liquidate this amount, he would point out that the patrimony of the people of this colony consisted of 200,000,000 acres of land, of which up to the present time only 1,600,000 acres had been alienated by sale, that 1,000,000 acres of this had been disposed of since 1856, yielding in seven years to the revenue a sum of £1,400,000 sterling. Now, he did not conceive that the most prudent individual would consider it an act of rashness to incur on so noble a patrimony a debt of £1,000,000, equal to the probable proceeds to be derived from the land revenue during the next five years, and not for the purpose of squandering the sum borrowed in expenditure in some other direction, but with the express object of improving and making more valuable the patrimony itself. He would point out what they well knew from their own private personal experience, that there was no danger in incurring debt to carry out a reproductive operation, neither was there any injustice committed to those who might succeed them, who secured the inheritance as a whole—a noble property to which was attached a most minute liability. Having thus shown that locomotive railways were the best known means of transport both for passengers and goods—that the cost of the proposed line would not exceed the sum stated—that it would be immediately reproductive to the extent of £7,490 per annum, and to a much larger extent in future—that the northern country was fully entitled to the outlay necessary for its construction—and that the colony was well able to bear and liquidate the loan, he would not take up the time of the House by any further observations, but move that the Bill be now read a second time.

Mr. FORSTER seconded the motion.

Mr. MORPHETT quite agreed with the Chief Secretary, with regard to the superiority of railways over common roads, but he contended that the present time was a most inopportune moment for the borrowing of money for railway extension. He moved that the Bill be read that day six months.

Mr. AYERS seconded the amendment. He would contend that whilst railways were beneficial to all thickly-populated countries, they could not be so here.

Captain FREELING supported the Bill.

Captain BACOT supported the amendment, thinking it inexpedient to borrow money for such a purpose.

Mr. FORSTER would vote for the Bill, because he did not think that the sum required for it would exceed the safe limit within which the colony might borrow.

Mr. BAKER would object to the proposed extension, chiefly on account of the injustice it would inflict on other parts of the country.

Captain HALL was convinced the colony would have to support a system of tolls or a railway system. He was in favour of this line, and principally for the rea-

son, that the country through which it would pass had no main roads made.

Mr. ANGAS was opposed to the Bill.

Mr W. SCOTT spoke in favour of the Bill and urged that if the railway labourers now here were allowed to go away, they would be unable to get them back again.

Major O'HALLORAN would vote against the second reading of the Bill

The question was put, and the House having divided, the amendment was carried by a majority of 1.

AYES, 7.

NOES, 8.

The Chief Secretary	Mr O'Halloran
Mr Freeling	Mr. Ayers
Mr. Davenport	Mr. Bagot
Mr. Hall	Mr Gwynne
Mr. Scott	Mr Baker
Mr Everard	Mr Stirling
Mr. Forster.	Mr. Angas
	Mr. Morphet

RAIG'S PATENT BILL.

The report of the Select Committee on this Bill was brought up and read. It reported that the preamble was proved

Second reading to be an order of the day on Wednesday.

The other business was postponed, and the House adjourned till 2 o'clock the following day.

HOUSE OF ASSEMBLY.

TUESDAY, OCTOBER 27.

SOUTH AUSTRALIAN SOCIETY OF ARTS.

The Attorney-General presented a petition from the South Australian Society of Arts, requesting the House to vote a sufficient sum to provide for a suitable building for the Society.—Received and read.

CONVICTS PREVENTION BILL.

The amendments made by the Legislative Council in this Bill were agreed to

STEAM POSTAL BILL.

The Attorney-General stated that the House had already expressed its concurrence with the first part of the amendment sent down by the Legislative Council, but with regard to the second part, they had considered that it infringed upon the exclusive right of that House. The principle of that amendment had been previously expressed in the House, and it appeared to him the most expedient course would be to assent to the amendment, making an entry that it was in furtherance of the expressed views of that House

The amendment made by the Legislative Council was agreed to.

The Attorney-General mentioned that the Melbourne Government were prepared to allow South Australia to enter at once into the full operation of the Postal Service, say from the 15th of next month. With regard to the branch service, reliable information had been received, that both the Governments of Victoria and New South Wales would cordially render every assistance in carrying it out.

INSOLVENT LAW

In Committee.

Clauses 29 to 45 inclusive, excepting 32 and 43, were passed with slight amendments

Clause 46, with some amendments postponed

The House resumed, and leave was given the Committee to sit again on Friday next.

PRISONERS OF THE CROWN

The Attorney-General laid on the table returns of all prisoners sentenced since the new regulations respecting the remission of sentences came into force.—Mr. Mildred moved that they be printed.—The motion was negatived by a majority of 14

ESTIMATES.

IN COMMITTEE.

Hospitals, £6,603 10s. Agreed to.

Lunatic Asylum, £3,694 12s. 6d. Agreed to.

Destitute Poor, £5,339 15s.

Mr MILDRED moved that the item of £45, for forage for the Secretary be struck out, also that the items for nurse (£45), cook (£45), wardman (£91), three assistant nurses (£54), and assistant cook (£18), should be struck out. Those offices he considered could be performed by the inmates.

The TREASURER explained that the item for forage was very necessary. The employment of nurses was also very essential.

Mr. HUGHES thought the amendment proposed was very ridiculous.

Mr ANDREWS pointed out that if the amendment of the hon gentleman were agreed to, it would render the Asylum a kind of penitentiary

Mr BURFORD thought the wages offered of 1s. a day a piece of extravagance.

Dr WARK objected to allowing the inmates of the Destitute Asylum the comforts of life and nothing to do

Mr MILDRED stated that the deductions he proposed amounted to £225, exclusive of the item for forage.

The TREASURER said that the whole sum might as well be struck out as to strike off so many essential items

Mr. MILDRED's amendment was negatived.

Mr BAGOT thought the system of the Board might be remodelled so as to do without the Secretary.

Mr BURFORD said it was his intention to lop off the estimates wherever he could.

After a long discussion, it was resolved to strike out the three items for nurse, three assistant nurses, and assistant cook.

The item was passed at £5,175 10s
Colonial Store, £500 Passed.
Printing Office, £3,725. Passed.
Public Offices, £1,045 4s. Passed.
Public Cemetery, £550. Passed.
Ecclesiastical, £600.

Dr WARK moved that the item be struck out.

Mr BURFORD seconded.

The motion was lost.

The sum of £50 for the Immigration Chaplain was struck out, and the item was passed at £550.

The House resumed, and leave was given to the Committee to sit again on Thursday next.

The House adjourned.

LEGISLATIVE COUNCIL.

WEDNESDAY, OCTOBER 23

TIME FOR THE MEETING OF PARLIAMENT.

Mr Baker moved—"That it is expedient that the usual annual meeting of Parliament, for the dispatch of business, should take place at a time when attendance on their duties is least likely to interfere with the private occupation of members, and before the extreme heat of summer commences, and that, in the opinion of this Council, the month of May is less open to objection than any other period of the year for such meeting, and that an address be presented to his Excellency the Governor-in-Chief, covering the above resolution"—The motion was agreed to with the addition of the words to the effect that his Excellency be requested to take the subject into consideration

SCAB IN SHEEP.

Mr Morphett asked the Chief Secretary if he was aware that scab in sheep was increasing much in Victoria He understood that such was the case, and as this rovince was always liable to contagion at the south-eastern boundary, care should be taken to prevent the spreading of the disease.

The Chief Secretary was not aware of any danger of that nature, but he would make enquiries In answer to a remark from Mr. Forster, he said the Government would enforce the Scab Act to the utmost

DISTILLATION.

The Chief Secretary, in answer to Mr Baker, said it was not the intention of the Government to take any steps with regard to distillation this session.

CRAIG'S PATENT BILL

This Bill was read a second time, and passed through Committee. Its third reading was made an order of the day for Thursday

TRIAL BY JURY RESTORATION BILL.

Mr Gwynne moved the second reading of this Bill, and dwelt at considerable length upon the defects of the existing law The hon gentleman referred to the serious question as to whether the system of Grand Juries should not be re-established He certainly thought that in a small country like this, and where the Attorney-General was an acting barrister, the system should have been retained, since the power which had belonged to Grand Juries was not reposed in the Attorney-General, who, besides being liable to be called on to defend a prisoner, whom he himself had sent to trial, was also the holder of a high political position Under those circumstances he thought it would not be undesirable to introduce a Bill to restore Grand Juries, but he should prefer passing his own Bill without so altering it as to include any other matter.

Mr Forster seconded the motion, which was carried, and the enacting clause and preamble having been agreed to in Committee, the Chairman reported progress and obtained leave to sit again on the following day.

The House then adjourned.

HOUSE OF ASSEMBLY:

WEDNESDAY, OCTOBER 23

ELECTRIC TELEGRAPH TO THE EAST INDIES.

The Commissioner of Public Works presented a petition from certain parties, requesting permission to lay down a submarine electric telegraph between this colony and the East Indies—Received and read—The petition stated the proposed line could be completed before the completion of 1862 The petitioners required a guarantee from the Colonial Government of 6 per cent on the capital invested.

Rr

REPAIRS TO BUILDINGS, AND UNFORSEEN EXPENSES.

Mr Peake moved that returns be laid on the table showing the particulars of each item of expenditure of the amounts voted in the Estimates under the heads of "Unforeseen Expenses," and "Repairs to Buildings," for the years 1851, 1852, 1853, 1854, 1855, 1856, and up to September, 1857. Mr. Torrens seconded the motion, which was carried

WELLINGTON FERRY.

Dr WARK moved in Committee the notice standing in his name,

"That the petition of the inhabitants of Wellington and others, presented on 9th October, be taken into consideration, with a view of granting the prayer thereof, and that an address be presented to his Excellency the Governor-in-Chief, requesting him to place on the Estimates a sum sufficient for that purpose"

He stated that the grievances complained of, not only weighed heavily on the inhabitants in the immediate district of Wellington, but upon all the settlers to the south of the district There had been no expenditure on the roads for twenty or thirty miles on this side of the ferry He moved that the ferry fees be abolished,

Mr. LINDSAY seconded the motion.

Mr BONNEY opposed the motion.

Mr. DUNN supported the motion

Mr HARVEY could not see why tolls should be maintained at the Wellington Ferry, when the principle was rejected by the colony as inapplicable to roads

The COMMISSIONER of PUBLIC WORKS said the tolls were levied under a Bill passed in 1854 The Government would have no objection to repeal the Bill, but the question was, how was the ferry to be managed?

Mr. BAGOT would support the motion, as he looked on the ferry in the light of a bridge, and he thought they were not any more entitled to levy a toll on one than on the other.

The ATTORNEY-GENERAL coincided with the object of the motion, but he would object to allow the ferry-boat to be used indiscriminately by any person, without some restriction. The Government would bring in a Bill to effect the object of the motion when in possession of sufficient information.

Dr WARK, on that pledge, would withdraw his motion

PASTORAL LEASES.

Mr Hughes moved that there be laid on the table of this House a return of all pastoral leases not included in Paper 121 of 8th September, 1857, also, a return of all claims which have been received for leases of waste lands for pastoral purposes, the leases of which are not included in the above return, such return to give the name of each claimant, the date of each claim, the area of each claim, the situation of the land applied for, and the deposit paid on each claim. His object was to have information relative to certain claims He understood that one claim had been sent in by Mr. Hack himself—The motion was agreed to

EXPENSES OF CORPORATIONS AND DISTRICT COUNCILS

Mr NEALES moved—

"That this House views with alarm the large amount of expenditure of the rates of the various Corporations

and District Councils in mere collection, that, in future, in paying over any of the General Revenue in aid of such rates, it is recommended that no aid be given to the district rates, to be supplemented in 1858, where the executive expenses exceeded 15 per cent on the sum collected."

He thought that return 134 would quite satisfy hon. gentlemen that the motion was very necessary. He found that in one Council the amount collected was £334, and the amount expended £177 16s. In another case the expenditure actually amounted to 95 per cent on the rates collected. Another instance he would mention was that of Yankalilla, where a sixpenny rate fetched £150, and the expenses were £120. The Corporation of Adelaide was amongst the rest of the sinners, in fact, there were but few exceptions, and he, therefore, thought the system of supplementing expenses, instead of the amount expended on improvements, should be at once abolished.

Mr BLYTH agreed with the general object of the motion, but suggested some slight alterations. He would suggest that the supplemental vote should only be given on the receipt of the District Chauman for the amount spent in improvements. He thought that sufficient attention had not been paid to keeping down the expenses. In the Corporation of the City of Adelaide the expenses were 25 per cent, which was to a certain extent to be attributed to the salary given to special officers and to the Mayor. District Chairmen received no salaries, and yet their duties were very onerous, while unattended by many advantages inseparable from the office of Mayor.

Mr BONNEY cordially supported the motion, as he believed that it was very necessary to check such an expensive system as was apparent in the working of the Adelaide Corporation.

The ATTORNEY-GENERAL would certainly not oppose the motion, if, as he understood, the sum given by the Government was to be only equal to the net proceeds of the District Council rates. But it would be necessary to put the motion in another shape. He imagined that the difficulty would be best met with by an alteration in the law.

Dr WARK would suggest that some easier mode should be devised by which the District Councils could be conducted in a less expensive manner.

Mr PEAKE would support the motion, as he believed that the House should not sanction such subsidies, unless the Government had some supervision over the expenditure of the money. As a plan for saving expense, he would suggest that one man could take the clerkship of two or three District Councils, such a plan was very usual in England.

The COMMISSIONER of PUBLIC WORKS was happy to say that the districts of Mitcham and Brighton were the least expensive, the relative expenditure being about 8 or 10 per cent on the rates, whereas he found that the expenditure in the district of Clare was upwards of £100, and the actual receipts from rates only £8.

Mr SCAMMELL protested against the Government having any control over District Councils. The Act authorising District Councils was for the purpose of removing the management of local improvements from the hands of the Government.

Messrs HARVEY and HAY opposed the motion.

The TREASURER was in favour of the motion, which

he imagined would have a very beneficial effect on the working of District Councils.

Mr NEALES having replied, the motion was agreed to.

CENTRAL ROAD BOARD

Mr Peake moved, that there be laid on the table a return of the tenders made privately, and not advertised, by any of the Surveyors under the Central Road Board of Main Roads, with the names of the contractors, and the contract amount paid to each contractor, and also to indicate the precise locality where the work for each separate contract was executed.—Agreed to.

NOTARIES PUBLIC BILL.

In Committee.

Clause 1 agreed to.—Mr Bagot would ask leave to strike out the second clause and insert two others.—The Attorney-General understood by the new clauses that it was intended to vest the appointment of notaries public in the Supreme Court, instead of leaving such power to the Governor.—The 2nd clause was struck out, and the new clauses agreed to.

The House resumed, and leave was given to the Committee to sit again next Wednesday.

SHORTENING WILLS BILL.

Ordered to stand over for a fortnight.

FRANCE'S MEMORIAL

Mr NEALES moved the adoption of the report of the Select Committee on France's memorial, being Council paper No 60.

The ATTORNEY-GENERAL would oppose the adoption of this as he would of all other special reports. He trusted the hon. gentleman would bring forward a specific motion.

Mr NEALES said the report had been before the House for some months.

The report was read.

The ATTORNEY-GENERAL, in answer to Mr. NEALES, objected to adopting the report on principle, the House on a former occasion had been told that by adopting a certain report, they had precluded themselves from further action in the matter.

Mr. NEALES would move the body of the petition, in the form of an opinion as proceeding from the House.

Leave was given to do so.

Mr HUGHES opposed the motion, for the very reason he expressed when on the Select Committee. He was very willing to leave the whole question to the decision of the Government. With this view he would move that a lease of ten acres be granted to the petitioners by the Government.

Mr BONNEY could not consent to the amendment.

Mr KRICHAUFF supported the original motion.

The ATTORNEY GENERAL supported the original motion, but suggested an amendment to the effect that the rights of Messrs Nicholson, Ewen, and Brown should be reserved. He would be perfectly willing to leave the whole question to the Commissioner of Crown Lands, who, he was sure, would do justice between the parties.

Mr NEALES consented to the Attorney-General's amendment

CITY WATERWORKS.

Mr. Neales moved, that the meetings of the Waterworks Commission be open to the press on and after November 1st—The Attorney General thought it would be found inconvenient that the press should attend. He should certainly oppose the motion—Mr Neales withdrew the motion upon the understanding that the Chief Commissioner would furnish the necessary reports.

PUBLIC APPOINTMENTS

Mr Mildred moved, that there be laid on the table of this House returns from all Boards, Commissions, and Departments receiving pay or being entrusted with the outlay of money by the Government of this province, containing the names of all persons holding more than one appointment, for which they receive remuneration, either by salary or fee, from the funds of this colony, with the names and principal appointments, nature of extra duties, and the remuneration or fees for such appointment—The Commissioner of Public Works stated that the required information was already before the House.—The motion was agreed to

The House adjourned till next day

LEGISLATIVE COUNCIL.

THURSDAY, OCTOBER 29.

ELECTRIC TELEGRAPHS BILL.

This Bill was read a third time and passed.

CRAIG'S PATENT BILL.

Read a third time and passed

TRIAL BY JURY RESTORATION BILL

In Committee.

Mr. Gwynne explained that the Bill had been left in Committee in order that it might be considered whether any improvement could be made as suggested by Mr. Davenport. He had thought over the matter, and in doing so had found that he had greatly misstated the English law in respect of the power of Judges, though the misstatements were against his own arguments. He thought there was no necessity for making any alteration in the Bill as it stood, though he should be happy to consider any suggestions for the purpose.—The Bill was reported, and the third reading was made an order of the day for next Tuesday week.

Council adjourned till next Tuesday week.

HOUSE OF ASSEMBLY.

THURSDAY, OCTOBER 29.

TELEGRAPH COMMUNICATION WITH GREAT BRITAIN.

The Commissioner of Public Works moved that the petition of Messrs Carr and others on the subject of electric telegraph communication with Great Britain be printed.—Agreed to

THE MILITARY

The Treasurer, in answer to Mr. Blyth, stated that no dispatch had arrived in this colony for the removal of the troops.

MAIL BETWEEN HAHNDORF AND MOUNT BARKER

Mr. MILNE moved the House into Committee to consider the motion standing in his name—

“That the petition of certain inhabitants of the Dis-

trict of Onkaparinga be taken into consideration, in order that an address may be presented to his Excellency the Governor-in-Chief, requesting that instructions be given to the Postmaster-General to carry into effect the prayer of the petitioners, by establishing a daily mail between Hahndorf and Mount Torrens”

The expense, he did not think, would be more than £50 to £70

The TREASURER said the Government were not aware of the expense that would be involved. If the hon gentleman would so word the motion as to limit the grant to a specific sum—say £50 or £70—the Government would not object to it.

The motion was then altered, to the effect that the prayer of the petition be carried out, provided the expense did not exceed £70

Agreed to.

The House resumed, and the report was adopted.

ALIENS NATURALIZATION BILL

Mr Bakewell moved the House into Committee for the further consideration of this Bill

Clauses 6 to 14 were agreed to with a few amendments.

Clause 15, struck out.

Clauses 16 to 21 were agreed to

Clause 1 was recommitted and verbally amended.

The House resumed, the Chairman reported progress, and the Committee obtained leave to sit again that day fortnight.

RAILWAY TO THE MURRAY

Mr. Peake withdrew his motion on this subject

ESTIMATES.

IN COMMITTEE

Military, £2,665 12s 11d Agreed to.

Sergeant Armourer, £231 12s 6d,

Law Officers, £870.

Mr BLYTH thought the salary for the German Interpreter was a dangerous precedent. He hoped it would be distinctly understood that the appointment had only reference to the criminal Courts

The item was passed.

Supreme Court Department, £2,130

Mr BAGOT moved that the sum of £50 for incidentals be struck out, and that £40 be added to the salary of the Prothonotary.

The ATTORNEY-GENERAL pointed out that the £350 for the Prothonotary did not include the good-service pay.

The item was postponed

The House resumed, and leave was given to the Committee to sit again the next day.

MESSAGES FROM THE LEGISLATIVE COUNCIL

The Speaker announced that a message from the Legislative Council forwarded Craig's Patent Bill with amendments, in which the concurrence of the House of Assembly was desired, also a message, stating that the Legislative Council had agreed to “the Bill sent herewith, and intitled ‘An Act to regulate the construction and management of Electric Telegraphs,’ with amendments indicated, in which the Legislative Council desired the concurrence of the House of Assembly”—The Speaker called attention to the fact that the Bill which accompanied the message as agreed to was the Gawler Railway Extension Bill. (Hear,

hear, and laughter.)—The messages and amendments were ordered to be printed.

RAILWAY COMMUNICATION BETWEEN THE PORT AND THE MURRAY

Mr NFALES moved the House into Committee to consider the motion standing in his name --

"That, as the Government of Victoria have determined to connect Melbourne with the River Murray by railway, to regain a monopoly of the traffic of that river, it is absolutely necessary for the interests of this colony that immediate action should be taken to join Port Adelaide with that river, and, as the special advantages to accrue to this province will be in proportion to the shortness of distance between the two points indicated, this House is of opinion that all further progress with railways at present should be exclusively devoted to an energetic and unremitting effort to secure to this colony the large carrying trade, with all its attendant advantages, in a junction by the shortest practical route."

Several objections had been taken to the wording of the motion, but none to the spirit of it. It was very desirable to maintain the Murray traffic in this colony. The unsatisfactory state of the mouth of the Murray rendered it imperative on them to attempt railway communication between Adelaide and the river. The question was now whether the Melbourne Government should divert the trade, or whether this colony should retain its trade and increase it. Should the mouth of the Murray be rendered navigable they only opened the trade to all the world, without it passing through their own port. The first difficulty to be surmounted was the money, which he proposed to raise by bonds of small sums, if that could be obtained, they had the men to carry out the work unquestionably. With regard to crossing the hills, he would mention that in America it was said to be almost easier to do so than to construct railways across plains. With respect to the opposition which was made to such measures on the part of very wealthy men, the House should not attach much importance to it, for it had been found that such men were often unable to act impartially in such cases. It was very important that the men who had already been employed on railways in this province should be retained here by being employed as soon as possible. The conduct of the Upper House with regard to the stoppage of public works was certainly a dire calamity, and he thought it was time for that House to advance the public interest without any reference to the prevailing opinion in the other House.

Mr. BONNEY seconded the motion. It was highly important to obtain direct and rapid communication with the Murray. With regard to the southern part of the Murray, he believed it could never be rendered practicable, and, sooner or later, the continued attempts to render it navigable would terminate in some serious disaster. Had the money which had been spent on the southern parts of the Murray been spent on the proposed communication, it would have tended far to carry it out.

Mr BLUFORD would support the motion, as it was essentially important to prevent all their carrying trade along the Murray being diverted into Victoria.

The ATTORNEY-GENERAL cordially agreed with the importance of the object, and he would say that many of the suggestions contained in the motion would be attended to by the Government, but he objected to the specific nature of the resolution. If it were modified so as to contain merely an expression of opinion in favour of the objects proposed, the Government would support it, but in its present form, the Government

would certainly oppose it. Great as would be the advantages of the Murray traffic to the colony, he could well think that the money required would be not within the means of the colony, and until the necessary information was obtained, he thought the motion was premature.

Mr LINDSAY was not opposed to the motion, but he would have wished that it had been more general. Supposing the southern ports could be rendered available for shipping, the idea that the proposed railway could compete with the water carriage was perfectly chimerical. He would move, as an amendment— "That an address be presented to his Excellency the Governor-in-Chief, requesting him to cause the engineer officers of the Government to prepare and submit for the consideration of this Parliament a general scheme or system of railways, embracing the whole of the settled portions of this province, and designed with a view to future connection with the neighbouring provinces."

Mr BABBAGE seconded. He considered it was more important to obtain rapid and cheap communication with the gold fields, than to secure the carrying trade in the hands of the Adelaide and Port merchants. He would not agree that they must give up all idea of rendering the Murray mouth navigable, with care, he considered it could still be available. He believed that ultimately the heavy traffic of the Murray would be conveyed by the Goolwa. The motion which appeared on the notice paper was one which would have to be very extensively modified, and he imagined that the amendment was far better adapted for their immediate requirements.

Mr BAGOT moved that the debate be adjourned.

Mr NFALES supported the motion, which was agreed to.

The Committee obtained leave to sit again that day week.

The House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, OCTOBER 30.

THE MILITARY.

The Treasurer stated, in reply to Mr. Blyth, that no despatch had been received by the Government relative to the removal of the military from this province.

VACATION OF SEATS.

Mr Lindsay gave notice that he would ask the Attorney-General, as chief law officer of the Crown, whether or not the hon Messrs. Gwynne, Davenport, Baker, and Younghusband, members of the Legislative Council, and Messrs Hart, Bagot, Blyth, Milne, Torrens, Andrews, Hughes, Macdermott, Hanson, Reynolds, and Dutton, members of the House of Assembly, have, under the provisions of the Constitution Act, vacated their seats in the Legislative Council and House of Assembly respectively, they having accepted offices of profit or pension from the Crown during pleasure.

Contingent on the above question being answered in the negative,

Mr Lindsay would ask the hon the Attorney-General whether he had given his opinion on legal grounds only, or whether he had permitted himself to be influenced by any question of political expediency.

The Attorney-General said, in order to save the

time of the House, he would, if possible, answer the question at once (Hear, hear) He was not aware any hon gentleman had accepted an office of profit or pension during the pleasure of her Majesty Perhaps the hon member would amend his question, so as to embrace actual facts He had himself accepted the office of Attorney-General, but he was quite clear that in doing so he had not vacated his seat.

Mr Lindsay withdrew the question

AMENDMENTS MADE BY THE LEGISLATIVE COUNCIL IN THE GAWLER RAILWAY EXTENSION BILL

The message and the enclosed Bill were read

The SPEAKER said the amendments in no way agreed with the enclosed Bill

The ATTORNEY-GENERAL imagined the mistake arose with the enclosure, and that it ought, consequently, to be returned

On the motion of the hon gentleman a message was ordered to be sent to the Council, stating that the message did not agree with the enclosed Bill.

ELECTRIC TELEGRAPH BILL, In Committee.

The amendments made by the Legislative Council were agreed to

ESTIMATES. IN COMMITTEE

Supreme Court, £2,180

The TREASURER moved that the items for the Master, be £450, Prothonotary, £400, and Associate, £300, each item inclusive of good service pay Also, that the expenses of witnesses be placed at £550.

Mr BURFORD moved that the salaries of the Master of the Supreme Court and the Associate remain the same as last year, viz, £390 and £285 respectively, not inclusive of good service pay.

Mr. MILDRED seconded the motion, and suggested that the system of good service pay be done away with

The ATTORNEY-GENERAL thought the salaries proposed by the Treasurer were by no means too high for the services required.

The SPEAKER mentioned that the good service pay was authorised by an Act.

Mr GLYDE understood that they were granting salaries for certain offices, and not for the individuals holding them Long or unusually efficient services were compensated by the good service pay. He would move that the salaries be as follows—Master, £390; Prothonotary, £350, and Associate, £285, not including good service pay.

Mr. BAGOT had hoped that the Government would have placed at least £800 on the Estimates for the Master of the Court He certainly thought the item of £450 should be increased

Dr WARK would vote for the amendment, as it did not appear that they had first-rate talent employed.

The ATTORNEY-GENERAL did not think that £800 a year would pay for first-rate legal talent, and £150 was certainly not too much for the talent engaged

The items were carried as follows:—The Master,

£450, Prothonotary, £400, Associate, £300 (on a division), inclusive of good service pay. Expenses of witnesses, £500

Magistrates and Local Courts, £7,957 2s. 6d.

Mr MILDRED found that the items for the Adelaide Police Court had much increased He believed that the separation of the offices of the Police Magistrate and the Commissioner of Insolvency had been very beneficial, and that very efficient gentlemen now filled them But there was an item of £375 for a Stipendiary Magistrate to perform the duties of the absent Judge, which he objected to.

The ATTORNEY-GENERAL explained that the Chief Justice, when he went home, did so on the existing regulations, which allowed him to retain one-half the salary, viz £780 Of the other £700, part had been rendered available for the appointment of Police Magistrates Since the appointment of Mr Mann as Acting Judge, it had been found absolutely necessary to appoint a gentleman to act as a Commissioner of Insolvency

Mr MILDRED said, the fact was, that the absence of the Chief Justice caused an expense to the colony of £750 That, he considered, was a bad precedent.

The ATTORNEY GENERAL stated that the Chief Justice had served the colony for eighteen years, and his salary had varied from £600 to £1,500, much less than he could have made in a lower branch of his profession The Chief Justice had called upon the Government and stated that continued ill-health rendered him incapable of continuing the performance of his duties. The Government could not have acted otherwise than they had done, and the whole cost to the colony by his leave of absence did not amount to more than £300 annually

Mr BURFORD moved that the salary of the Clerk of the Bench of Magistrates be placed at £50 He considered that the duties of the office were unimportant

The ATTORNEY-GENERAL explained that the duties were considerable

Mr BONNEY had no doubt that many professional gentlemen would undertake the office for less.

The ATTORNEY-GENERAL would observe that when the hon gentleman was Commissioner of Crown Lands many persons would have been willing to fill the office for one-third the salary which he was receiving, but the real question was, could they have obtained an efficient man for such a sum?

Mr GLYDE would wish to know if the Clerk received any fees.

The ATTORNEY-GENERAL believed they went to the Government.

Mr GLYDE would propose that the salary be fixed at £100

The ATTORNEY-GENERAL said that £100, with the addition of the fees, if the Clerk received them, would certainly not be too much.

The TREASURER said it would appear that there were no authorized fees received by the Clerk, except what he paid into the Treasury.

The item was passed at £200.

Mr. BURFORD moved that all the items put down for forage for horses for Magistrates be struck out.

Mr. KRICHAUFF thought the allowance for forage (£45) was too much

The ATTORNEY-GENERAL would ask the House whether they would destroy the respect entertained for the administration of justice in this country by cutting down items of such a necessary character

Mr BURFORD thought that with salaries of £400 a year the extra items were unnecessary.

Mr. MILDRED observed that Magistrates only required horses on the public service once or twice a month

Mr NEALES believed that in some cases the clerks preferred fees to low salaries, but it was very different with Magistrates, who must be gentlemen of ability and education.

Mr DUNN considered that if the clerk were paid by fees it would induce him to foster litigation.

Mr MILDRED concurred that in the remote districts the practice of paying clerks by fees tended to increase the business of the Courts. In the same districts the clerks were probably paid only a few shillings a week.

The item for forage was passed.

Mr MILDRED proposed that the salary of the Resident Magistrate of Port Lincoln should be reduced from £300 to £100

The amendment was lost.

Official Assignee, £912

In answer to Mr Mildred,

The ATTORNEY-GENERAL stated that the Official Assignee performed the duties of Curator of Intestate Estates. For the former he was paid by a fixed salary, and for the latter by fees, which during the last twelve months amounted to something less than £90.

The item was passed

Registrar-General of Deeds, £1,960 11s.

Mr MILDRED would propose that the £100 for a book-porter be struck out.

The ATTORNEY-GENERAL said if the hon gentleman had once passed through the office he would see the necessity for the porter. He would mention that the book porter did not receive the amount placed on the Estimates, for he was only paid generally but two or three days in the week.

Mr BURFORD moved that the item for Registrar-General be struck out

Mr. BAGOT observed that there was quite enough to do in the Registry Office to fully occupy the present staff

The item was passed.

Coroner, £695 19s. 6d.

Mr BURFORD considered that the office of Coroner was unnecessary.

Mr. BONNEY said it had been found that the appointment of Coroner was very necessary. From his own experience he could bear testimony to the necessity of the appointment

The ATTORNEY-GENERAL said the appointment was one in which the amount of the labour required to be performed did not fill up the whole time of the officer.

The amendment was lost by a majority of six.

Mr MILDRED moved that the item for Coroner be reduced to £250

The motion was carried

Office of Treasurer, £320

Mr BURFORD moved that the £320 be struck out.

The TREASURER explained that the office was very necessary.

The sum was passed as printed.

Treasury, £1,100

Mr MILDRED would dispense with one of the clerks. He would strike off the £300 for the cashier

Mr BLYTH stated that the cashier had most responsible and onerous duties, and he had to give considerable security

The TREASURER said reductions had already been made, and if the hon gentleman persisted in his motion, he would press for a division.

Mr. YOUNG, in this case, was pleased that the Government had removed subordinate clerks, and had decided to pay the most efficient officers good salaries.

Mr MILDRED would not press his amendment.

The item was passed.

Customs, £7,985 10s

Mr. MILDRED objected to the pluralities held by the Collector of Customs. He would reduce that gentleman's salary from £800 to £620.

Mr BLYTH would move that after the word "Collector" be added "without fees from other appointment."

The TREASURER would object to the proposition, unless the salary of the Collector of Customs was increased.

Mr. MILDRED would propose that the salary of Collector of Customs be fixed at £500, exclusive of fees.

The amendment of Mr Blyth was agreed to

Mr. BURFORD observed that all the salaries in the Customs Department were increased, the increase amounting to £700 or £800. He would propose that all the additions be cut off.

Mr. FINNISS explained that all the salaries in the Customs had been arranged by a former Government on the understanding that the Good Service Pay Bill would be repealed.

The COMMISSIONER of PUBLIC WORKS said that the Good Service Pay had already been authorised for 1858.

Mr. BAGOT suggested, to save time, that it should be understood that the salaries voted should be inclusive of good-service pay

The House resumed, and leave was obtained for the Committee to sit again on Thursday next.

CRAIG'S PATENT BILL

This Bill, with amendments by the Legislative Council, was agreed to, and ordered to be retransmitted

GAWLER RAILWAY BILL.

The Attorney-General suggested that the Bill which had been sent from the Legislative Council by mistake be returned.

The House adjourned till Tuesday at one o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, NOVEMBER 3.

IMMIGRATION.

Mr. Burford presented a petition from Thomas Murphy, of Rundle-street, relative to immigration and taxation, and praying for a revision of the same —Received and read.

ACCEPTANCE OF OFFICE.

Mr Lindsay gave a series of notices of motion, requiring of the Attorney-General to say whether all members of the Legislative Council or of the House of Assembly, who had accepted office in either of the last three Ministries, had not at once vacated their seats —The Attorney-General would at once unhesitatingly reply no —The hon gentleman stated that his opinion was formed on the Constitution Act, but he declined to give his reasons in writing

THE ESTIMATES

Mr BAGOT moved that it be an instruction to the Select Committee on Salaries, that all salaries passed by the House on the present Estimates should be inclusive of good-service pay

Mr MILDRED seconded the motion.

The TREASURER said it was perfectly well understood that when the Supreme Court Department was under consideration, they were voting salaries irrespective of good service pay According to the Act, the rate at which each officer was entitled to be paid was very easily settled, but the Estimates did not carry out that scale of increase It appeared to him the proper question to consider was, whether the Act should not be repealed altogether, and then to settle the amount of salaries according to a fair payment for each office.

Mr TORRENS hoped the motion would be withdrawn He could see no grounds on which hon members could imagine that the good-service pay was included in the estimate of salaries It should be remembered that the amount of good-service pay depended on circumstances of which the House was not in a position to judge.

The ATTORNEY-GENERAL stated that the Ministers were prepared to speak decisively with reference to each particular item He would suggest that the motion be withdrawn, if not, several of the items already passed, would have to be recommitted.

Mr. BURFORD was much dissatisfied at the large expense of the civil service as compared to the entire ways and means He found the expenditure of the public service to be nearly fifty per cent. on the receipt.

Mr HUGHES said that the hon the Attorney-General had brought down to the House a new copy of the Estimates with his name attached, but had he ever defended a single item, when it was questioned All he asked for was, for some decided policy, in order that the House might take immediate action in the matter.

Mr. FINNISS understood that the Estimates before the House, were those prepared by a previous Government, and that the present Ministry had endorsed them with their recommendation He proposed to add to Mr Bagot's motion the words "under the Ordinance 9, of 1852"

Mr BAGOT intimated his intention to withdraw his motion.

The TREASURER said that in that case the House would proceed with the salaries, bearing in mind the amount of good service pay attached to each item.

The House then went into Committee.

Mr GLYDE asked the Government if they intended to withdraw the last item in the Estimates, which was set aside for good service pay

The TREASURER said he understood that the Estimates would be proceeded with as before, and that the good service pay would be an after consideration.

Dr. WARK said he had hitherto voted with the impression that the salaries were inclusive of good-service pay.

Mr BLYTH pointed out in page eight of the Estimates that a note stated that the salaries were exclusive of good service pay.

Mr BONNEY was of opinion that the best course to pursue would be to pass the salaries as they were, and to do away with the good-service pay afterwards.

Mr TORRENS said that for the House to proceed in the present undecided state would be to make confusion worse confounded He trusted that they would have a distinct answer from the Treasurer as to whether they would have a Superannuation Fund out of the general revenue, as intimated, and a repeal of the Clerks' Salaries Act

Mr BAGOT said if the Ministers went on with the items as they now stood, it was his intention, when the £3,200 for the good-service pay came on, to move that it be struck out.

Mr. BLYTH thought the matter might be very easily arranged if, after the present item was passed, the Supreme Court department were recommitted, and the words "including good service pay" struck out.

Customs, one clerk, £220 Passed.
One clerk, £180

In answer to Mr Torrens,

The ATTORNEY-GENERAL stated that the present intention of the Government was to allow the law of the Clerks' Salaries Act to remain the same as at the present time until they could consider the whole question. The House having decided to proceed with the Estimates, taken in connection with the good-service pay, the Government were prepared to proceed with the several items, reserving the consideration of the whole question for a future day In answer to a remark from Mr. Neales, he stated that the Government would support the system of increasing salaries for long service under the Act for 1852 After the present item was passed, he would move that the House resume, and that the Committee sit again on Friday next, by which time the Government would have drawn up a scale of salaries independent of the good service pay.

Mr BURFORD considered that the Government officers were not more entitled to extra privileges than clerks in general business

Mr GLYDE would point out to the last speaker that the principle adopted in all banks and merchants' offices was increased pay for increased length of service.

The item was passed.

The ATTORNEY-GENERAL moved that the House resume, and he would take the opportunity of observing that the Government of this country bore more

analogy to the Bank of England than to the establishment of the hon. gentleman for the city (Mr. Burford). The Government were therefore more justified in following the example set at that Bank than the custom which might prevail at the hon. gentleman's establishment.

The House resumed, and the Chairman reported progress. Leave was given to the Committee to sit again that day week.

The House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, NOVEMBER 4

PUBLIC WORKS.

Mr. Hallett asked the Commissioner of Public Works if the Government would continue to give returns of public works in progress.—The Commissioner of Public Works would prefer having due notice before replying.

CENTRAL ROAD BOARD.

The Commissioner of Public Works stated, in reply to Mr. Finnis, that he had instructed the Secretary of his department to write to the Central Road Board, requiring returns as to the plan of appropriating the £70,000 granted to the Board.

RUNS ON THE MURRAY

Mr. Neales asked the Commissioner of Crown Lands if a return which had been ordered during a former Ministry, relative to the distance of runs, sea-board, &c., to the Murray, had been prepared.—The Commissioner of Crown Lands would ascertain by the following day.

REJECTION OF THE GAWLER RAILWAY EXTENSION BILL

Mr. BAGOT moved the House into Committee for the purpose of considering the motion standing in his name—

"1. That this House views with alarm the stoppage of public works which will take place on the completion of the Northern Railway to Gawler Town, in consequence of the vote of the Legislative Council respecting the Bill for the extension of the line to Kapunda.

"2. That this House, being especially the guardians of the public purse, consider the opinions expressed respecting the borrowing powers of this province being exhausted as unfounded in fact, as injurious to our interests, and as calculated to lower our credit and depreciate our lands in the money market."

"3. That, in the opinion of this House, the extension of the Northern Railway to Kapunda would be a reproductive work, calculated to develop the resources of the country, to maintain the present prosperous condition of our Land Fund, and to attain the general interests of our province."

"4. That an address be presented to his Excellency requesting him to cause a Bill to be introduced into this House this session for the consolidation of the Adelaide City and Port and the Gawler Railway Acts, and the raising of a sum of £250,000 for the completion of the same and the extension of the same northwards."

When he considered how often the subject had come before the House, he felt that the less necessity existed for him to support it. At the same time, when they found that the Legislative Council so materially obstructed the true interests of the country it was necessary for the House to express their feelings on the matter. Their position now was, that the vote of eight people had had the effect of setting aside the almost

unanimous opinion of that House; and it was clear that the majority of the Legislative Council would, in all future discussions, act entirely irrespective of the will of the House of Assembly. At least 300 men and their families had been thrown out of employment by the vote of the Council. On the other hand, he observed in the Legislative Council of Victoria they advised the borrowing at the rate of £400,000 a year for the continuance of the public works. It was rather curious that the eight men who had thrown out the Bill were either representatives of the squatting or of the monied interest. Their arguments had chiefly consisted of the objections of the bankers, given in evidence before the Select Committee. He did not assert that those gentlemen had not acted conscientiously, but he did think they were swayed by class interest. The objections taken from the evidence before the Select Committee chiefly consisted of that of Mr. Tinline. He regretted that Mr. Tinline should have fallen into the error of stating that the colony had already borrowed £1,000,000. In that sum he included the Waterworks loan, and he had overlooked the fact that that debt of £300,000 was amply secured on the property of the city. He regretted that the Legislative Council should have been influenced by such a fallacy. With regard to the third resolution, the effect of this Act would be to prevent the sale of much land which would otherwise have certainly been sold, and large quantities of the land which had been purchased on the faith of the railway extension, would materially decline in value. The reason he placed the sum of £260,000 in the address, was to meet the estimate of the sums required for the completion of the Port, the Gawler Town, and the Kapunda extension railways. He believed the carrying out of those public works was a matter of vital importance to the interest of the country.

Mr. PLAKE seconded the motion, in the scope and spirit of which he cordially agreed. He believed the public looked with some anxiety to the attitude which that House would assume on the question before them, which he considered might be summed up in a few words—were they to have railway extension or not? The object of the vote of the Council was not to develop the resources of this country, but to render it a sheep walk and cattle run. The consequences of that vote would be to keep a large portion of this colony a sheep walk and cattle run, for what else could it become without roads? Large numbers of the agricultural classes had already settled in the country on the faith of such roads being made. He found that the 223,428 acres of land under agriculture in this colony were producing more than the 19,000,000 acres tenanted as sheep and cattle runs. If the sheep and cattle runs produced in a ratio with agricultural land, they would have an annual produce to the value of £95,000. He could not understand a public work of such vast importance being laid aside—being burked on such insufficient grounds as had been alleged. They were first of all told they were indebted £2,000,000, now he had never been able to find out how that was. Then they were told the colony owed £3,500,000, and that he was also unable to verify. All the debt he could discover was a sum of £484,000. He found, if the colony owed £1,000,000 to the banks, that the banks owed to the colonists £1,937,000. He, therefore, entirely disputed the statement that the colony owed £3,500,000, and he trusted the House would not believe it. According to returns of the extent of railway accommodation in the United States, it was found that for every 1,000 inhabitants, nearly thirty miles of railway had been constructed. Hon. members could calculate for themselves what a similar extent of railway accommodation for this province would amount to. In this colony, he found that nearly 400,000 persons travelled in the last twelve months on the small extent of railway already in operation. The saving of time in the aggregate for

those travellers was an item worth consideration, and that, together with the saving in the cost of the transit of goods, he estimated at £41,000, which item would progressively increase with railway extension. It had been argued that the 33 miles of railway now in operation had cost as much as 330 miles of macadamised roads would, but the maintenance of the roads had also to be considered. The maintenance of 330 miles of road might be fairly estimated at £105,000 annually, whereas the railway was at least self-supporting. He hoped the House would not allow the question of railway extension to be strangled by the adverse decision of the Legislative Council.

Mr FORBES would support the motion most cordially, and he did so because he considered the colony had not received such an adverse vote for many years back as the late vote of the Council. That vote was most discouraging. At former periods of the colony, natural and other causes had led to temporary depression, but in this case the colonists were wanting to themselves. The effect of that adverse vote, he felt, had reduced the value of the real property of this country by at least 10 per cent. The Gawler Town Railway Bill was approved of by almost every one in the colony. It was universally approved of in that House. He believed that no Ministry could stand for two hours in that House, which did not support the measure. He concluded by expressing an earnest wish that the Executive would introduce some measure, so as to overcome the technical objection to introducing the same Bill twice into the House during the same session.

Mr YOUNG cordially sympathised with the first resolution. The House might well view with alarm the stoppage of public works. He certainly regretted the course pursued by the Legislative Council, and he could not but think it suicidal to the best interests of the colony.

The ATTORNEY-GENERAL said the Government were fully alive to the necessity of extending railways, but were not at present in a position to introduce any other Bill into the House on the subject, because they had no reason to conclude that in the Legislative Council it would meet with a different fate from its predecessor. But the Government trusted that the calm and general expression of opinion on the subject on the part of that House and of the country, would have the effect of influencing at least one of the eight gentlemen of the other House who threw out the measure. The Government cordially sympathised with the House on the question, and if they should find themselves in a position to recommend a measure, with any prospect of it being carried, they would do so.

Mr FINNIS would support the resolution before the House. They found that during the last ten years their produce and their population had increased tenfold. He could not, therefore, understand the argument, that their policy should be to stand still. The waste lands of the Crown might be relied on to produce £200,000 a year, half of which would pay all the interest required for loans, and the other £100,000 would be available for emigration and other purposes. According to the argument of the Legislative Council, it would appear that they were guided by the bankers. Now, as the Legislative Council had effectually checked the House of Assembly, he fairly inferred that, on this question, the bankers ruled both Houses and the country. With the second resolution, he entirely concurred, and the House had already affirmed the principle of the third resolution. With regard to the fourth resolution, he understood that by it the House pledged itself to support the measures which had already been introduced by the Government for railways.

Mr MILNE could not support the resolution in its present form. He had objected to the Gawler Town extension when it was before the House, because he considered that the facilities of railway extension were being monopolised by the north. He would now move as an amendment, that this House, whilst fully recognising the necessity of railway extension generally, is of opinion that the connection of the City and Port Railway with the River Murray by railway ought to take precedence of any extension of the Gawler Railway northward.

Mr BONNEY rose to second the amendment. He was not opposed to the railway system, on the contrary, he would wish to see it extended all over the colony, and it was for that reason that he objected to the Gawler Town Railway extension as limiting the operations to one district. He generally concurred in the railway system, because it offered some prospect of repayment, whereas roads returned nothing. But he objected to borrow such a large sum—almost amounting to their available resources—for one district only.

Mr HUGHES was in hopes that this House would have been unanimous on a question which had been passed so readily on a previous occasion. The amendment he considered was a most selfish one. The question was not merely that of the Kapunda line, but that of railway extension generally. The Bill had been thrown out simply on the ground that the colony was not in a position to raise the necessary capital. During the last twelve months, the exports of this province had increased 50 per cent. With such an enormous increase, he would like to see on what grounds it could be shown they were not in a position to borrow £180,000, in the face of the admission of the Legislative Council a year since, that they were in a position to borrow £500,000 for railway extension. As an instance of the expense of common roads, the Port Road, since its formation, had cost £55,000, and it was now utterly out of repair.

Mr SMEDLEY supported the resolutions in their entirety. They had had four Ministries under the present system of Government, all of which pledged themselves to support the railway extension, and he believed those Governments included most of the talented men of the Legislature. He believed that justice had not been done to the north, not three miles of road had been made north of Gawler Town.

Mr GYDE opposed the amendment. He certainly thought that was not the occasion to consider the railway to the Murray. He objected to the first two resolutions, as being injudicious, and in very bad taste. In the fourth resolution, he would suggest a verbal amendment, that the word "same" be struck out, and the word "said" inserted, and that the words "railway to Kapunda," be added.

Mr BABBAGE preferred the amendment to the original resolutions. He had consistently opposed the railway extension to Gawler Town, because he believed that it was spending too much money in one district. It was true they had a metalled road to Kapunda, and he would willingly give it that benefit, which could be carried out for a far less sum than a railway. On the same principle he would vote for the extension of main roads to Strathalbyn, Yankalilla, and other districts.

Mr DUFFIELD would say, that if means were not devised for making a railway to Kapunda, all the marketable produce of that district, and of the Burra, would remain there during the winter months, if not removed before the winter set in, for the roads would be impassable. If the railway were not formed, it would

necessitate the expenditure of £60,000 or £70,000 to form a metalled road. He would willingly support a railway to the Murray, as well as to the North, but he could not understand the argument which was urged in support of the amendment, that because a railway was wanted to the Murray, that the North line was to be set aside.

Mr. BLYTH would cordially support the resolution.

Mr. MILNE would freely withdraw his amendment, if he thought the resolutions had only reference to the question of railway extension, but he objected to the particular line referred to.

Mr. NEALFS suggested that the resolutions and amendments should be both withdrawn, and that the question should be left to the Government, on the assurance given by the Attorney-General.

Mr. MILNE said he would withdraw his amendment, rather than it should be considered as regulating the principle of borrowing money for railway purposes.

The resolution was put and carried, and the report brought up and adopted.

PRIVILEGE QUESTION.

The ATTORNEY GENERAL laid on the table the Report of the Select Committee appointed to draw up reasons in answer to the reasons of the Upper House.

Read, and ordered to be considered on Tuesday.

The following are the reasons—

"1 The House of Assembly admits that no arguments drawn from analogy can upset or override the express provisions of a written law, and, if there were any express provisions of the Constitution Act conferring upon the Legislative Council the powers for which it now contends, the House of Assembly would at once cease to protest against their exercise.

"2. The House of Assembly further admits that the first section of the Constitution Act, viewed apart from the proviso it contains, gives equal powers to the Legislative Council and to the House of Assembly, and that, consequently, the relative powers of the Legislative Council and House of Assembly must be decided by reference to that proviso, but it conceives that in ascertaining the meaning of that proviso, since its language has not received any legislative or judicial interpretation, the Legislative Council and House of Assembly must be influenced by a reference to reasons drawn from analogy, and to the practice and privilege of the Imperial Parliament, and that those reasons and that practice are conclusive in favour of the view of its privileges taken by the House of Assembly.

"3 The House of Assembly cannot admit the assumption of the Legislative Council that there is no analogy between the Legislative Council and the House of Assembly in this province on the one hand, and the House of Lords and the House of Commons in the United Kingdom on the other. On the contrary, it conceives the existence of this analogy to be apparent under almost any aspect, and to be shown even more conclusively by the very exception to which the Legislative Council in its reasons refers, since there could have been no motive for limiting the privileges of both branches of the Parliament of South Australia to those possessed by the House of Commons, had there not been an analogy between the Legislative Council and the House of Lords, which might otherwise have suggested a claim of some of the privileges of the latter body.

"4 The House of Assembly further contends that the right of the House of Commons to originate Money

Bills was claimed by that House, and has always been allowed by the Crown and the Lords as a common law right, and that the claim of the House of Commons of excluding the House of Lords from modifying or altering such Money Bills was asserted as a parliamentary privilege, inherent in, and flowing from, that right; and that inasmuch as the Constitution Act vests in the House of Assembly the exclusive right of originating Money Bills, the right to exclude the Legislative Council from modifying or altering these Bills is by direct and necessary implication also conferred.

"5 That, in order to facilitate the conduct of public business, the House of Assembly, while asserting its sole right to direct, limit, and appoint in all Money Bills the ends, purposes, considerations, conditions, limitations, and qualifications of the tax or appropriation by such Bill imposed, altered, repealed, or directed, free from all change or alteration on the part of any other House, will, nevertheless, for the present adopt the 3rd, 4th, and 5th resolutions, as agreed by the Legislative Council, on the 25th August, 1857, and forwarded to this House by message on that day."

TRUSTEES BILL.

Mr. BAGOT moved for leave to bring in a Bill to make provision for vesting estates in newly-appointed trustees without a conveyance.—Mr. Blyth seconded the motion, which was carried.

The House adjourned till next day.

HOUSE OF ASSEMBLY.

THURSDAY, NOVEMBER 5.

There not being a sufficient number of members present to constitute a quorum, the House adjourned till the following day.

HOUSE OF ASSEMBLY.

FRIDAY, NOVEMBER 6

MELLOR'S REAPING MACHINE.

Mr. Blyth presented two petitions from Joseph Mellor, requesting that the House would grant him a patent for certain improvements in a reaping machine. The second petition contained the *Gazette* notices.—Received and read.

TRANSMISSION OF NEWSPAPERS.

Mr. Peake gave notice that he would move for a return of the newspapers transmitted inland, or without the colony, through the Post-Office.

BOWDEN LEVEL CROSSING.

Mr. Cole brought up the report and evidence of the Select Committee. The report recommended a level crossing at East-street, on the American principle, as described by Captain Galton.—The report and evidence were ordered to be printed.

PRIVILEGE.

Mr. LINDSAY would call attention to a matter of privilege. There were strangers in the House.

The SPEAKER—Perhaps the hon. gentleman would say who were the strangers.

Mr. LINDSAY would move—They were Messrs Hart, Hughes, Milne—

The SPEAKER would beg to inform the hon. gentleman that those persons were not strangers.

Mr NEALES—I beg to know if it is not a breach of privilege for an hon gentleman to persist in such a course after the repeated assurances of the chief law officer of the Crown?

The SPEAKER informed the hon gentleman that he had the privilege of giving a notice of motion on the subject, which he had not thought proper to do.

FEDERATION.

The Attorney-General said the Committee of both Houses had conferred, and agreed to certain resolutions as the basis of federation, but as it was desirable that the recommendations of both Committees should be published simultaneously, he would ask for an extension of the time to bring up the report until Tuesday next—Time granted.

SUPERANNUATION

The Treasurer asked for an extension of the time to bring up the report of the Select Committee until that day fortnight—Time granted.

LOCAL COURT PORT LINCOLN

The Attorney-General laid on the table a return of cases before the Local Court at Port Lincoln during the year ended September 30, 1857.

LEASES OF RUNS.

The Commissioner of Crown Lands laid on the table a return of leases of runs, with distances from seaboard, River Murray, or Adelaide.

EXPENDITURE BEYOND THE HUNDREDS.

The Treasurer laid on the table a return, showing the expenditure in districts beyond the hundreds, from 1851 to 1857, inclusive, and a return showing proposed expenditure in districts beyond the hundreds during 1858.

INSOLVENT BILL.

In Committee.

Clauses to 72 inclusive were reserved.

Clauses 73 to 99 inclusive passed, except only 80, 81, and 83.

GAWLER RAILWAY BILL

Mr Bagot asked the Treasurer if he could inform the House what course the Government proposed to adopt with reference to the motion which was carried by the House on Wednesday last?—The Treasurer said it was a matter of very serious moment, and the Government had not yet resolved what course to adopt.

The House adjourned till Tuesday.

LEGISLATIVE COUNCIL.

TUESDAY, NOVEMBER 10.

FIRE ENGINES.

Captain Bagot asked the Chief Secretary a question with regard to the action of the fire-engines at the Port on Monday night, and the time at which the Government first received intelligence of the fire.—The Chief Secretary said he would make the enquiries, and give an answer at some future time.

MARRIAGE LAW AMENDMENT BILL.

The Chief Secretary informed the House that the Bill was still reserved, and that therefore hon members could put their wishes on the subject in formal shape if they wished to do so.

AUSTRALIAN FEDERATION.

The Chief Secretary laid on the table the report of

the Select Committee on the subject of Australian Federation.—The report, which was in favour of federation for certain purposes, was read, and ordered to be printed.

TRIAL BY JURY RESTORATION BILL.

This Bill was read a third time and passed, and the House adjourned till Tuesday next.

HOUSE OF ASSEMBLY.

TUESDAY, NOVEMBER 10

MOUNT REMARKABLE.

Mr Peake presented a petition from the inhabitants of Mount Remarkable, Penwortham, Clare, and the surrounding districts, for the establishment of a Local Court.—Received and read.

FERRY AT GOOLWA.

Mr Babbage presented a petition from the inhabitants of Hindmarsh Island, for the establishment of a ferry between Goolwa and Hindmarsh Island.—Received and read.

IMPROVED REAPING MACHINE BILL.

Mr Blyth asked leave to introduce the two Bills standing in his name. They related to two different patents for a reaping machine, to be secured for fourteen years.—Read a first time.

ESTIMATES.

Upon the motion of the Treasurer the House went into Committee on the Estimates, the hon gentleman explaining at considerable length the alterations which had been made in them since they were last before the House.

Governor-in-Chief, £825 is. Agreed to.
Legislature, £4,625.

Mr MILDRED thought that it was making an extravagant use of the funds of the colony, to grant the President of the Legislative Council £650. He would propose that the President's salary be reduced to £500 a-year.

There was no seconder.

The item was passed as printed.

Office of Chief Secretary, £700. Agreed to.

Audit, £1,490. Agreed to.

Police, £36,995. Agreed to.

Goals, £3,436 17s 6d. Passed.

Convicts, £5,497. Passed.

Post-Office, £17,081 10s.

Mr FINNIS called attention to the peculiar position of this department, in which the receipts were only £10,000, while the expenditure was £32,000 a-year. He thought the service should pay itself.

The TREASURER thought it was impossible to obtain a revenue equal to the postal expenditure in a new country. The item was agreed to. Also the following.—

Education, £18,146 17s 6d.

Registrar-General of Births, Deaths, and Marriages, £1,200.

Medicine, £2,247 12s 6d.

Hospitals, £6,583 10s.

Destitute Poor, £5,319 15s.

Colonial Store, £480.

Cemetery, £575.

Law Officers, £875.

Magistrates and Local Courts, £7,852 2s 6d. The item was passed, subject to a small deduction of the salary of the Clerk to the Bench of Magistrates.

Coroner, £595 12s. 6d

The TREASURER said the office of Coroner had been raised from £250 to £300

Mr. MILDRED suggested that the item be struck out

The TREASURER postponed it

The CHAIRMAN reported progress, and obtained leave to sit again the next day

AUSTRALIAN FEDERATION

The Select Committee reported in favour of federation, and advised that the colonies should confer on the subject

The report was read and ordered to be printed To be taken in consideration on Friday next

The House adjourned till the next day at 1 o'clock

HOUSE OF ASSEMBLY.

WEDNESDAY, NOVEMBER 11

RESTORATION OF TRIAL BY JURY BILL.

The SPEAKER informed the House that he had received a message from the Legislative Council, enclosing the Trial by Jury Bill as passed by that House.

REAL PROPERTY AMENDMENT BILL.

Mr TORRENS in a very voluminous speech moved the second reading of the Bill, remarking that since its first introduction he had collected materials which had induced him to make many alterations in the Bill with the view of giving it more completeness. He was glad to find that his views were supported by the first legal authorities at home. The two great principles of the measure were that not merely the instrument, but the entry in the book shall form the title, and that the certificate, for the future, shall always be deemed evidence of title in a court of law. The Registrar-General would have to grant certificates, and would be known as the Recorder of Titles. There would be two Commissioners specially appointed to examine into all claims for titles or transfers. There would be a registry-book, in which would be entered the cost of all certificates granted, and the book would be detained as a book of reference. Each transaction respecting the same parcel of land, when registered in the book, would virtually blot out all previous transactions. It was nearly ten years since he first entertained the idea, but he was deterred from attempting to introduce such views by several persons to whom he spoke on the subject. For instance, Judge Cooper strongly deprecated such an attempt on his part, and, in fact, almost considered him presumptuous. But since that gentleman had gone to England he sent a letter expressing his entire concurrence in the measure. He had found it was strongly advocated in England, even the *Times*—the great thunderer—had adopted it, and from the moment that paper took a leading part in the movement, the object might be calculated as soon to be accomplished. How many persons have been driven almost to despair and madness, owing to the endless litigation in which their property had been involved, he could form no idea, for such cases were almost numberless.

Mr. BAKEWELL stated that, owing to the dangerous principles which the Bill contained, he would certainly oppose it. Some of the details almost amounted to an absurdity, which would be more evident in Committee. He wished to know in what consisted the existing defects. Why, he ventured to say the average cost of a conveyance did not exceed £3 4s. The expense of conveyancing had been greatly increased by the system of registration. His own opinion of that system was, that it was one of the worst that was ever devised

He would maintain that there was no part of the law of the country so precise as the law of real property. A conveyancer could detect at a glance the difficulties of a title, and how they could be made good. Undoubtedly there were great defects in the existing system—no doubt it was a disgrace to the age, but the difficulty was to know how to remove them. He was of opinion that the difficulties of transferring real property would not be got rid of until a law was introduced classing the sale of land in the same way as shares, the equitable interests being outstanding. Then, again, every deed should be deposited in the Registrar's office, not by enrollment, but absolutely. A third provision required, would be some mode by which the existing defects in titles might be got rid of. Whether the Judges of Court should have power to investigate titles and to give certificates, or whether commissioners, duly qualified, should have the power to grant titles, he did not know, but some such measure would have to be introduced sooner or later. With regard to the proposed measure, it appeared to him very complicated; he had read it carefully, but he did not yet understand all of it. It did not appear that the Land Titles Commissioners were bound to grant certificates. But, on the other hand, they had the most absolute power vested in them. They could compel persons to produce their title deeds, which he apprehended was in violation of the present law. He did not think the House would permit that dangerous part of the scheme which gave the Registrar-General, a person not necessarily of legal education, absolute control over all property.

Mr HUGHES seconded the motion for the second reading, and, in doing so, would state he did not agree with all the clauses, for he was decidedly opposed to some of them; but he quite agreed with the scope of the Bill, for the very reason that non-professionals did not understand the law of real property as it existed, he thought the law required to be simplified, so that people having transactions in property might understand them.

Mr. KRICHAUFF supported the motion.

Mr BAGOT said he was aware that the Attorney-General was preparing a Bill, the principles and provisions of which, in many instances, were decidedly opposed to the measure. At first he had thought the Bill would not be a working measure, and, the more he considered it, the more strongly he was convinced of that. There could be no doubt, if this measure passed, that in the first instance lawyers would gain a great accession of business. He did not look on the principle of this Bill as an Act to simplify the law of real property. The title of the Bill was very generally agreed to, but it was not carried out by the provisions embodied in the measure. A fundamental objection to the Act was, that, by altering the system of conveyancing, it would render more complex the law of real property.

The ATTORNEY-GENERAL regarded the Bill as a highly praiseworthy attempt to deal with a subject which was one of the most important that could come before the Legislature. He would, therefore, not oppose it at the present stage, but on its way through Committee, if he found he could consistently do so, he would offer every suggestion and every assistance he could. If, after it passed through Committee, he found he could not support the measure, he should feel it his duty to oppose it on the third reading. At present the great defect in the law of real property was the uncertainty respecting the title. To simplify that, unless a better system could be introduced, he would feel bound to support the Bill under discussion. The measure which he had contemplated differed in the mode of re-

gistering titles. The way he would propose was, that a person wishing to have his title made good, should lodge it in the Supreme Court. Citations should be issued to persons interested, and publicity by advertisement should be given, and then if no opposition were offered, the Court should have the power to make the title good.

Mr TORRENS having replied,

The Bill was read a second time, and the House went into Committee

The House resumed, and the Chairman reported progress

FLOGGING AT THE STOCKADE

Mr Mildred moved, that it is the opinion of this House that the punishing of prisoners by flogging is revolting to human nature, debasing in its effects, and reflects disgrace on society; and, therefore, should be discontinued in this province.—After some discussion the motion was withdrawn

TRAMWAY AT WILLUNGA

Mr. Mildred moved, that an address be presented to his Excellency the Governor-in-Chief, requesting him to cause the engineer officers of the Government to survey a line of road for a tramway, commencing at the junction of roads at the south-eastern boundary of Section 247, near the township of Willunga, and also to collect evidence of the probable annual traffic along the existing road between the points described, and to lay the same, with estimates of cost of constructing said tramway, upon the table of this House, in order to enable this Parliament to judge of the advisability of passing an Act and providing funds for said work.—Agreed to

DIVINE SERVICE AT THE STOCKADE.

Mr. Buiford moved, that a return be laid on the table showing the number of times Divine service has been performed at the Dry Creek Labour Prison, from the 26th November, 1856, the date of the last return, and in the same form; also showing the amount paid on account of such services, and the sum paid to each, together with the names of any parties who have afforded religious instruction at any time to the prisoners without receiving remuneration, and the dates of such visits.—Carried

The House adjourned till next day.

HOUSE OF ASSEMBLY.

THURSDAY, NOVEMBER 12.

ELECTORAL LAW.

The Attorney-General, in reply to Mr Cole, stated that the Government intended shortly to introduce a Bill to amend the existing Electoral Act.

BUILDING SOCIETIES

The Treasurer laid on the table balance-sheets of several Building Societies

MELLOR'S PATENT BILLS

Mr. Glyde laid on the table two private Bills to secure patent rights to Joseph Mellor for improvements in the reaping machine.—Ordered to be printed.

PUBLIC WORKS

Mr Hallett moved, that there be laid on the table a return showing the nature, extent, and cost of all works commenced or completed, and statement of receipts and expenditure of the public works now in progress, from the 1st January to the 30th September, 1857. The hon. gentleman stated that the motion had

reference to works for which votes had been given.—The motion was agreed to.

RETURNS.

Mr HAY moved, that there be laid on the table of this House the following returns:—

"1 Return of the quantity of waste lands sold to the 30th of June last in the several Hundreds in the Counties of Adelaide and Hindmarsh, bordering on the sea-coast and south of River Sturt, together with the amounts of money received by the Government for the same."

"2 Return of the number of miles of main lines of road constructed, or in course of construction, in each of the said Hundreds, together with the total amount of money expended on bridges or other public improvements in each of the said Hundreds to the same date."

"3 Return of the total amount of money expended, or authorised to be expended on the several piers, wharfs, jetties, or other public works, on the sea-coast between Holdfast Bay and Rosetta Head, both included"

"4 Return of the total amount of money expended to the same date in the construction severally of the Goolwa and Port Elliot Tramway, and in the construction of all other public works at Victor Harbour, Port Elliot, and the Goolwa

"5 Return of all expenses incurred by the Government in public works or improvements at Milang"

"6 Return of the total amount of money expended or authorised to be expended, in surveys and soundings of the River Murray, and of the sea-mouth of that river, and also of expenses incurred in clearing the river of obstructions, and otherwise rendering its navigation more safe"

"7 Return of the total amount of money paid by the Government during each of the seven years ending June 30th, 1857, in the shape of salaries or expense on account of the before-mentioned works, such salaries and expenses not being included in any of the preceding items."

The TREASURER said there would be no opposition to the motion from the Government, but the returns would be very voluminous, and would take some time to prepare

At the suggestion of Mr Bagot, the motion was altered so as to apply to districts south of Adelaide, instead of south of the River Sturt.

The resolution as amended was agreed to.

THE PORT AND GAWLER TOWN RAILWAYS.

The COMMISSIONER OF PUBLIC WORKS asked leave of the House to introduce a Bill, authorising the raising of the sum of £73,000 for the completion of the Adelaide and Gawler Town Railway and Adelaide and Port Railway, and to provide additional rolling stock. He explained that the £43,200 required for the City and Port line was chiefly required owing to the increase of traffic, in order to enlarge the Adelaide station, and increase many of the works. The £37,000 for the Gawler Town line was for similar purposes.

The TREASURER seconded the motion.

M BURFORD was disappointed that the Bill did not provide for the Gawler Town Railway extension.

Mr HUGHES, while he would have wished to see the extension Bill included, had every confidence in the

Government, that they had sufficient reasons for not doing so.

The COMMISSIONER of PUBLIC WORKS said it was fully anticipated that the Kapunda line could be worked with the rolling stock now in use

The motion was agreed to, and the Bill read a first time. The second reading was made an order of the day for Friday.

ALIENS NATURALIZATION BILL.

Mr. Bakewell asked that the Bill be made an order of the day for to-morrow—Agreed to.

ADJOURNED DEBATE ON THE MURRAY RAILWAY QUESTION

Mr. Bagot, in re opening the debate, said that he hoped the hon gentleman would withdraw the motion. By doing so, he had no doubt that the object he proposed, would be better carried out. There were several conditions to be considered as well as the shortest route, and he hoped that the hon gentleman would trust to the Government to proceed with the surveys now to be carried on.—The motion was withdrawn.

ADELAIDE BUILDING BILL

Mr. NEALFS would like to proceed with the Adelaide Building Bill. The fire at the Port, the destruction caused by which might be calculated at £70,000, would not have cost £7,000 had the buildings been properly separated, and other provisions of the Act been in force.

The House went into Committee upon the Bill.

An amendment was agreed to in clause 3, providing that wooden buildings should not be removed before compensation was given by an award of arbitration.

Clauses 9 to 12 were agreed to.

Clause 13

The TREASURER would ask the hon. gentleman, whether he would make an addition to this clause, providing for the drainage of cellars. In passing this Act, he thought some provision should be made to sink wells in certain places, by which means the drainage of cellars would be accomplished.

Mr. NEALFS considered the only means of introducing such a provision, would be to render it compulsory. He would provide for that before the Bill was taken out of Committee.

The clause was passed.

Clauses 14 to 21 were agreed to.

Clause 22. Magazine for storage of gunpowder.

Mr. HAY objected to appropriate the Park Lands to the storage of gunpowder.

Mr. NEALES said this gunpowder magazine clause was introduced at the suggestion of parties dealing in the article. He believed it would be safer to erect a magazine in the Park Lands than in any place that could be bought from the Corporation.

Mr. MILDRED believed that the gunpowder magazine at the Port would be sufficient for present wants.

The clause was struck out.

Clauses 23 to 26 were passed.

Clause 27. Defendant may require plaintiff to give security for costs.

Mr. COLE would strike out this clause, as it would give a person great power to annoy the surveyor.

The clause was struck out.

Clauses 28, 29, and 30 were passed.

Mr. NEALES would not take the Bill out of Committee that day.

The House resumed, the Chairman reported progress, and leave was given to the Committee to sit again on Wednesday next.

MESSAGE FROM THE GOVERNOR

A message was received from the Governor-in-Chief, transmitting, for the consideration of the House of Assembly, a Bill intituled "An Act to authorize and provide for the construction of a railway from the present Terminus of the Adelaide and Gawler Town Railway to Section 112, in the Hundred of Light, and to confer certain powers on the South Australian Railway Commissioners"—The Bill was read a first time, and the second reading was made an order of the day for Tuesday next.

UNFORSEEN EXPENSES

The Treasurer laid on the table statements showing the particulars of each item of expenditure under the heads "Unforeseen Expenses" and "Repairs to Public Buildings" for the years 1851, 1852, 1853, 1854, 1855, 1856, and to the 30th September, 1857.

The House adjourned until 1 o'clock next day.

HOUSE OF ASSEMBLY.

FRIDAY, NOVEMBER 13:

TRUSTEES.

Mr. Bagot laid upon the table a Bill entitled "An Act to make provision for vesting estates and effects in trustees without the conveyance, assignment, or transfer thereof"—Read a first time, and ordered to be printed. The second reading was made an order of the day for Wednesday next.

ALIENS NATURALIZATION BILL

In Committee.

Clause 9 was amended to the effect that aliens could not be eligible as members of the Legislature until after a residence of five years in the colony, and until three years after having obtained a certificate of naturalization.—The third reading of the Bill was made an order of the day for Tuesday next.

ESTIMATES.

In Committee.

Office of Treasurer recommitted, and passed at £300.

Customs passed at £7,585 10s.

Coast and Harbour Service £3,060. Passed.

AGENT FOR SOUTH AUSTRALIA IN ENGLAND

The TREASURER said it would be seen no agent was appointed yet, but the salary for the agent would only be spent provided an agent was appointed. In answer to Mr. Hay, he said the Ministry would endeavour to make the appointment exclusive of any reward but salary. Great difficulties were found in the appointment of an agent, some thought that a firm should be appointed rather than a single man, but it was found firms declined to give the requisite security.

Mr. BAGOT hoped that the Government would be secured against the legalized frauds which had hitherto taken place in this department.

Mr. SMEDLEY believed that some person should be appointed who had lived in the colony and was acquainted with its wants.

The item was passed at £1,200.

South Australian Bank Agency, £800.

The **TREASURER** stated that a better arrangement than this would probably be made, but at the present time the Bank was entitled to the amount for the services they performed.

The item was passed.

Office of Commissioner of Crown Lands and Immigration

Mr **FINNISS** observed that several late expeditions to the interior had been very unsatisfactory. In one case the leader, at the furthest point he attained, might have returned on foot to his starting point in three days.

The **COMMISSIONER** of **CROWN LANDS** said as yet nothing further had been done with regard to another expedition, but he could assure the hon gentleman that the Government would exercise all the care they could when the next party was organized.

The item was passed at £720.

Survey and Crown Lands.

The **TREASURER** stated that in this department some changes had been made, but they would not affect the sum total.

Passed at £16,266 5s. 6d

Immigration Department, £4,500 Passed.

Aborigines, £2,300 After some discussion on an amendment of Mr Mildred to reduce the vote, the item was passed, as were also the following —

Sheep Inspectors, £1,482 2s 6d.

Gold-fields, £250.

Office of Commissioner of Public Works, £780.

Colonial Architect, £1,916 17s 6d.

Railways and Tramways, £2,447 11s 6d.

Observatory and Telegraphs, £5,774 2s 6d

The House resumed, and leave was given to sit again on Tuesday next.

PORT AND GAWLER RAILWAY COMPLETION BILL.

This Bill was read a second time, and the House went into Committee upon it.

Clause 1 Passed

Clause 2 Bonds to bear interest at 6 per cent.

Mr **FINNISS** considered that the time for redeeming the bonds should be limited to thirty years.

The **TREASURER** had no objection to provide for the termination of the bonds.

Mr **TORRENS** moved the following clause — "The said bonds shall be issued in such manner that bonds not exceeding 4 per cent on the amount of the entire sum of £73,000 shall be redeemable in each and every year from the date of the issuing of the first of such bonds."

The **TREASURER** said the bond itself provided that a date should be inserted stating the period at which it should be redeemed.

The 2nd clause was passed, and the Committee obtained leave to sit again on Tuesday next.

The House adjourned till Tuesday

LEGISLATIVE COUNCIL.

TUESDAY, NOVEMBER 17.

ELECTRIC TELEGRAPH AND CRAIG'S PATENT BILL.

A message was received announcing that the House

of Assembly had agreed to the Council's amendments in the Electric Telegraph Bill and Craig's Patent Bill.

ALIENS NATURALIZATION BILL.

This Bill, having been sent up from the House of Assembly, was read a first time, and its second reading was made an order of the day for Thursday next.

THE FIRE AT THE PORT.

The Chief Secretary laid upon the table a report from the Commissioner of Police in answer to the enquiry made by the hon Captain Bagot with reference to the late fire at the Port — Read, and ordered to be printed.

The House adjourned to 2 o'clock on Thursday.

HOUSE OF ASSEMBLY.

TUESDAY, NOVEMBER 17.

NEW REAPING MACHINES.

Mr Mildred presented two petitions from James Craig, of Morphetts Vale, alleging that the petition of Joseph Mellor, relative to a certain improved reaping machine, was identical with a patent granted to himself, and praying for an enquiry on the same. — Received and read.

PREVENTION OF FIRE.

Mr Hay presented a petition from Henry William Peryman, praying for a patent for the use of an invention to prevent sparks of fire from locomotive funnels causing fire — Received and read.

MELLOR'S PATENT REAPING MACHINE.

On the motion of Mr Blyth the two Bills for securing a patent to Joseph Mellor were read a first time, and referred to a Select Committee, to report on Friday next.

ALIENS NATURALIZATION BILL

This Bill was read a third time and passed.

REAL PROPERTY BILL.

The Commissioner of Public Works moved that leave be given that the Attorney-General introduce, on that day week, a Bill to amend the laws relating to real property — The question was postponed.

INSOLVENT BILL.

This Bill was made an order of the day for Friday next.

PRIVILEGE

Mr **BLYTH** moved the postponement of the further consideration of reasons on Privilege, drawn up by a Committee of the House of Assembly, till Thursday next.

Mr **BAGOT** and Mr. **HUGHES**, opposed an adjournment.

The question for a postponement was put and negatived.

The Clerk read the report as follows —

"1 The House of Assembly admits that no arguments drawn from analogy can upset or override the express provisions of a written law, and, if there were any express provisions of the Constitution Act conferring upon the Legislative Council the powers for which it now contends, the House of Assembly would at once cease to protest against their exercise.

"2 The House of Assembly further admits that the first section of the Constitution Act, viewed apart from the proviso it contains, gives equal powers to the Legis

lative Council and to the House of Assembly, and that, consequently, the relative powers of the Legislative Council and the House of Assembly must be decided by reference to that proviso, but it conceives that in ascertaining the meaning of that proviso, since its language has not received any legislative or judicial interpretation, the Legislative Council and House of Assembly must be influenced by a reference to reasons drawn from analogy, and to the practice and privilege of the Imperial Parliament, and that those reasons and that practice are conclusive in favour of the view of its privileges taken by the House of Assembly.

"3 The House of Assembly cannot admit the assumption of the Legislative Council that there is no analogy between the Legislative Council and the House of Assembly in this province, on the one hand, and the House of Lords and the House of Commons in the United Kingdom on the other. On the contrary, it conceives the existence of this analogy to be apparent under almost any aspect, and to be shown even more conclusively by the very exception to which the Legislative Council in its reasons refers, since there could have been no motive for limiting the privileges of both branches of the Parliament of South Australia to those possessed by the House of Commons, had there not been analogy between the Legislative Council and the House of Lords, which might otherwise have suggested a claim of some of the privileges of the latter body.

"4. The House of Assembly further contends that the right of the House of Commons to originate money Bills was claimed by that House, and has always been allowed by the Crown and the Lords as a common law right, and that the claim of the House of Commons of excluding the House of Lords from modifying or altering such money Bills was asserted as a parliamentary privilege, inherent in, and flowing from, that right, and that inasmuch as the Constitution Act vests in the House of Assembly the exclusive right of originating money Bills, the right to exclude the Legislative Council from modifying or altering these Bills is by direct and necessary implication also conferred.

"5. That, in order to facilitate the conduct of public business, the House of Assembly, while asserting its sole right to direct, limit, and appoint in all money Bills, the ends, purposes, considerations, conditions, limitations, and qualifications of the tax or appropriation by such Bill imposed, altered, repealed, or directed, free from all change or alteration on the part of any other House, will, nevertheless, for the present adopt the 3rd, 4th, and 6th resolutions, as agreed to by the Legislative Council, on the 25th August, 1857, and forwarded to this House by message on that day."

Mr BLYTH moved that the report of the Committee be adopted, and that the reasons adopted by the Committee be forwarded to the Legislative Council.

Mr. TORRENS seconded the motion. He believed the course they proposed to adopt was the only alternative left to them consistent with the public interest.

Mr. BAGOT hoped the House would adopt the resolution now before them, inasmuch as it was very necessary that before some of the important Bills now before the House of Assembly should go up to the other House, an understanding should be come to.

Mr HUGHES trusted that the House would be unanimous in adopting the resolutions, for, by that means, they would virtually remove the difficulties which stood in the way of legislation.

Mr PEAK must oppose the reasons, for they were couched in the language of equivocation. By agreeing to the resolutions of the Upper House, they were agreeing to the defunction of a money Bill. Should they

agree to that defunction, in less than a month, they would have another dispute as to what was a money Bill.

Mr BURFORD thought there was great danger in allowing themselves to explain away by a circuitous route what had been clear to them from the commencement. Should they agree to the resolutions proposed, they would open a precedent to many dangerous innovations.

The COMMISSIONER OF PUBLIC WORKS supported the original motion. The resolutions did not yield the privileges of that House, but the attitude they assumed, was to listen to the arguments of the other House, without conceding their own rights.

The TREASURER said that, supposing the reasons were not agreed to, the business of the country would be at a stand still.

Mr FINNISS said it was important at such a crisis, not to criticise too minutely the mere wording of a resolution. The course the Upper House now assumed, was, that, inasmuch as no Money Bills could become committed, until they had passed the Upper House, that they should have the right of considering them, and if there should appear to them anything which required amendment, that they should have the power to transmit the Bill to the House of Assembly, with their suggestions for reconsideration. That was a very different position, to making amendments, and, the only inconvenience that could result from it would be a delay of a few days in the passing of a Bill so returned.

The motion was carried by a majority of 22.

Mr BURFORD proposed to insert in the fifth reason, the words "without prejudice."

The amendment was lost, and the report adopted.

ESTIMATES,—IN COMMITTEE.

New Powder Magazine, £1,000 Passed.

New Adelaide Hospital, £500 Passed.

Police Station and Court House at Salisbury, £1,000. Passed.

Additions and repairs to public buildings, £3,000.

Mr FINNISS moved that the amount be reduced to £1,000, unless the Executive would lay on the table a detailed statement, showing the necessity for such an amount.

Dr. WARK seconded the amendment.

Mr NBALES would support the amendment.

The COMMISSIONER OF PUBLIC WORKS was not prepared to lay on the table any detailed accounts. If the House thought £1,000 was sufficient, all he could say was, they would not be able to satisfactorily meet the requirements of the public service.

Mr HUGHES thought the Government were trifling with the House, when they came before them and asked for large sums, without being able to say why or wherefore.

The COMMISSIONER OF PUBLIC WORKS said the item, was to meet the expenses which arose in the course of the year, and it had never been customary to require a detailed explanation of such expenditure.

Mr FINNISS had frequently heard it said by the Government that the Estimates were not theirs, but that

they had been framed by their predecessors. Now, he thought it was hardly fair that they should take credit for all that was agreed to in those Estimates, but throw the odium of all the items refused upon a former Government.

The TREASURER begged to assure the House that he took the responsibility of all the items which were laid before them.

The COMMISSIONER OF CROWN LANDS observed that, for this item a sum of £2,000 was voted in 1851, 1852, 1853, 1854, and in the years 1855 and 1856, that sum was increased by £500, making it £2,500. It would, therefore, appear very strange to reduce it to £1,000 this year.

Mr TORRENS said this was another instance of the timid vacillating and time-serving policy of the Government. Their conduct was not that of responsible ministers, and having no measures to bring forward, he did not expect they would improve. They had no measures of their own, they stood by watching the House, waiting indications of a majority, when they at once sided with it. That might be a very safe policy, but it was not one the country would tolerate. Their tactics evinced a miserable timidity of which they ought to be ashamed.

Mr BABBAGE thought the hon member had just been describing his own conduct on the subject of the free distillation question.

The ATTORNEY-GENERAL said the hon member (Mr Torrens) reminded him of Ixton, who, at one time, had a great idea of tragedy, but whenever he acted tragedy he drew shouts of laughter, so that he soon found out—as no doubt the hon. member would—that the comic line suited him better. But his statements had gone so far beyond what he (the Attorney-General) was sure was the feeling of the House, that he need not stop to reply to them. He was quite willing to take his stand before the country on the policy of the present Government, and he would not fear at any time to contrast the claims of the present Government with those of their predecessors.

Mr FINNISS hoped that the House would not be led away from the question before them, by the personal matter which had been introduced.

Mr TORRENS did not think the item excessive, but he objected to entrusting such an amount to the Ministry, without some better explanation as to its object was given.

Mr NEALFS objected to the item for a very different reason. He had quite sufficient faith in the present Ministry to trust them with £2,000, but when he found that it was not known how the money would be employed, he thought £1,000 was enough.

Mr COLE would suggest that the item should be postponed.

The ATTORNEY-GENERAL had no objection to put this matter before the House as a vote of want of confidence or no confidence, but he did not think it necessary to do it. He would have no objection, if the words "additions, and" were struck out. He would agree to the vote of £1,000, and then the Government could come down to the House, if necessary, and ask for covering votes for additions.

Mr FINNISS, while giving the Government generally a firm support, could not give a blind support to the item under discussion.

††

The item was carried in the form, repairs to public buildings, £1,000.

Additions and repairs to Supreme Court, £400 Passed.

Custom House, Goolwa, £400.

The TREASURER, in answer to Mr. FINNISS, said the arrangement for collecting the duties on the Murray had remained the same since the hon. gentleman was in office. The Government received 5 per cent for collecting duties for Victoria, and 6 per cent for New South Wales. They had already remitted some £13,000 or £14,000.

Mr TORRENS moved an amendment to the effect that the duties collected at the Goolwa should be collected at Blanchetown.

Mr BABBAGE opposed the amendment. He believed the question before them was whether they should have a custom-house at the Goolwa, and not at Blanchetown.

The TREASURER could not agree to the amendment, the fact was he looked at the matter in a very different light to the hon gentleman. That hon gentleman looked at the matter as a Custom-house officer, and no doubt he thought that every available point on the Murray should be protected from smuggling by a custom-house officer. But the Government had merely to perform a contract, and it would be an utter waste of money to put custom-house officers at Blanchetown or at the Thirty-nine sections. For the future, it was intended that no goods should be cleared from the Goolwa, for either Victoria or New South Wales, until the duties on such goods had been paid to the Collector.

Mr MACDERMOTT regretted that he could not support the amendment, and for this reason, the trade of the Murray had been established at the Goolwa, and no steamer had, as yet, landed a cargo either at Blanchetown or the Thirty-nine Sections.

Mr NFALES believed that 85 per cent of the business of the Murray was done at the Goolwa.

Mr FINNISS would support the item as it stood.

Mr TORRENS explained that he had not wished to shut up the Goolwa as a port for shipping, nor did he wish to reduce its trade. If the amendment was not agreed to, he would take an opportunity to move that £500 be placed on the Estimates for a higher port on the Murray.

The ATTORNEY-GENERAL would not object to discuss such a question as a substantive proposition. For the present, he would suggest that the item stand as printed.

Mr TORRENS withdrew his amendment on that explanation.

The item was passed.

The House resumed, and the Committee obtained leave to sit again on Friday next.

REAL PROPERTY BILL.

The Attorney-General obtained leave to introduce his Real Property Bill.

The House adjourned till the next day.

HOUSE OF ASSEMBLY.

WEDNESDAY, NOVEMBER 18.

THE CARTERS.

Mr Torrens presented a petition from the drivers of carts and other vehicles, praying that an Act may be passed to relieve them from the penalties to which they were now subject, for driving with reins instead of leading their horses — Received and read.

CENTRAL ROAD BOARD.

The Commissioner of Public Works laid on the table a statement of the mode in which the Central Road Board proposed to appropriate their grant for the year 1868 — Ordered to be printed.

SAVINGS' BANKS.

Mr Blyth moved for leave to bring in a Bill intituled "An Act to consolidate and amend the laws relating to Savings' Banks in South Australia" — Mr. Neales seconded the motion — Leave was given, and the Bill was read a first time. The second reading was fixed for that day week

CAPITAL PUNISHMENTS

Mr BLYTH moved—

"That an address be presented to his Excellency the Governor-in-Chief, requesting him to instruct the law officers of the Crown to prepare and bring in a Bill to provide for the infliction of capital punishment in private"

He observed that, with the exception of Western Australia, this colony was the only one of the Australian group in which capital punishments were inflicted publicly

Mr HUGHES believed that the effect of public executions was brutalising upon many of the spectators.

Mr GLYDF moved an amendment, to the effect that the question of capital punishments should be referred to a select committee.

Mr BURROD seconded the amendment. He considered that one of the chief objections to capital punishments was, that justice was set aside owing to the severity of the punishment.

Mr MILNE would support the original motion. He thought it would be a most dangerous innovation to do away with capital punishments altogether.

Mr ANDREWS supported the original motion.

Mr NEALES would put it to the abolitionists how they should deal with Melville, who had repeatedly tried to kill his gaoler, Dove, and Bishop, and Williams, who walked off with the Italian boy for the purpose of selling his body.

Mr. YOUNG supported the amendment.

Mr. SMEDLEY would vote for the appointment of a committee with a view to a careful enquiry. He believed that the private infliction of capital punishment was better than the public exhibition of capital punishment, but he believed that it was desirable to do away with such punishments altogether.

Mr BONNEY maintained that the time had not yet arrived to do away with capital punishments, and, therefore, he could see no necessity for the appointment of a select committee

Dr. WARK believed that solitary confinement for life was the best punishment for murderers, but that

the time had not yet arrived to abolish capital punishments in this colony, as they were not in a position to inflict solitary confinement

Mr. BAGOT observed that, inasmuch as he had a stronger objection to the original motion than to the amendment, he would vote for the latter

The TREASURER supported the original motion. He had lately had an opportunity of seeing the officer who had the conduct of private punishments in Victoria, and he had seen the place where those executions took place. From what he saw and heard there he was sure that the private execution was far more beneficial in its results than the public exhibition. With regard to the amendment, he believed that punishment by death was the only punishment for murder

Mr. FINNISS supported the original motion.

Mr LINDSAY was in favour of the amendment, for he considered that if the punishment of death should be inflicted at all, it should be in public.

Mr PEAKR was not prepared to act in opposition to the experience of past ages, he, therefore, could not agree in abolishing capital punishments with the evidence before them. He was in favour of private executions.

Mr BLYTH viewed the motion for a select committee as a means of shelving the question

The original motion was carried by a majority of nine

REAL PROPERTY BILL.

This Bill was considered in Committee. Clauses 1 to 9 were passed, with verbal amendments, when the Chairman reported progress, and obtained leave to sit again on the following day

THE ROYAL ASSENT.

The Speaker announced that his Excellency would attend in the Legislative Council Chamber the following day to give assent, on behalf of her Majesty, to such Bills as had been agreed to — Mr Finnis asked if it was in form for the announcement to be made except by message from his Excellency — The Speaker said the House would be summoned the next day. The private message was to himself, and he informed the House.

THE GOVERNMENT REAL PROPERTY BILL.

The Treasurer, on behalf of the Attorney-General, moved that this Bill be read a first time — Carried; the second reading to be an order of the day for Friday next

House adjourned till 1 o'clock the next day

LEGISLATIVE COUNCIL

THURSDAY, NOVEMBER 19

THE PRIVILEGE QUESTION.

The President announced that he had received from the House of Assembly Message 33, conveying the reasons of the House in answer to the reasons of the Council. The reasons would be entered on the records of the House.

LEGAL EXPENSES

The Chief Secretary laid on the table returns asked for by the hon Mr Baker, showing the legal expenses of the various Boards. — Ordered to be printed

ALIENS ACT.

The second reading was agreed to, and the Bill was

considered in Committee *pro forma* Leave was obtained to sit again on Tuesday next.

ASSENT TO ACTS

At twenty minutes to 3 o'clock his Excellency the Governor attended to give assent to various Acts which had passed the Legislature. His Excellency said—Mr President and Gentlemen of the Legislative Council and House of Assembly—I have come here to-day publicly to signify my assent to certain Bills, and in the first place I will mention the Mail Communication Bill, one which I had reason to give my assent to previous to this day—The Clerk of the Council read the title and assent to each Bill as it was given in They were seven in number, & follows:—

1. Mail Communication.
2. Murray Duties Bill.
3. Chinese Bill.
4. Immigration Bill
5. Waste Lands Bill
6. Electric Telegraph Bill.
7. Craig's Patent Bill.

The Council adjourned till 2 o'clock on Tuesday next.

HOUSE OF ASSEMBLY.

THURSDAY, NOVEMBER 19.

ADELAIDE PHILOSOPHICAL SOCIETY

Mr Babbage presented a memorial from the Adelaide Philosophical Society, requesting that a sum of £4,000 should be granted for a building for the South Australian Institute—Received and read.

FAST TORRENS INSTITUTE

Mr Glyde presented a petition from the Committee of the East Torrens Institute, requesting that a sum of money might be granted for the erection of a suitable building

WHARF AT THE NORTH ARM.

Mr Hay presented a memorial from Martin Stapley, requesting that the House would not proceed with the motion for granting a sum of money to erect a wharf at the North Arm, as such a proceeding would be prejudicial to private enterprise.

PRIVILEGE.

Mr Finnis rose to address the House on what he considered a question of breach of privilege. A letter, purporting to come from the Governor, and addressed to the Speaker, had been received the previous day. Now, that letter had been written by the Private Secretary, Mr Paisley. He moved the following—"That it is inconsistent with the dignity of the House, and with the usages of the Imperial Parliament, for this House to receive communications from the Crown except through the Governor-in-Chief in person, or by written message under the sign manual of his Excellency, or by verbal message delivered by command by a responsible Minister who is a member of the House"—An opinion was very generally expressed that the letter was intended as an act of courtesy to the Speaker and to the House.—Mr Bagot moved the previous question, which was carried by a majority of 15

MESSAGE

A message arrived from the Legislative Council, requesting the attendance of the hon members of the House of Assembly at the bar of the Legislative Council

The House adjourned for a few minutes. On re-assembling,

The Speaker informed the House, that his Excellency had assented to the following Bills:—

1. Mail Communication.
2. Murray Duties Bill.
3. Chinese Bill
4. Immigration Bill.
5. Waste Lands Bill
6. Electric Telegraph Bill
7. Craig's Patent Bill

PERYMAN'S PATENT.

Mr Hay moved for leave to introduce a Bill, intitled "An Act to secure to Henry William Peryman, during the term of fourteen years, within the province of South Australia, the exclusive right to make, use, exercise, and vend an invention whereby the escape of fire or sparks from the funnels of locomotive engines is prevented"—Leave was given, and the Bill ordered to be printed

MAIL TO CLARE

Mr Peake's motion for a daily mail service between Adelaide and Clare, was negatived by a majority of 14

COMPLETION OF GAWLER TOWN AND PORT RAILWAY.

In Committee

Clauses 3 and 4 were agreed to, and the Committee obtained leave to sit again next day.

REAL PROPERTY BILL.

In Committee

Clauses 10 and 11 were passed with amendments, when the Chairman reported progress, and obtained leave to sit again on Wednesday next.

The House adjourned till 1 o'clock next day.

HOUSE OF ASSEMBLY.

FRIDAY, NOVEMBER 20.

TRIAL BY JURY BILL.

Mr. Hughes moved the first reading of the Bill, seeing that the Government were not prepared to proceed with it—Mr Bagot seconded the motion, but stated that he should object to some of the provisions of the Bill—The Bill was read a first time, and the second reading made an order of the day for Tuesday next.

INSOLVENT BILL.

The consideration of the Bill was postponed in consequence of the absence of the Attorney-General.

ESTIMATES.

The Commissioner of Public Works having moved that the consideration of the Estimates be postponed for a short time, a number of members immediately left the House, and there not being a quorum left, the House adjourned till Tuesday next

LEGISLATIVE COUNCIL

TUESDAY, NOVEMBER 24.

COLONIAL DISTILLATION.

Mr Morphett presented a petition from certain wine-growers in the district of Morphett Vale, praying for the legalization of small stills for the purpose of distilling the refuse of their vintage—Received, read, and ordered to be printed,

MAIN ROADS

Mr. Baker asked the Colonial Secretary whether it was the intention of the Government to introduce any Bill to amend the present Road Act

The Colonial Secretary requested the hon member to give notice of his question

VICTOR HARBOUR

Mr Baker put a question as to the intention of the Government with regard to Victor Harbour

The Chief Secretary requested the hon member to give notice.

ADMINISTRATION OF JUSTICE

Mr Baker asked the hon Chief Secretary whether it was the intention of the Government to introduce any measure by means of which the administration of justice might be rendered more secure, and, if so, what was the nature of that measure

The Chief Secretary presumed the hon member alluded to the appointment of another Judge

Mr Baker assented.

The Chief Secretary said there was a Bill in course of preparation to provide for such an appointment

COURTESY—PRIVILEGE

Mr BAKER called attention to the Council Paper No 179, headed "Amendments to the Electric Telegraphs Bill" and having reference to the transmission of that Bill from the Legislative Council to the House of Assembly, it had been so much commented on out of doors that there could be no impropriety in his bringing it under notice. That paper had a note appended, referring to the transmission of the Gawler Railway Bill with the message concerning the Electric Telegraphs Bill, and he must say he thought it would have been better if that note had not been printed. He saw that the Electric Telegraphs Bill had come into the possession of the House of Assembly and had been noticed there, and he must infer from that, either that both Bills accompanied the message or that the Electric Telegraphs Bill was sent afterwards. He wished therefore to ask how the mistake arose, and how the Electric Telegraphs Bill was sent. He then referred to the Speaker of the House of Assembly on a late occasion, whose conduct he certainly thought the House was right in passing by at the moment when his Excellency the Governor was present; but, at the same time, he for one would always protest against the rules of that House being broken, whether by the Speaker of the House of Assembly, or by any one else. It could not tend to any good to suffer their rules to be infringed. He was informed that the Sergeant-at-Arms protested more than once against the entrance of a stranger, and that, notwithstanding his protest, the Speaker insisted upon entering. He thought the House should notice it in some way, for if one stranger could enter the body of the House another could do the same, and there would be a danger of such a practice leading to scenes as discreditable as those which were described as taking place in one of the other colonies. He had intended at first putting a notice of motion on the paper, and had prepared the following:—"That this Council, although it did not at the time take notice of the presence of the Speaker of the House of Assembly in the body of that Council Chamber on the 19th November instant, on the occasion of the Governor assenting to certain Bills, now declares that the Speaker of the House of Assembly forcing his way into the body of the Council Chamber in opposition to the repeated requests of the Sergeant-at-Arms of this Council was a breach of the privileges of this Council, and highly reprehensible. That a message be sent to the House of Assembly, informing that House of this decision, and requesting it to direct its Speaker not again to pass the bar of the Legislative Council." Perhaps his reference to the subject would have the effect of preventing the recurrence of such irregularities, or at least of compelling the Sergeant-at-Arms to perform his duty in the event of their being repeated, and if so his

object would be fully gained. He would request the Clerk of the House to explain the circumstances connected with the transmission of the Electric Telegraphs Bill to the House of Assembly, and he would afterwards request the hon President to favour the House with his opinion upon the other subject to which he had referred.

Mr Singleton, the Clerk of the House, said that on the 29th October the Electric Telegraphs Bill passed the House with certain amendments, and he was directed to take it to the House of Assembly, together with a message and schedule of amendments. He presented the message and schedule together with what he supposed at the time to be the Electric Telegraphs Bill to the Assistant Clerk of the House of Assembly, the House being at the time in Committee, and the Speaker sitting as Chairman of the Committee. He could see that the Clerk had discovered some mistake in connection with the message, and could see that he was pointing it out to the Speaker, but he did not know at that time what the mistake was. He returned to the House and reported that he had delivered the message, and the House, which had only been awaiting his return, adjourned immediately. In less than ten minutes afterwards the hon President asked him whether there was any mistake in the message, and he answered that there was not any to his knowledge, but, afterwards, in looking over the various Bills, he discovered that he had delivered the wrong one. He then saw the Clerk of the House of Assembly, and asked him how it was that he had not returned the Bill handed to him in error, and enabled him to correct the mistake, but he replied that the Speaker would not allow him to do so. He then wrote the following official letter to the Clerk of the House of Assembly, and forwarded it, together with the Electric Telegraphs Bill.—

"Legislative Council Office,

October 29, 1857.

"Sir—I have the honour to request that you will substitute the enclosed Bill for the Bill which, in error, was delivered to you to-day, and be good enough to return that which I delivered.

"I have, &c.

"F. C. SINGLETON

"Clerk of the Legislative Council.

"The Clerk of the House of Assembly"

That letter was handed by the Assistant Clerk of the Legislative Council to the Clerk of the House of Assembly, which House was at that time again in Committee, and the Speaker sitting as Chairman. The Electric Telegraph Bill was thus placed in the hands of the House of Assembly, and had remained there. They took action on it, and informed the Legislative Council that they had agreed to the amendments on the 17th of November, but they did not return the other Bill until the 19th of November, although it was repeatedly demanded.

The PRESIDENT felt it his duty to add that the message sent to the House of Assembly was accompanied by a paper, headed "Schedule of Amendments made by the Legislative Council in a Bill intitled 'An Act to Regulate the Construction and Management of Electric Telegraphs,'" therefore there could have been no real doubt as to which Bill it was the intention of the Council to transmit to the House of Assembly.

Mr. BAKER wished the President to express his opinion as to whether the course the Speaker had pursued in entering the body of that House on the occasion of his Excellency's attending there to give his assent to certain Bills were regular or otherwise.

The PRESIDENT said there could be no doubt that it was highly irregular for any person to enter while the

House was sitting, with the exception of her Majesty's representative and the gentlemen composing his suite. It was open to any member to call attention to the presence of a stranger, and then it would be the duty of the House to take some active notice of the matter.

ALIEN AMENDMENT BILL

This Bill was passed through Committee with several verbal amendments, the only one of any consequence being the substitution of the oath in the Constitution Act for the old form referring to the limitation of the Crown to "the Princess Sophia, Electress of Hanover, and the heirs of her body, being Protestants," which the Chief Secretary said was obsolete, and unsuited to the present time.

Council resumed, the Bill was reported, and its third reading made an order of the day for Tuesday next, to which day at 2 o'clock the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, NOVEMBER 24.

DISTRICT OF ONKAPARINGA

The Speaker announced that Mr Dawes, the member for Onkaparinga, had resigned—A new writ was issued.

MELLOR'S REAPING MACHINE

Mr Blyth presented the report of the Committee on Mellor's Patent Reaping Machine Bill—The report was received and read. It stated that the preamble of the Bill was not proved.

FINANCIAL RETURNS.

The Treasurer laid on the table the financial returns for the last quarter ending September 30.

DISTILLATION

Mr Young presented a petition from the wine growers of Morphett Vale, praying for the removal of certain prohibitions on distillation.—Received and read.

ENGLISH MAILS

The Treasurer, in reply to Mr Blyth, stated that he had no doubt the last English mail from the colony had been forwarded by the mail steamer, but no official information on the subject had been received by the Government.

PERTMAN'S PATENT BILL

This Bill was read a first time, and referred to a select committee to report on Friday next.

THE CARTERS

The Attorney-General stated, in reply to Mr. Torrens, that it was not the intention of the Government to introduce a Bill during the present session to relieve carters from penalties for driving with reins instead of leading their horses.

GAWLER RAILWAY EXTENSION.

The ATTORNEY-GENERAL moved the second reading of a Bill to provide for the extension of the Gawler Town Railway to Section 112, in the Hundred of Light. The Government regarded the railway extension system as an essential feature in the progress of the colony, which the colonists, and by far the majority of that House, were prepared to adopt. The Government had therefore to consider the best practical means of securing that object, and it appeared to them that the most feasible course would be to introduce a Bill modifying in some degree the form of the measure providing means

to carry on a line of railway to Kapunda, which had been thrown out by the Upper House, so as not to clash with the technical difficulties which would otherwise exist. With that view they proposed to provide a portion of the funds required out of the annual revenue of the country. Instead of borrowing the whole of the amount, it was proposed that a certain proportion should be raised out of the general revenue. The plan of this Bill as originally taken up by the Government was, that the funds it proposed to be raised should include a specific proportion of a certain sum authorised to be raised for the Adelaide Waterworks, which sum, it was now found, would not be required for that purpose. Then £80,000 being proposed to be raised in this way, it was further proposed that £50,000 should be provided for out of the general revenue. He would now move that the Bill be read a second time.

The COMMISSIONER OF PUBLIC WORKS seconded the motion. In doing so, he believed that the measure would not only be generally supported by that House, but that it would meet the wishes of the other branch of the Legislature, inasmuch as it would not increase the national debt. Next year he was persuaded that, in consequence of the returns which would be received from railways, the other House would be willing to vote a much larger sum. It would cost £75,000 to construct a metalled road to Kapunda, and that expenditure would eventually be sunk in mud, with no hope of any return. They found that the railways did more than maintain their expenditure—they showed a considerable profit. He imagined, therefore, that the members of the Upper House would no longer show the timidity of wholly opposing railway extension. Their great argument that the national debt would be increased, was now most satisfactorily met, and if they still opposed railways, they could not do so with any desire to advance the interest of the colony.

Mr MARKS would record his protest against the railway going by way of Kapunda, for he considered that the evidence of the surveyors showed that the valley of the Gilbert was the best route.

Mr BABBAGE opposed the former Bill because he believed they were adopting a too expensive mode of locomotion, and because he thought other parts of the colony had prior claims to have railways constructed. He now bowed to the wish of the House, and should offer no further opposition.

Mr TORRENS was dissatisfied with the method which the Ministers had adopted to get over the difficulty. He believed that it would have been better to have had a week's prorogation, nothing, he believed would have been lost by that short delay, and the Bill could then have been brought forward in its integrity without fear of technical objections. He would greatly prefer seeing the railways extended by borrowed capital altogether.

Mr. MILNE, whilst he was altogether opposed to the former Bill, found an additional objection in the present one, it was that £50,000 should be raised from the general revenue.

Mr LINDSAY could not see why the public debt would not be increased by the plan proposed for the money to come out of the general funds, which would otherwise be available for other purposes. He therefore believed the best plan would be to borrow the whole of the amount required. As he objected to the Bill *in toto*, he would move that it be read that day six months.

Mr BURFORD hoped the Bill would not be thrown out at its second reading. He regretted they were in danger of cramping their means by falling back

on the revenue. If they went on the principle of ready cash, they would effectually shut out their means of extending the railway system.

Mr FINNIS supported the Bill, not because he approved of its immediate object, but because it was a means to an end—the extension of the railway system. Had he been in power he would not have brought in such a Bill, he would have attempted to provide for railways solely by loans, that, he considered, in the present condition of the colony, was the most legitimate way of defraying their cost.

The TREASURER said the Ministry had brought in the present Bill in the belief that half a loaf was better than no bread, and they had framed it as nearly as they could to the wishes of the other House. He believed that it was to the interest of this colony that there should be short-dated bonds. The very fact of £50,000 of the Adelaide City and Port Railway bonds having already been paid off had been of great service in the English market. For the very reason that they had paid off their original debts, their bonds were now at a higher premium in the market than the bonds of the neighbouring colonies. The profit of the railways should go to pay off the original debt, by that means they would increase their credit and reduce their liabilities. With regard to the £50,000, whether they borrowed it this session or the next session, was a matter for consideration. After making all deductions from the Estimates, he found that a surplus of £20,000 would be shown from the receipts over the expenditure for 1858. The second item of surplus was £18,000, arising from debentures issued for emigration purposes, and this, added to the probable increase of sales from Crown Lands, which was estimated at £12,000 would amount to £50,000—a sum adequate to providing the amount required.

Mr. BAGOT supported the Bill before the House. He could not but express his thanks to the Government for the manner in which they had taken up the question, and had carried out the views expressed by that House and by the country. On the suggestion of the Attorney-General he would not press his motion on railways, but at some future period he might beg leave to introduce a Bill to authorise the raising of £50,000 to continue the railway to the Light.

Mr. NFALES thought they ought in some degree to succumb to the views of the Upper House; and, with reference to the question before them, he thought it was a very wise policy to raise part of the capital from the general revenue. He believed that they had not allowed enough for depreciation of stock in talking of the railway returns, but they must not talk about profit—they ought to be very well satisfied if they paid the whole of the working expenses. On the South-Eastern Railway the rails had all to be replaced within five years, and he believed the item of wear and tear would soon begin to be severely felt on our own railways. He would willingly adopt the system of taking \$60,000 from the general revenue annually for the construction of railways.

Mr GLYDE would rather take only £30,000 from the general revenue, and £100,000 from the Waterworks fund.

Mr HAY supported the Bill, and he believed the thanks of the House were due to the Government for the way in which they had introduced the question. He cordially approved of the system of taking from the general revenue for the construction of railways. He believed that the country should be reserved, in order to determine the best line north, but to the extent of carrying the line to Section 112, he would cordially support the Government.

The COMMISSIONER OF CROWN LANDS said one of the strongest arguments he had heard in favour of the Bill was, that in a few years money could be borrowed at a much cheaper rate than at present. There was therefore the greater reason for taking something from the revenue. The Bill had his cordial support. The sum now asked for would complete the greater part of the line to Kapunda, including the rolling stock.

Mr BLYTH viewed the Bill as a half measure, as only going half the distance the House were prepared to sanction. He had lately made a visit in the direction of Kapunda, and he must say he came back with the firm conviction that the railway was a very urgent work. It had been asked what was Section 112. He would reply that it was a Government reserve, and he hoped, when the railway was formed, that the Government would lay out the section as a township and sell it at high prices, and so pay some portion of the expenses.

Mr HUGHES would support the Bill on the principle that they were getting at least one-half the amount they hoped to get, but he feared they were thus endorsing the opinion of the other House. By the map laid before them it appeared that Section 112 was not half the way to Kapunda. He did not concur in the course which had been proposed by the Government to use a part of the Waterworks fund for the sum required, and he was glad that means had been devised to avoid it.

Mr. BURFORD would support the suggestion that the clause for taking the £50,000 from the general revenue should be modified to borrowing that amount. By taking money from the general revenue he thought they would be doing injustice to other districts.

Mr PFAKE regarded the policy of the Ministry as a mere expedient. He did not imagine that it involved any principle, but that they were merely asked to meet a difficulty which had occurred in another quarter. Viewing the Bill as one of expediency, he supported the second reading. At the same time he believed it was an unwise and unthrifty use of the revenues of this province to devote them to railways.

The ATTORNEY-GENERAL said this measure had been introduced by the Government, not as that which most accorded with their views, or that which they believed most accorded with the wishes of the House, but because they thought it most likely to come into practical operation. They were quite willing to acknowledge the advantages arising from the Upper House, and to recognize the forethought and sagacity of those hon gentlemen, but with all those favourable elements, they were capable of taking somewhat different views. It was desirable that when a difference of opinion did arise between the two Houses that, if possible, they should make equal concessions. The Bill had accordingly been introduced with that view, and its provisions were as much in accordance with the wishes of that House, as the Government deemed safe, so as not to imperil the passing of the Bill through the other House.

The Bill was then read a second time, and the House went into Committee.

In reference to the second clause,

Mr GLYDE suggested an amendment, that the bonds be payable at dates of not less than five years nor more than twenty-five years after the passing of the Act.

Mr HUGHES trusted that the hon gentleman would explain to the House how so much was required per mile.

The ATTORNEY-GENERAL said the reason why

£130,000 was required in the first instance was, that the Government propose to send for the rails and plant for the whole line.

The amendment was carried, the limits of payment being fixed between five and thirty years.

The ATTORNEY-GENERAL said that all the bonds would probably be issued within fifteen months.

The TREASURER said the Government were satisfied that the Bill would not pass the other House, if they borrowed the whole of the money.

Mr. LINDSAY considered it a mere evasion to stop the line at Section 112, it was evident that the object was to take it to Kapunda.

Clauses 3 and 4 were passed.

Clause 1 (new Bill), "Monies for the construction of railway purposes, how to be provided and applied"

The ATTORNEY-GENERAL proposed an amendment, which he had previously explained.

Mr. TORRENS had intended to introduce an amendment, refusing bonds to be raised to finish the lines to Kapunda, but, owing to the confusion arising from the two Bills, he had missed the opportunity. He hoped a further explanation would be given as to where the £50,000 was to come from.

The TREASURER had already explained that He would again mention that the probable receipts over the expenditure for next year would be £20,000. From exchequer bills, they had recently found that £18,000 more was available out of the £58,000 for the Emigration Commissioners, who were only credited to the amount of £40,000. Then it was confidently expected that a surplus of £12,000 over the estimate would arise from the sale of Crown Lands.

Mr. TORRENS would ask for a further explanation from the hon. gentleman. It was relative to the money in the hands of the Emigration Commissioners, and whether they had taken into account the supply referred to.

The TREASURER explained that on the 1st October, the Exchequer Bills amounted to £58,000. On the 30th, there were £9,000 worth of those bills sold, which realised £11,000. At the time of the last despatch from the Emigration Commissioners, stating that they had no funds in hand, they had not received the last instalment of £20,000.

Mr. TORRENS said it appeared that this money was calculated upon by the Emigration Commissioners to carry on Emigration until October, so that the alleged surplus of £18,000 ended in smoke.

The TREASURER said the hon. member was altogether wrong. In all the accounts laid on the table of that House, there was no notice of that £18,000. It was clear that as it had never been expended, it must be in the Treasury. In the month of October, the Exchequer bills would be sold, and they would find they had that surplus.

Mr. HUGHES said in that case the Emigration funds would last until January. There was evidently a mistake somewhere. He did not think that it was with the Emigration Commissioners, but that it was nearer home.

Mr. GLYDE said it was difficult for a new member to

undertand what might be termed the battle of the Treasurers.

The report was brought up and the Committee obtained leave to sit again on Thursday next.

The House adjourned till next day.

HOUSE OF ASSEMBLY.

WEDNESDAY, NOVEMBER 25.

DISTILLATION.

Mr Bakewell presented a petition from certain wine growers of Argastion and Tanunda, for the repeal of the present distillation laws.—Received and read.

FEDERATION.

The Attorney-General stated, in reply to Mr. Blyth, that the Government intended during the present session to act in accordance with the report of the Federation Committee.

PRIVILEGE

The ATTORNEY-GENERAL wished to refer to proceedings which had lately taken place in the Legislative Council, on the occasion of the Governor assenting to certain Bills. The members of that House had been summoned to attend on the occasion. They had done so, and it would appear that in consequence of the Speaker entering the body of the Council Chamber, a subsequent discussion had taken place in that House, during which it was contended the Speaker might have been turned out ignominiously as a stranger. The Speaker had acted as he considered the case justified, according to precedent and usage, in thus taking his place in the body of the House. The members of that House were officially summoned to attend at the Legislative Council Chamber, and not to attend the bar of the House. That was the language used by the messenger, and it was so reported.

Mr FINNISS would draw the distinction that the Legislative Council had not the privileges of the House of Lords, and it could not be on such an assumption that its members could assert that the members of the House of Assembly could only attend at the bar of the Council Chamber, instead of officially representing their branch of the Legislature on the occasion.

The SPEAKER suggested that some resolution should be adopted by that House before they next attended a summons of that nature.

DIVORCE.

The Attorney-General stated, in reply to Mr. Bakewell, that it was not the present intention of the Government to introduce a Bill for enabling divorces to be effected in this country, but if a copy of the Act recently passed in England in reference to this subject were placed in their hands, they would consider how it could be introduced here in an amended form.

ASSIMILATION OF TARIFFS.

The Treasurer stated, in reply to Mr. Hughes, that he should shortly be prepared to state the views of the Government in reference to an assimilation of the tariff with those of Victoria and New South Wales.

MAIN ROAD THROUGH GAWLER TOWN

Mr Duffield moved that the House resolve itself into Committee to consider the motion standing in his name, that an address be presented to his Excellency the Governor-in-Chief, requesting him to place the sum of £1,000 on the Estimates for the purpose of assisting the Corporation of Gawler to make the main road through that town.—The motion was negatived.

PORT ELLIOT BREAKWATER

Mr. Lindsay moved that the House resolve itself into Committee to consider the following—

“That an address be presented to his Excellency the Governor-in-Chief, requesting him to place upon the Estimates for 1858, the sum of £10,000 for additional breakwater protection at Port Elliot.”

The motion was negatived.

SUPREME COURT RETURNS

Mr. BAKEWELL moved—

“That there be laid on the table of this House the following returns—

“1 A return of the number of causes tried in each year in the Supreme Court in this province since the passing of the Supreme Court Procedure Amendment Act of 1853, distinguishing the number in which the final judgment of the Court has been given on a special finding of the facts by the Jury

“2. A return for the same period of the number of causes referred to arbitration by order of the Judge who tried the same at the time of trial, distinguishing the number of causes in which the Judge appointed a sole arbitrator.

“3 A return for the same period of the number of causes referred to arbitration by consent of both parties at or before the time of trial, and made the subject of a Judge's order of reference

“4 A return of the number of causes in which, at the last Civil Sitting of the Supreme Court, the Judge at the trial directed a verdict to be entered on the facts found specially by the Jury, and the number of new trials granted in causes tried at the same sitting” Those returns could easily be made up, and he thought they would materially assist the House in the consideration of the Trial by Jury Bill.

Mr BAGOT seconded the motion.

The ATTORNEY-GENERAL would take care the returns were laid on the table at the earliest possible moment.

The motion was agreed to.

LEASES GRANTED TO MR. WALSH.

Mr. Hay moved, that there be laid on the table of the House a copy of all correspondence between the Colonial Government and C S Hare, Esq., or others, relating to the leasing of the Government reserve in the District of Highercombe, No 2122, to Mr Walsh, or to Walsh and others, also, a copy of the lease or leases, for one or more years, that may have been granted by the Colonial Government to the said Mr Walsh, or to Walsh and others, of the above reserve—Agreed to

SOUTH AUSTRALIAN INSTITUTE.

Mr Babbage moved that the House go into Committee in order to consider the motion standing in his name—That an address be presented to his Excellency the Governor-in-Chief, requesting him to place upon the Estimates for 1858 the sum of £4,000, to be expended in the erection of a suitable building for the South Australian Institute—The question was put and negatived by a majority of ten.

SAVINGS' BANK BILL

The Bill was read a second time and passed through Committee, leave being given to sit again on the following day.

SHORTENING WILLS BILL

Mr Bagot stated he did not intend to proceed with this Bill until he knew the fate of Mr Torrens' Bill

The second reading was made an order of the day for that day three weeks.

ADELAIDE BUILDING BILL.

The House went into Committee on this Bill, when Mr. Neales moved that the first clause be re-committed. There were several clauses hon members wished to amend, and they had better begun in the order of the list.

Mr HUGHES thought that the Bill should be submitted to some qualified draughtsman, in order to remodel it At present, many parts of the Bill appeared to contradict other parts.

Mr NEALES said the Bill was framed very similarly to the Melbourne Act In fact, one clause which had been specially objected to, was an absolute copy.

Mr. TORRENS would bear out what had fallen from the hon member for the Port, and he suggested that the Bill be postponed, not with a view to delay its passing, but in order that it might be carried through properly. As the Act at present existed, it was full of blunders, and the language was exceedingly ambiguous.

Mr NEALES said he had positive instructions from the Mayor and Corporation to proceed with the Bill.

Mr. TORRENS moved that the Chairman report progress

The ATTORNEY-GENERAL thought the House had a right to complain of the form in which the Bill had been introduced Even if it were framed on a Melbourne Act, it was not essential that it should copy all the inaccuracies that might exist in the original

The House resumed, and leave was given the Committee to sit that day week

REAL PROPERTY BILL.

The House went into Committee upon this Bill, when

Mr. TORRENS moved the reading of Clause 12

Mr HUGHES complained that the Bill had been submitted to them in an immature state. As far as it had proceeded, amendments of a most serious character were being introduced If the principle of the Bill was to be entirely changed it had better be withdrawn and another substituted. With that view he would move that the House resume.

The ATTORNEY-GENERAL could not help adverting to the injustice shown by the hon member for the Port to the mover of the measure He had no objection to refer the matter to a select committee, or to go through the matter clause by clause, if the hon gentleman wished it.

Mr. TORRENS explained that he had devoted a very considerable time to the Bill. He had lately received a copy of Lord Campbell's Law Reform Act from England, and he was surprised to find to what an extent his own measure was assimilated with it.

Mr BABBAGE seconded the motion for referring the matter to a select committee.

Mr. BAGOT would ask the hon. member for the city, if he would adjourn the question until to-morrow, in order that they might compare the new clauses While he agreed with the principle of the Bill, he objected to the mode by which it was proposed to carry it out.

Mr BURFORD hoped that the Bill would be proceeded with as it was known to be the result of ten years consideration on the part of Mr Torrens

Clauses 12 to 29 having been disposed of,

Mr. TORRENS introduced in place of the 30th, a new

clause, by which all property would be compulsorily brought under the operation of the Act at the end of six years.

The ATTORNEY-GENERAL opposed the clause, and

Mr TORRENS did not press it in consequence of the thinness of the House

Clauses 30 and 81 were passed, and the Chairman reported progress, obtaining leave to sit again on the following day.

The House then adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, NOVEMBER 26.

ASSIMILATION OF TARIFFS

The Treasurer laid on the table a despatch on the subject of the assimilation of colonial tariffs — The despatch was read and ordered to be printed.

WASTE LANDS.

The Commissioner of Crown Lands stated that the Government intended to alter the present regulations for granting pastoral leases of unoccupied land, and the new regulations were under the consideration of the Cabinet. The Government did not recognise any preferential claim on the part of Messrs Baker, Hack, and others, for the lands discovered by Mr. Hack:

FIRE BRIGADE.

The Attorney-General stated, in reply to Mr Lindsay, that there was no organized fire brigade here that he was aware of, at least connected with or under the control of the Government. Whether it would be desirable to make any alteration in the system at present in force would be for the House to determine.

CONSTRUCTION OF DWELLING HOUSES.

Mr. LINDSAY moved—

“That a Select Committee be appointed to enquire into the possibility of constructing dwelling-houses so as to be comparatively incombustible, without materially increasing the cost of such houses, with a view to incorporating in a Building Act for that portion of Port Adelaide within the jurisdiction of the Corporation of that place such clauses as will tend materially to diminish the danger and to check the spread of fires that may in future arise in that locality.”

The ATTORNEY-GENERAL would not oppose the appointment of a select committee, but he would suggest that that portion of the motion which confined the enquiry to Port Adelaide should be struck out, and that the following should be added.—“And of enabling fire-engines, whether belonging to the Government, Fire Insurance Companies, or others, to be made available for combined action, under officers duly authorised, in checking the action of fires.”

Mr. LINDSAY adopted the suggestion.

The motion was agreed to, and a Select Committee appointed, to report on Friday, the 18th December.

REWARD FOR THE DISCOVERY OF COAL

On the motion of Mr HUGHES the House went into Committee for the consideration of the motion standing in his name —“That an address be presented to his Excellency the Governor-in-Chief, requesting that a sum of £1,000 be placed on the Estimates as a reward to be paid to the person who shall first make known to

the Government the existence of a workable coal-field on the waste lands, and that a public notification of such reward be issued in the *Gazette*.”

Mr HAY seconded the motion.

The ATTORNEY-GENERAL said it would be useless to lock up such a sum by placing it on the Estimates. Should coal be discovered, no doubt that the discoverer might rely on the liberality of the House to reward him. He opposed the motion on that ground.

Dr Wark, Mr Torrens, and Mr Marks supported the motion.

Mr HUGHES said his object in offering the reward was, that any traveller, or bushman, or other person, who discovered a good seam of coal should be assured of a reward.

The TREASURER said he had no doubt if a workable coal-field were discovered, the House would award a larger sum to the discoverer than £1,000. He would suggest that the sum should not be fixed.

Mr HAY seconded the motion of the hon member for the Port, if there was any fault in the motion, it was that the sum of £1,000 was not large enough.

Mr MILDRED moved, as an amendment, that the sum be increased to £2,000.

Mr. BONNER moved an amendment, or rather an addition, to the clause, after the word “Gazette,” “provided that such reward be not given in respect of any land grant about to be granted under a mineral lease.”

Mr NEALES would point out that a person might take out a lease with a view to prosecute a discovery. It would not be fair, when that coal was discovered, to take away the lease.

Mr TORRENS thought the reward should not be made contingent on the feeling of the House at the time of the discovery. He would support the sum of £2,000, and trusted it would be required.

The COMMISSIONER OF CROWN LANDS considered that if the House agreed to the motion, words ought to be added that the reward should be given under terms to be approved of by the Executive.

Mr. PEAKE suggested that the motion should be made more definite. The workable coal-field should be proved as well as discovered.

The COMMISSIONER OF PUBLIC WORKS said the question came to this, where was the money to come from?

Mr NEALES thought that the £2,000 could be obtained by knocking off some useless item. He was sure that no persons would be more willing than the Government to pay the £2,000, although they were not willing to own it.

Mr BURFORD would oppose the vote if he did not think it one of a reproductive character.

Mr YOUNG was surprised that the Government found such a difficulty in raising £2,000 for such a desirable object, when they could raise so much larger sums for their own purposes.

The ATTORNEY-GENERAL said the Government had been called on by the almost unanimous wish of that House, to provide some means of carrying out a most

important work, the extension of the railway to the north, and the Government had provided not only money for passing that Bill, but means of passing it through the other branch of the Legislature. That was a great and most important work, and he could see nothing inconsistent in the policy of the Government in refusing applications for £1,000 or £2,000 for minor matters when it was a question how to provide means for such a national object.

Mr BONNEY'S amendment was negatived on a division, by a majority of one.

At the suggestion of Mr LINDSAY, the word "commercially" was inserted before the word "workable."

With this modification, the amendment of Mr MILNREB was carried.

The House resumed, and the report was adopted.

THE YATALA AND BLANCHE.

Mr FINNISS moved—

"That, in the opinion of this House, the marine service of the Government can be carried on more economically by the casual hire of steam or other vessels, and that, therefore, the Yatala and Blanche should be sold for the benefit of the public."

He believed the sale of those vessels would be productive of a great advantage to the colony. They were very expensive, and he maintained that they were not required. The colony was no longer in its infancy, and as to those vessels being required to visit the lighthouses, it was quite unnecessary, as they now had steamers.

Mr BURDORD seconded the motion.

The TREASURER said that some two or three years ago he had the honour to make very similar remarks in the House. But there was this difference between the force of his statement and that of the hon gentleman, that the lighthouses since erected created an additional service to be performed in supplying rations, &c. There were the new lighthouses erected at Cape Borda, at Cape Northumberland, and on the Troubridge. He did not consider that they had attained to a complete system of marine surveys, and for these reasons he would ask the House whether it would not be better to allow the Yatala to remain in the service for the present, while the Government could enquire what the expense would be to supply the lighthouses by tender. It must be remembered that certain local knowledge was required in supplying lighthouses. For instance, in rough weather, the point where to land on Troubridge Shoal.

The SPEAKER called attention to the fact that it was 3 o'clock.

Mr FINNISS moved that the Standing Orders be suspended.

The motion was negatived.

RESTORATION OF TRIAL BY JURY BILL.

Mr HUGHES, in moving the second reading of this Bill, said it had lately been passed by the other branch of the Legislature. He had taken up the Bill simply because, having been passed by the House, it was the duty of some hon gentleman of this House to take it up. The object of the Bill was to restore the law of trial by Jury to the position in which it stood previous to the passing of the Bill of 1853. He trusted that the legal gentlemen in the House would more fully explain the nature of the measure than himself.

Mr BAGOT seconded the motion.

The ATTORNEY-GENERAL had hoped to have heard some announcement of the alteration which this Bill would effect in the existing state of the law, and also to what extent the clause of the Bill proposed to be repealed was an infringement of the principle of trial by Jury. With regard to the clause which authorized the Judge to require the Jury to find on special facts, that clause did nothing more than give the right which had existed almost from the time when trial by Jury was instituted. He would support the second reading.

Mr BAGOT thought the last clause had better remain as it was than that the Judge should have the power to refer the cause at the wish of any party alone.

Mr NEALFS objected to the clap trap trial of the Bill, but he was still in favour of it, for he believed great evils had resulted from the existing law, and that they should be removed.

Mr BAKEWELL supported the Bill. The first clause objected to was unnecessary, and with regard to the second, great evil had resulted from cases being referred to arbitration without the consent of the parties themselves. He had a small opinion of Juries as they now existed, the institution was almost worn out. It was monstrous in civil cases that twelve ignorant, uneducated men, whose talk was of bullocks, should be put in a box to exercise powers of mind they did not possess.

Mr BONNEY was in favour of the Bill, although he admitted it would be better to do away with the system altogether than to allow ignorant men to decide on nice points of law.

Mr ANDREWS was in favour of the Bill. He viewed the existing power of Judges to refer all matters in dispute to arbitration against the wish of the parties as monstrous.

The second reading of the Bill was agreed to, and the House went into Committee *pro forma*, with leave to sit again that day week.

GAWLER RAILWAY EXTENSION BILL.

In Committee

The remaining clauses of the Bill were passed without discussion, and the Committee obtained leave to sit again on Tuesday next.

SAVINGS BANK BILL.

Two clauses were recommitted and verbally amended. The Bill was agreed to, and the report was adopted. The third reading was made an order of the day for the next day.

REAL PROPERTY BILL.

In Committee

Clauses 33 to 74 inclusive were passed. Clause 48. "Mortgagee empowered to sell. Reserved.

Clauses 49 to 55 inclusive were agreed to.

The House resumed, and leave was obtained to sit again on Wednesday next.

The House adjourned till next day.

HOUSE OF ASSEMBLY.

FRIDAY, NOVEMBER 27.

PRYMAN'S PATENT.

Mr Blyth, as Chairman of the Committee on Pryman's Patent, brought up the report of the same,

which stated that the preamble had been proved. The second reading was fixed for Tuesday next.

SAVINGS BANK BILL.

Read a third time and passed

CITY WATERWORKS BILL

The ATTORNEY-GENERAL moved that he have leave to introduce a Bill to repeal part of an Act No 28 of 1855-6, and to alter the yearly sum thereby required to be set apart. His object, as he had already stated, was to repeal the raising of a sum of £80,000 for the City Waterworks, thus reducing the loan to be provided for that purpose to £200,000.—Leave was given, the Bill was read a first time, and the second reading was fixed for Tuesday next.

RÉAL PROPERTY BILL

The ATTORNEY-GENERAL moved the second reading of this Bill. It was not, he considered, necessary for him to impress on the House the necessity for a Bill to amend the law relating to real property. What would be the fate of the present measure in the other House he could not say, but he anticipated it would be supported by the unanimous feeling of the House of Assembly. Its chief object was to repeal the law which gave the real estate of persons dying intestate to the heir-at-law to the prejudice of all other relations, and to distribute the property among the family. The next portion of the Bill was a provision which would diminish the expense and add to the security of property by a system of covenants. There was a provision for the purpose of enabling persons to obtain an indefeasible title, a provision to which he confessed he attached great importance. The title would be obtained through an officer of the Court, a title absolutely good as against all other claimants. By the means he proposed the great expense of the existing system would be almost entirely done away with. There was another provision limiting the period within which actions might be brought relating to covenants of land.

Mr BAKWELL supported the second reading, but at the same time he would confess that he was disappointed that the Bill did not go far enough. It did not sufficiently alter the present system; and he could still foresee how difficulties could creep into titles. There was another objection, which was the mode in which the existing defects in title were proposed to be got rid of. He could not see how this Bill provided to deal with bad titles. He would suggest that a provision should be made for making titles marketable where the defects were merely of a technical character. With regard to destroying the law of primogeniture, he had no doubt the House would assent to it.

Mr. HUGHES would certainly vote for the second reading of this Bill, although he thought the two Acts would not work harmoniously. The two Bills would have to be considered simultaneously, and he trusted that in course of the session they might mature a Bill that would be creditable to the Legislature.

Mr. BLYTH had found several difficulties in the Bill, and he certainly considered that it was inferior to the measure proposed by the hon Mr Torrens. There was one clause in the Bill before them in reference to which an eminent lawyer had told him that even a lawyer would be unable to understand it. He would therefore move that the Bill be referred to a select committee.

The SPEAKER said that it would be more in order to make such a motion after the question of the second reading.

Mr. TORRENS considered that the motion for a select

committee was equivalent to postponing the Bill for that day six months. A select committee was quite unnecessary, especially when it was considered that they had the result of the labour of a select committee appointed to examine into the subject by the House of Commons.

Mr BABBAGE thought the select committee could bring up its report in ten days. The House generally had affirmed the principle of Mr Torrens's Bill, but what he wanted was, that with one Bill of two clauses, and another of sixty clauses to select the portions of each Bill, which it might be desirable to combine into one measure.

Mr BURFORD would support the second reading of the Bill, with a view to it being made useful to Mr. Torrens's measure.

Mr PEAKE supported the Bill, but he would divide the first from the other parts, for he was very anxious to see the law of primogeniture altered.

Mr NEALFS was in favour of referring the matter to a select committee.

The second reading was agreed to, and the House went into Committee *pro forma*.

Leave was obtained to sit again on Tuesday next.

ESTIMATES.

IN COMMITTEE

Cottage residence for the Governor at the Park, £1,000. Passed.

Renewal of fence at Government Farm, £500. Passed.

Planting Government Domain, £100. Passed.

Female Depot, Port Robe, £150.

The COMMISSIONER of PUBLIC WORKS said this was merely to pay for a building to be used as a custom-house. It was formerly a female depot. Passed.

Officers' quarters, Robe Town, £83. Passed.

Clearing the channel of the River Murray, £3,000.

The TREASURER said New South Wales had granted a vote for this work, but the expenditure would be confined to our part of the river, if the other colonies did not assist. Passed.

Continuance of tramway to Yankalilla, £550. Passed.

Maintenance of settlers, £3,000. Passed.

Subsidy for steam postal communication, £15,000. Passed.

Aid to Trinity Board for lighthouse, buoys, and moorings, £5,200. Passed.

Stationery, £1,500. Passed.

Fuel, £2,000. Passed.

Premiums for horse stock and agricultural implements, £200.

Mr. HARVEY moved that all the words after "stock" be struck out, so that the amount for horses might be increased.

Mr. BABBAGE objected to the amendment.

Dr. WARK would rather see horses struck out altogether.

Mr. PEAKE would insert the words "live stock" only.

Mr. BURFORD would let the object be carried out on the voluntary principle only.

Mr HUGHES said it was of as great importance that the rising community should see fine implements and horses as that they should listen to abstract lectures on logic at a Mechanic's Institute

The item was passed as printed.

The House adjourned to 1 o'clock on Tuesday next

LEGISLATIVE COUNCIL

TUESDAY, DECEMBER 1

THE CONSTITUTION ACT.

Major O'Holloran presented a petition from Mr T B Strangways, of Glenelg, praying the Council to maintain the Constitution Act in its integrity, and to prevent members of the Houses of Parliament from holding any paid offices—Received, read, and ordered to be printed

RAILWAYS

Captain Bagot presented a petition from Mr H. Gilbert, praying that railways might be allowed to be constructed in this colony with British capital, 6 per cent being guaranteed to the lenders—Received, read, and ordered to be printed.

VICTOR HARBOUR

Mr Everard presented a petition from 588 persons in the south-eastern parts of the colony, praying that Victor Harbour might be improved and rendered safe for shipping—Received, read, and ordered to be printed

SAVINGS' BANK BILL.

Read a first time, and the second reading fixed for next day.

LEAVE OF ABSENCE

Mr. Stirling obtained leave of absence for 12 months to enable him to visit England.

NEW TERRITORY

The Chief Secretary moved that an address be presented to his Excellency the Governor-in-Chief, requesting him to take such measures as he may deem best calculated to obtain the additions to this colony of that portion of the territory of New Holland lying between its western and the eastern boundary of Western Australia, and between the twenty-sixth degree of south latitude and the southern coast. He observed that the territory nominally belonged to New South Wales, and was situated between South Australia and Western Australia. From the latter province it was cut off by a barren desert which was quite impassable, and from New South Wales it was separated by Victoria and South Australia. He did not think that either New South Wales or the Home Government would raise any objection to the annexation

Mr. Forster seconded the motion, which was carried

VICTOR HARBOUR.

The Chief Secretary stated in reply to Mr. Baker that the Government had placed £8,000 on the Supplementary Estimates of 1857 to procure snag-boats for the River Murray, and a sum of £3,000 was provided for the same purpose in the Estimates of 1858. It was not intended at present to make any further outlay in connection with the Murray or its vicinity.

ALIENS NATURALIZATION BILL.

This Bill was read a third time and passed, and transmitted to the House of Assembly.

PRIVILEGE.

A short and rather irregular discussion took place on the question of Privilege, after which the House adjourned till the following day.

HOUSE OF ASSEMBLY.

TUESDAY, DECEMBER 1

RAILWAY TO THE BURRA.

Mr Blyth presented a petition from Henry Gilbert, requesting the House to support the passing of a Bill to enable a certain English Company to form a railway to the Burra, and requesting a guarantee of 6 per cent.—Received and read.

SUPERANNUATION FUND.

The Treasurer handed in the report of the Select Committee on the Superannuation Fund. They advised that the Superannuation Act should be repealed, and that the whole of the amount subscribed by Government officers to the fund should be repaid with 10 per cent. interest, calculated to the 31st December next. There were also some special recommendations as to particular claims. In lieu of good service pay, it was proposed to introduce a Bill to make adequate provision.—The report was ordered to be printed.

GAWLER RAILWAY EXTENSION BILL.

IN COMMITTEE

The ATTORNEY-GENERAL proposed to recommit certain clauses and to alter them so that only £40,000 should be raised out of the general revenue; thus making the total £120,000, instead of £130,000

Clause 1 Recommended.

The ATTORNEY-GENERAL moved that the word "fifty" be struck out, and the word "forty" be inserted.

Mr HUGHES thought they had better give the power of borrowing £100,000 at once, and take £30,000 from the general revenue, instead of the amount proposed.

Mr TORRENS would move an amendment that the words "£50,000" be struck out altogether, and that the borrowing power be increased by that amount. It appeared to him incredible that any one in the colony should doubt their ability to incur such a paltry debt.

The TREASURER must oppose the striking out the clause, as the doing so would in all probability defeat the Bill. It must be evident to the House that the present Bill was framed to meet the several objections of the other House.

Mr BAGOT regretted the course taken by Mr. Hughes and Mr. Torrens. He could not consider the conduct of the former gentleman consistent, after his recently expressed desire to withdraw minor objections, in order to facilitate the passing of the Bill.

Mr HUGHES did not agree with Mr. Torrens in striking out the clause; he simply proposed to take such an amount from the revenue as he considered the revenue could bear.

Mr TORRENS would point out that when the former Bill was thrown out by the Legislative Council, it was only by a majority of one, and it was deserving consideration that two gentlemen who opposed it were about to leave the colony. He was credibly informed that the £19,000 which was relied on from the Emigration Commissioners, had already been expended, and the available balance would therefore be reduced to £31,000.

Mr BLYTH could not help thinking that the hon. Mr. Torrens was practically opposing the Bill, although not confessedly so.

The COMMISSIONER of PUBLIC WORKS believed that the Bill would not be passed if the amendment were.

carried. He considered that the hon gentleman was bound to the principle of the Bill, after his former statements.

Mr FINNISS would support the Government on the present question.

Mr SMEDLEY supported the Government.

Mr BABBAGE was not prepared to oppose the majority of the House by a side wind, or in an underhand way, and he had already stated that he withdrew any opposition.

Mr COLE believed the principle of using part of the revenue for the benefit of one part of the colony injurious to other districts.

Mr HAY would vote for the £40,000, but he hoped it was not the utmost limit of surplus which the Treasury would admit.

Mr PEAKE said if the money were taken merely as an expedient to meet an unforeseen difficulty, he would support the object, but if it were to be considered as a principle to form a precedent, he opposed it altogether.

Mr TORRENS suggested that the bonds should be made payable, either in London or in this colony. But as the amount of the bonds was only £80,000, he would not divide the House on the subject.

The TREASURER did not believe that such a system would be found to be advantageous.

Clause 20, Recommended. The words £130,000 were altered to £120,000, and the clause passed as amended.

The Preamble was passed, with a verbal alteration.

The title was agreed to, and the report was adopted. The third reading of the Bill was made an order of the day for Wednesday.

REPEAL OF PART OF ADELAIDE WATER-WORKS BILL.

The ATTORNEY-GENERAL proposed to reduce the amount to be raised for the Adelaide Waterworks by £80,000, it being considered that that sum would not be required at the present time.

The Bill was read a second time.

IN COMMITTEE.

Clause 1—Repeal of authority to borrow more than £200,000. Passed.

Clause 2—£20,000 per annum to be set apart instead of £28,000. Passed.

Preamble and title were agreed to, and the House resumed.

The report was adopted, and the third reading made an order of the day for Wednesday.

REAL PROPERTY BILL.

The further consideration of this Bill was made an order of the day for Wednesday.

PORT AND GAWLER RAILWAY COMPLETION BILL.

IN COMMITTEE.

Clause 4—£7,300 to be set apart annually for payment of interest and principal. Passed.

Clause 5. Passed.

A sixth clause was proposed and passed, in order to deal with lands not claimed within a given time. The marginal note of the clause was—"Extension of powers for the compulsory purchase of lands."

The preamble and title were agreed to.

Mr LINDSAY moved the recommittal of the first clause, with a view to rendering the amount proposed to be raised to £57,000 instead of £73,000.

The motion to recommit the clause was negatived.

Clause 2 recommitted. Words were inserted to make the bonds payable at dates of not less than five and not more than thirty years.

The House resumed, the report was adopted, and the third reading made an order of the day for the next week.

ALIENS NATURALIZATION BILL.

A message from the Legislative Council informed the House that this Bill had passed the Council with certain amendments—The amendments were ordered to be considered on Thursday next.

ESTIMATES.

IN COMMITTEE.

Main roads, £70,000.

In answer to Mr. FINNISS,

The COMMISSIONER OF PUBLIC WORKS said he had very little power over the expenditure of the Central Road Board, except as to refusing the money.

Mr. FINNISS said that, by passing this item, they adopted the scale of appropriation which had been laid on the table.

Mr. SCAMMELL called attention to the dangerous state of the lower half of the Port-road, which, he believed, was not safe for Her Majesty's subjects to travel over. He moved that £70,000 be struck out and £73,000 inserted, the difference to be appropriated to the repair of the road in question.

The SPEAKER said the item could not be increased without an address to the Governor.

Mr. BLYTH thought the whole of the address of the hon. gentleman, would be met by the statement of the Superintending Surveyor of that road, that \$9,000 would be required to place the road in an efficient state of repair. He was sure they could not afford that.

Mr. FINNISS was afraid that the claim founded on the argument; that the Port-road was injured by traffic for railway formation, was untenable. If such a claim were allowed, almost every district council in the colony would have a right to make similar claims. He would vote for the item as it stood.

Mr. PEAKE offered a series of calculations to show the amount of the funds required for the maintenance of roads was gradually increasing, and that a continuance of the system would, in the course of a few years, tie up the funds of the colony. He moved that the sum of £75,000 be reduced to £37,000, that being the actual cost of maintenance of existing roads.

Mr. LINDSAY seconded. He was an advocate of a cheap and efficient system of railways, which he had no doubt would be productive.

Mr. HUGHES would state that the Port-road involved a principle which would have to be settled. He believed that a toll was the only way to make the traffic pay for the facilities of the road.

Mr. TORRENS believed that the cost of maintaining a system of tolls would be from 30 to 50 per cent. on the amount raised, such a system would be most unwise.

The item was agreed to.

Grants in aid of District Councils and Municipalities in accordance with the resolution of the House of Assembly, £25,000. Passed.

Reprinting *Gazette* notices in German newspaper, £52. Agreed to

Botanical Gardens, £1,500 Passed.

Survey of the coast, £500.

In answer to Mr Finniss,

The TREASURER said it was intended to survey the coast westward. Passed

Steam Postal Service for Port Lincoln and Port Augusta, £1,000.

The TREASURER, in answer to Mr Babbage, believed there was no objection to the steamer calling at one of the southern jetties, that would be a part of the contract if possible

Electoral charges, £1,500 Passed.

Collecting statistical information, £1,000 Passed.

Exploring Expedition to the Northern Interior, £2,000

Mr NEALE hoped the amount set down would be sufficient, or that a larger sum would be demanded.

The TREASURER said the Ministry would not hesitate to spend a larger sum if necessary, and take the responsibility on themselves.

Mr. PEAKE objected to the vague wording of the item.

The COMMISSIONER of CROWN LANDS said the Government did not like to put a larger sum on the Estimates than they thought would be wanted. The leadership in this case would probably be offered to Mr. Babbage, who would no doubt, be prepared, if the vote were passed, to lay a practicable scheme before the Government.

Mr HAY trusted that in future expeditions the instructions would be followed. He would ask if the second £300 was to be paid to Mr. Hack

The COMMISSIONER of CROWN LANDS stated that the accounts of Mr Hack's expedition would be laid before the House. The whole amount was £1,780. At present he had only received his salary of £300, and it would have to be considered whether he had any further claim.

Mr. TORRENS would not pay Mr. Hack a farthing more than his salary.

Mr PEAKE did not think the House should vote money for little rides in the bush.

The COMMISSIONER of CROWN LANDS said the country in question had been divided into eighteen or nineteen runs, averaging from 45 to 400 square miles, which would be offered at auction about March next. Altogether there were 4,500 square miles, which would probably fetch 10s a mile.

Mr BABBAGE would say that £2,000 would not be enough, and he would be no party to leading an expedition into the interior without the means of stopping out for a twelvemonth.

The item was agreed to

The Committee obtained leave to sit again on Thursday next.

The House adjourned till the next day at 1 o'clock

LEGISLATIVE COUNCIL.

WEDNESDAY, DECEMBER 2.

PORT AND GAWLER RAILWAY BILL.

WATERWORKS ACT

A message was received from the House of Assembly, containing the Port and Gawler Railway Completion Bill, and the Bill for repealing part of the Waterworks Act.

The Bills were read a first time, and the second reading of the Railway Completion Bill was made an order of the day on Tuesday, and the Extension Bill for Thursday.

DINHAM'S PATENT BILL

Read a first time, and referred to a Select Committee.

MARRIAGE BILL.

Captain Bagot moved, that an address be presented to his Excellency the Governor-in-Chief, praying him to reserve the Marriage Bill recently passed by this Council for the approval of her Majesty. Major O'Halloran seconded the motion, which was agreed to.

SAVINGS BANK BILL.

This Bill was read a second time, and passed through Committee, the third reading being made an order of the day for Tuesday next, until which day the House adjourned

HOUSE OF ASSEMBLY.

WEDNESDAY, DECEMBER 2.

MARRIAGE SETTLEMENT.

Mr. Blyth presented a petition from John Taylor, praying the House to grant a Bill to extend the powers of the trustees under the marriage settlement of Edwd. Stirling and his wife. Received and read.

VICTOR HARBOUR.

Mr. Babbage presented a petition signed by 588 persons, praying that Victor Harbour may be made a shipping port, and that the tramway from the Goolwa may be extended to that harbour and to Strathalbyn — Received and read.

ANNIVERSARY OF THE COLONY.

The Attorney-General, in reply to Mr. Hallett, stated that the Government had not any intention of placing on the Estimates a sum for the celebration of the 21st anniversary of the colony at Glenelg.

PRIVILEGE

Mr. Neales wished to know by what authority the map before him had been placed on the table, because he found that it showed that the bed below the Queen's Wharf was dry at low water. Now, that was incorrect, and the map was evidently prepared with a party object — The Speaker said an envelope had been placed on the table, but nothing of that kind had been formally laid on the table of the House. It had no official character.

GRAND JURIES.

The Attorney-General stated in reply to Mr. Hughes, that the Government did not intend to introduce a Bill to restore Grand Juries

MR. C. H. WEBB.

The Attorney-General stated in reply to Mr. Lindsay, that Mr. Charles Holton Webb once kept a public-house, but he could not say whether he was the person who was recently reprimanded by Judge Boothby.

WATER SUPPLY REPEAL BILL.

Mr. Lindsay moved that this Bill be thrown out, as, if

it were passed, it would set aside the drainage of the city—Mr Neales hoped the Bill would be rejected, otherwise the whole system of drainage would have to be abandoned.—The Bill was read a third time and passed.

PORT AND GAWLER RAILWAY COMPLETION BILL.

Read a third time and passed.

THE DRAV ACT.

Mr. Torrens stated he had been informed that persons driving their carts through the city with reins, and having full and sufficient command of their horses, had been fined. In a climate like this, where the heat was very intense, it was only fair that carters should be allowed to ride in their vehicles. He asked leave to introduce a Bill to relieve drivers of certain public vehicles from the hardships to which they are at present subject.—The motion was agreed to.

CUSTOMS OFFICERS FOR THE RIVER MURRAY.

Mr TORRENS moved the House into Committee to consider the motion standing in his name—

“That an address be presented to his Excellency the Governor-in-Chief, praying that a sum may be placed on the Estimates for the year 1858, sufficient to provide a salary for an officer of Customs, to be stationed on the River Murray.”

There was no part of the Administration with which he was more dissatisfied than the Customs regulations relative to the Murray. He trusted that if the motion were carried, the Ministry would cause a sum to be placed on the Estimates for the purpose of building a Custom house.

Mr. HUGHES seconded the motion. Last year the commission on the duties collected at the Goolwa for the neighbouring colonies, amounted to £900, whereas the expense of collecting was only £250.

The TREASURER said it was not the intention of the Ministry to oppose the motion of the hon. member.

Mr HAY supported the motion, and would suggest that it should include a residence for the officer.

Mr MARKS opposed the motion, as he considered that it would involve a useless expenditure of money.

Mr TORRENS thought it would be useless to place the officer near the boundary, the stations of Blanchetown or the Thirty-nine Sections would be preferable.

The motion was agreed to, and the House resumed.

PETITION OF HENRY GILBERT.

Mr. Blyth moved that this petition be printed—Mr Burford would vote against the petition—Mr. Neales also opposed the petition, because it was from the same person who had endorsed a map recently placed on the table of the House. He had just looked into that document, and had found seven or eight of the grossest blunders—Mr. Blyth said the petition had no connection with that map, and he hoped the House would allow the petition to be printed.—The motion was agreed to.

CIRCUIT COURTS.

The Attorney-General moved that he have leave to bring in a Bill to provide for the Establishment of Circuit Courts—The Bill was read a first time, and the second reading fixed for Tuesday next.

The Attorney-General moved that leave be given to introduce a Bill to appoint a third Judge and to provide for the establishment of Circuit Courts.—Leave was given, and the Bill was read a first time.

REPEAL OF CIVIL SERVICE AND SUPERANNUATION ACTS.

The Attorney-General moved that he have leave to bring in a Bill to repeal the Civil Service Act and the Superannuation Act, and to make other provisions in lieu thereof. The principles of this measure had already been stated to the House by the hon. the Treasurer. It proposed to classify officers into five grades. It also made provision for a good service pay and a superannuation fund—Leave was given, the Bill was read a first time, and the second reading made an order of the day for Tuesday next.

REMISSION OF A PRISONER'S SENTENCE.

The Attorney-General, in reply to Mr Mildred, said the circumstances which led to the liberation of Robert May before expiry of the period of his sentence were, that a memorial most numerous signed was presented to his Excellency. The property taken was very small, and that, together with the peculiar circumstance of the case, caused the Executive to remit part of the sentence.

GAWLER RAILWAY EXTENSION BILL.

This Bill was amended in Committee, to the effect that the bonds should be payable in not less than five and in not more than thirty years—The House resumed, and the third reading was made an order of the day for Thursday.

PERYMAN'S PATENT BILL.

Mr Hay moved that a Bill to secure a patent to William Peryman for the prevention of fire from locomotives be read a second time—The Bill was read a second time, and passed through Committee, the third reading being made an order of the day for Thursday.

REAL PROPERTY BILL.

This Bill was further considered in Committee, and the Committee obtained leave to sit again on Wednesday next.

The House adjourned till next day.

HOUSE OF ASSEMBLY

THURSDAY, DECEMBER 3.

THE TWO HOUSES.

Mr. FINNISS moved—

“That this House is of opinion that the Legislative Council should direct their officers to prepare accommodation within the body of that House for the Speaker and members of the House of Assembly, whenever they are required, on the summons of his Excellency the Governor-in-Chief, to be present in the Chamber of the Legislative Council at the delivery of any message intended for both Houses.”

His object in bringing forward the present motion was, that the matter might be brought officially before the Legislative Council, in order that the question might be settled by both Houses. He was desirous of obtaining by the message some standing order from the other House which would obviate a recurrence of the humiliating position to which they were lately reduced.

Mr HUGHES said it appeared to him that there was no necessity to assent to the resolution, it would be an interference with the other House. He trusted that the good sense of the Legislative Council would induce them to make provision for the suitable accommodation of the other House. He trusted that the motion would be withdrawn.

Dr. WARK concurred with the last speaker, and

opposed the motion. He considered that they should allow the other House the privileges of the Lords at home.

Mr. BURFORD had hoped the motion would be carried without comment, for the case was so obvious. The other House had already sanctioned the distinction between their constitution and the Constitution at home; and he, therefore, imagined they would no longer have attempted to keep up invidious distinctions. So long as such distinctions were allowed, such sources of fretful misunderstanding would constantly appear.

Mr. MARKS hoped the hon. member for the city would withdraw the motion. The other House was the House of Lords of South Australia, and he thought that so far they could require the members of the House of Assembly to attend only at the bar.

The ATTORNEY-GENERAL hoped the hon. gentleman would withdraw the motion, inasmuch as the language of the resolution would convey more than was intended. He would suggest that the Speaker should put himself in communication with the other House to arrange for the necessary accommodation, and should he fail to come to some satisfactory arrangement, he could report to the House.

Mr. PEAKE could not agree with the motion of the hon. member for the city. He could not see how they could adopt any other system with respect to the communication between the two Houses, than that which prevailed at home. It was no source of humiliation to act as did the members of the House of Commons.

Mr. MILNE could not help expressing his surprise to find such a motion before the House, for when he referred to the hon. the mover's speech on privilege, he found that he dwelt forcibly on the analogy between the House of Commons and the House of Assembly.

Mr. SMEDLEY thought the resolution embodied the essence of their rights. He was of opinion that, both as a matter of right and of courtesy, the Legislative Council should invite the members of the House of Assembly to attend within the bar of the House.

Mr. FINNISS was satisfied with the expression of opinion that had proceeded from the House, and he would consent to withdrawing the motion.

The SPEAKER pointed out that if the matter were left to the Speaker to decide he must have the authority of a formal motion.

Mr. FINNISS said that the motion he had prepared might have included that object, but he was willing to withdraw it at the wish of the House, inasmuch as the question must be decided sooner or later, he thought the present time a very suitable opportunity. He begged leave to withdraw the motion.

IMPOUNDING ACT.

Mr. Blyth asked leave to introduce a Bill to amend the laws relating to the impounding of cattle. Mr. Harvey seconded the motion. Mr. Finnis supported the motion, which was agreed to.

The Bill was read a first time, and the second reading was made an order of the day for that day week.

PRIVATE BILL.

Mr. Blyth moved that he have leave to introduce a Bill to enlarge the powers of the trustees under the marriage settlement of Edward Stirling, Esq., and his wife. Mr. Bagot seconded the motion, which was agreed to.—The Bill was ordered to be printed.

STATISTICAL INFORMATION

Mr. Krichauff moved that a return be laid on the table showing the amounts paid to the different collectors of statistical information for 1856, as nominated by each District Council, and the sums at which such collectors are engaged for 1857, also, the corrected assessments, and the approximate area of each district, as computed from the maps in the Land Office, also, what sums have been paid, and what area has been allotted to persons supplying statistical information in such parts of the colony not included in District boundaries.—The motion was carried in a slightly amended form.

VICTOR HARBOUR AND STRATHALBYN.

Mr. Babbage moved that the petition he had presented on the previous day be printed.—The motion was agreed to.

ADELAIDE WATERWORKS.

The Commissioner of Public Works laid on the table a report from the Commissioners of the Adelaide Waterworks.

ADELAIDE BUILDING BILL.

Mr. Cole moved that this Bill be made an order of the day for Thursday next. He called the attention of the House to a misprint in the Bill.—The Speaker, while admitting the mistake was the fault of the printer, would add that it was the only mistake that session.

PERYMAN'S PATENT BILL.

Read a third time, and passed.

GAWIFR RAILWAY EXTENSION BILL.

This Bill was read a third time and passed.

RESTORATION OF TRIAL BY JURY BILL.

The Attorney-General asked the hon. member who had charge of the Bill to postpone it to next Wednesday, because he had some amendments to propose, which were not ready.—Mr. Hughes agreed to the suggestion, and did not sympathise with the remarks which had been made in the other House with reference to the Supreme Court, and the administration of justice there.—Mr. Bagot concurred, that if such remarks as had been uttered by the other House were to prevail they had better shut up the Supreme Court altogether, and adopt some other means of administering justice.

ALIENS NATURALIZATION BILL.

Mr. Bakewell moved the House into Committee to consider amendments of the Legislative Council to the Aliens Naturalization Bill.—The amendments, with the exception of those referring to clause 19, were agreed to.

The House resumed, and the report was adopted.

ESTIMATES.

Immigration, £40,000.

In answer to Mr. Finnis,

The COMMISSIONER OF CROWN LANDS said the regulations relating to emigration were in a state of forwardness.

Passed

Contingent reward for the discovery of a workable coal-field, £2,060. Passed.

Good Service Pay and Superannuation Fund, £3,200. Passed

Pensions, Retired Allowances, Gratuities, £1,110 10s 9d. Passed

Coroner's Department, £595

The TREASURER said this item had been postponed in order to ascertain whether the Adelaide Police Magistrates would be able to attend to the duties. He found

that could not be arranged; he therefore proposed that the item for Coroner should stand at £300.

The item was passed.

The TREASURER moved that the report be brought up, as there was a full House, and it would be, therefore, a convenient opportunity to discuss the contingent motions.

Police recommitted.

Mr LINDSAY moved that the item of £100 for fees for the police to destroy dogs be struck out

The TREASURER said he would have no objection to have the item struck out. It was likely that the next year they would have to vote £100 for the same purpose.

Mr. BAGOT said if the hon member had moved about town at night as much as other hon members, he would be aware of the nuisance, and often of the personal attacks by these curs.

Dr. WARK had often been attacked by curs to his great personal risk.

The item was agreed to
Ecclesiastical, £550

Mr BURFORD would move that the item for Ecclesiastical be reconsidered.

A division was called for, and the numbers being equal, the Speaker gave his casting vote in favour of the ayes.

Mr BURFORD really did not think it was necessary for him to say anything more. The fact of a provision being placed on the Estimates for remuneration operated as a bar to many men to attend to such duties. Under those circumstances he would move that the item be struck out

Mr MILNE said, before the hon gentleman asked the House to strike out the item, he should show that the prisoners would be attended to on the voluntary principle

The TREASURER did not consider that retaining that item would be inconsistent with the general principle of withdrawing State Aid for religious purposes. Clergymen would go and preach in any part of the colony but the gaol, but they would not go there, because that would be acknowledging that some member of their congregation was confined there.

Mr HALLETT would be sorry to see the vote objected to

Dr WARK believed that ministers of religion would attend gaols without remuneration.

Mr. SMEDLEY would not like to have the present system set as de, without seeing some other system adopted

Mr BONNEY would agree to strike out the item, if a retiring allowance were voted to the colonial chaplain

The ATTORNEY-GENERAL would say that, with regard to the salary of the Colonial Chaplain, and the sum which was placed on the Estimates for religious instruction at the Dry Creek, he would vote that they be retained. He looked on the vote as involving no recognition of State Aid to religion, but as intended to support an office created by an Act of Parliament, without any reference to the principle in question

Mr MACDERMOTT supported the vote as it stood.

Mr. FINNISS considered the question involved a great principle. He did not think that it could be considered as a matter of State Aid, inasmuch as it was the duty of the State to attend to the religious instruction of its prisoners

Mr MILDRED proposed that the item for the Colonial Chaplain should be reduced to £200, and that £150 be distributed, amongst ministers of different denominations.

Mr SMEDLEY seconded.

Mr BURFORD imagined that the Treasurer had misconstrued the motives which actuated clergymen with reference to attendance on prisoners. He believed a sense of duty would be an all-powerful object in influencing ministers to attend without reference to remuneration.

The SPEAKER put Mr Burford's motion, which was lost by a majority of 11.

Mr MILDRED submitted his amendment.

Mr. GLYDE would agree to the amendment, if the £150 were to be under the control of the department instead of the Colonial Chaplain

The SPEAKER put the first part of the amendment, that the item for the Colonial Chaplain be £200.

The motion was lost, on a division, by a majority of two

Mr GLYDE moved that the £150 be divided amongst ministers of all denominations.

The TREASURER would like to know how the item was to be divided.

Mr. GLYDE would leave it to the Attorney-General

Mr BAGOT hoped the Government would give attention to the subject

Mr BONNEY proposed that the item be divided into weekly sums

The ATTORNEY-GENERAL said, if the House wished, it, the Government would prepare a plan.

Mr NEALES supported the suggestion of the hon Mr Bonney.

Mr MACDERMOTT would wish to know if the motion were to include Mormons.

Mr. SMEDLEY did not think there were any Mormons amongst the prisoners.

Mr HUGHES said the practical working of the proposal would be to give so much a week amongst ministers to scramble for

Mr. SCAMMILL thought no evil would arise from placing the money at the disposal of Mr Hare.

Mr HAY was in favour of paying a reasonable amount to a particular person for performing the duties, or striking out the item altogether

Mr GLYDE would add to his amendment, "under regulations to be issued by the Governor."

The amendment was agreed to, and the item passed as printed.

HARBOUR DEPARTMENT

Mr FINNISS moved that the Harbour Department be reconsidered. It appeared to him that there was something radically wrong in the department, for the Harbour-Master while receiving a good salary, was constantly allowed to leave on other service. But the contingencies were what the most objected to. Should the item be recommitted, he intended to propose that the £1,000 for wages, and for the Blanche, be struck out.

The motion was agreed to.

Mr FINNISS moved that the sum of £1,000 for wages and repairs to vessels be struck out.

The TREASURER explained that there were sufficient lighthouses at present to keep a vessel like the Yatala constantly at work to supply them; besides it was highly important to carry on the survey on the western coast, it was absolutely necessary. To his knowledge, there were more than a dozen shoals in that direction, which were not indicated in any chart.

Mr BONNY said the question was, whether the service could be more economically performed by private vessels, and in this matter he was rather disposed to trust the Government.

Mr MARKS supported the amount now upon the Estimates. As to the cutter Blanche, she might be very usefully employed in rough weather as a pilot cutter.

Mr LINDSAY would feel it his duty to vote against the item.

Mr HAY suggested that the steamers subsidized to go to Port Lincoln and Port Augusta might be employed to supply the lighthouses in their track.

The motion was lost.

Mr FINNISS moved that the item of £1,000 be reduced to £500.

The TREASURER said, if the sum were reduced to £500, it would render the vessels useless.

The amendment was lost, and the item passed as printed.

The House resumed, the report was adopted, and the appropriations agreed to according to the resolutions.

THE NORTH ARM.

Mr Lindsay moved, that an address be presented to his Excellency the Governor-in-Chief, requesting him to place upon the Estimates for 1858 a sum of money sufficient for the erection of a wharf adjoining the extremity of the road recently completed at the North Arm to facilitate the loading and unloading of ships of too great a draught to be accommodated at the present wharves with their full cargo on board.—The Commissioner of Public Works called attention to the fact that there was no House.—The Speaker declared the House adjourned till 1 o'clock the next day.

HOUSE OF ASSEMBLY.

FRIDAY, DECEMBER 4.

THE FIRST GOVERNOR.

Mr Neales presented a petition from John Hindmarsh, the son of the first Governor of the colony, praying that the House would take claims into consideration with reference to his property at Encounter Bay.—Received and read.

PRIVATE BILL.

Mr. Blyth moved, that a Bill entitled an Act to extend the powers of the trustees under the marriage

settlement of Edward Stirling and his wife be read a first time.—The motion was agreed to, and a select committee appointed to enquire into the same.

THE WESTERN TERRITORY

The Commissioner of Crown Lands moved, that an address be presented to his Excellency the Governor-in-Chief, requesting him to take such measures as he may deem best calculated to obtain the addition to this colony of that portion of the territory of New South Wales lying between its western boundary of Western Australia and between the 26th degree of south latitude and the south coast. This address had already been agreed to by the Legislative Council.—The motion was agreed to.

REAL PROPERTY LAW CONSOLIDATION BILL.

The Attorney-General moved that the further consideration of this Bill be an order of the day for Tuesday next.—The motion was agreed to.

INSOLVENT BILL.

IN COMMITTEE

Clauses 100 to 110 were passed without discussion.

Clause 111 "Court empowered to imprison insolvent not exceeding three years for certain offences."

Mr BAKFWELL considered that the Commissioner should have power to punish, but that his authority should be limited to sending the case to a Jury.

Mr BAGOT asked the Attorney-General to allow this clause to stand over.

The ATTORNEY-GENERAL said the difference between this and the English Act was, that the power granted to the Commissioner under the English Act was limited to particular cases, whereas in this Act the power was more general. If the House wished it, he would consent to postpone the clause.

Mr BAKFWELL said it was a great and fundamental principle that a man who had committed a great crime should be tried by his peers, and not by the decision of any one man.

Mr BAGOT considered that the offences enumerated, upon which it was proposed that the Commissioner should adjudicate, could be very well tried by a Jury.

Mr NEALES was of opinion that the Commissioner was better qualified than a Jury to enter into all the minutiae of the case.

Mr BAKFWELL considered that trial by Jury was the real palladium of English liberty—one of the dearest rights of the subject. He only maintained that common Juries could not always understand civil cases.

Mr NEALES believed the best plan that could be adopted would be to leave the power to the Judge with a power of appeal.

Mr GLIDE suggested that the clause be postponed. He hoped that the 10th section of the Bill with reference to time-bargains would be modified.

Mr BURFORD approved of the clause as it stood, and in saying so he was aware that he was just as likely as any other member of the House to come under the operation of the Act by misfortune or otherwise.

Mr BAGOT said the whole question was, whether they should treat bankrupts as criminals or not from the first.

Mr NEALES said his remarks only went to condemn

the man who contemplated fraud from the first. Time-bargains were pure gambling, as he knew to his cost, having been a sufferer.

The ATTORNEY-GENERAL said the clause carried out the original idea that a creditor was entitled to payment, or the person of the debtor in satisfaction, so far that the Commissioner might, on sufficient cause, commit the debtor, not as a felon, but as a debtor, for a term not exceeding three years. That was only just when the Commissioner was convinced of misconduct on the part of the debtor. He saw great force in the suggestion of the hon member (Mr Glyde), and would, although he did not now propose to postpone the clause, be willing to submit a definition of the offence referred to.

The COMMISSIONER of CROWN LANDS desired to secure protection for the fair trader, while he deprecated too great severity of punishment.

Mr SWEDLEY considered the Bill a good net to catch rogues.

Mr BAKWELL moved, as an amendment, that in page 30 the lines 24 to 40 inclusive be struck out, and the following words inserted—"That if any insolvent shall be suspected of or charged with the commission of any of the offences hereinafter specified, the Court may direct the assignees to institute and carry on a prosecution of such insolvent for such offence, and to order that the cost and expenses incurred in such prosecution shall be paid out of his estate or effects, and such assignee shall thereupon institute and carry on such prosecution accordingly."

The clause was passed as printed. Also clauses 112 to 117 with the exception of 114, which was postponed.

Clause 118, "Insolvent having obtained his certificate, free from arrest."

The ATTORNEY-GENERAL, in answer to Mr Glyde, said in the case of a creditor away temporarily from the colony, he would be barred if he did not bring forward his claim. Of course if the insolvent were examined, and made a false statement on the subject, there would be a remedy against him on that account.

The clause and clauses up to 137 were passed.

Clause 138, "Certain extra-colonial creditors excluded from dividends"

Mr HAY suggested that this clause be struck out on account of the injustice which would be inflicted on creditors residing out of the colony.

After some discussion, the clause was postponed.

The next twelve clauses were passed.

Clause 139, "Paying surplus to insolvents"

Mr BAKWELL suggested that the English plan should be adopted, of paying insolvents a per centage of the amount produced from the estate.

A clause was introduced embodying this amendment.

The ATTORNEY-GENERAL would not object to the introduction, in this part of the Bill, of a new clause proposed by Mr Bakewell, allowing insolvents to retain furniture, &c, to the extent of £30 in value.

Clause agreed to.

Mr. BAKWELL proposed another new clause empowering the Judge to order furniture, &c, to stand over where he thought fit, so that the insolvent might retain it if there were to be good dividends.

Mr NEALES would oppose the clause, unless it provided for a bond being given that the value of the goods would be forthcoming when required.

Mr. HAY would give the Official Assignee power to sell, unless a Judge's order interfered with it.

The ATTORNEY-GENERAL would prepare a clause to that effect.

The next six clauses were passed.

Clause 157, "Creditors authorised to vote" Passed.

Clauses 158 to 163, "Arrangement clauses," were postponed.

The Committee obtained leave to sit again on Wednesday next.

The House adjourned till 1 o'clock on Tuesday next.

LEGISLATIVE COUNCIL.

TUESDAY, DECEMBER 8.

LEAVE OF ABSENCE

Mr Angas obtained leave of absence for twelve months.

GAWLER RAILWAY EXTENSION BILL.

Read a first time.

PERYMAN'S PATENT BILL.

Read a first time.

COMPENSATION

The Chief Secretary stated, in reply to Mr Forster, that the sum of £210 14s 4d had been paid to Mr. B T Finnis as compensation for deficiency of acreage and expenses of trial at the Supreme Court in contesting a claim to a portion of a road running along the side of a section belonging to that gentleman.

PORT AND GAWLER RAILWAY COMPLETION BILL

This Bill was read a second time and passed through Committee, the third reading being fixed for Thursday next.

DINHAN'S PATENT BILL.

The report upon this Bill was brought up.

SAVINGS' BANK BILL.

Read a third time and passed.

FLECTION OF MEMBERS BILL.

This Bill was withdrawn.

The House adjourned till the following day.

HOUSE OF ASSEMBLY.

TUESDAY, DECEMBER 8.

SUPERANNUATION FUND.

Mr Blyth presented a petition from Alfred Hardy requesting that the case of Charles Barton Newnham with reference to the Superannuation Fund might not be prejudiced by his absence.—Received and read.

Mr. Hallett presented a petition from John Hance, requesting that his case, with reference to his superannuation allowance, might be heard before the House by counsel or otherwise.—Received and read.

PRIVATE ACT.

Mr Blyth brought up the report on the Stirling Estate Bill.—The report was read, and the Committee found that the preamble was proved.—The report was ordered to be printed, and the consideration of the second reading fixed for Wednesday.

APPROPRIATION BILL FOR 1857 AND 1858

The Attorney-General laid on the table a Bill for the further appropriation of the revenue of the year 1857 and for the general appropriation of the year 1858.—Read a first time, the second reading was fixed for Wednesday.

CIRCUIT COURTS BILL

The ATTORNEY-GENERAL moved that a Bill to establish Circuit Courts and for the appointment of a third Judge be read a second time. Hon members were aware that up to the present time the Supreme Court of the province conducted the whole of its business in the Supreme Court House. For some time after the establishment of that Court, that arrangement was found to be sufficient, but the increase of legal business now rendered it advisable to establish Circuit Courts, and to appoint a third Judge.

Mr. TORRENS would propose an amendment. He thought that at the present advanced stage of the session, when an adjournment was shortly expected, and when they found that the business was attended but by thin Houses, such an important measure could not receive due consideration, he therefore moved that the Bill be read that day six months. His second objection was that the Judges of the province had not been consulted as to the advisability of the measure. The appointment of a third Judge was quite unnecessary, and would be a useless expenditure. Then, again, the hon. gentleman proposed to abolish the system of fines. Had the hon. gentleman proposed to appoint four assessors, instead of a Jury of four, he would not have so much demurred, but to refer criminal cases to the judgment of four men, he objected to altogether.

Mr. BONNEY would oppose the burdening of the revenue by the appointment of a third Judge. He would suggest that the duties of the Judges should be in some degree relieved, by the extension of the administration of local courts.

Mr. HUGHES opposed the Bill. With regard to the proposal to establish Juries of four, he objected altogether to such a principle.

Mr. BLYTH voted for the second reading, and suggested that Juries should be selected from persons peculiarly acquainted with the business involved in the trial.

Mr. PEAKE suggested that the measure should be postponed, and brought forward in a modified form to suit the objections that had been made.

Dr. WARK suggested that the Bill should, at the present advanced period of the session, be withdrawn.

Mr. MILDRED supported the amendment.

The question was put and carried on a division by a majority of nine.

The Bill was then read a second time, and Committed. The House resumed, and the further consideration of the Bill made an order for Friday.

SAVINGS BANK BILL

A message was received from the Legislative Council, enclosing this Bill as amended by that House.

CIVIL SERVICE BILL

The TREASURER moved the second reading of this Bill. The House had repeatedly affirmed the necessity for such a measure, and the present Bill had been framed on the recommendations of the select committee. The Bill proposed to raise a fund for persons who retired under certificate of ill-health, or were over 60 years of age. Had such a regulation existed previously, nearly all the recipients of pensions would still be in the service. The hon. gentleman referred to the very different premiums paid at different ages to secure an annuity of £100 when arrived at sixty, to show the error that had been committed in the principle of the former Bill.

Mr. HUGHES had read the report of the select committee, and never saw one that gave so little information. But one witness had been examined, fourteen questions were asked, and the sum of his answer was that he had no data applicable to South Australia. He hoped the House would not support the motion, and would move the previous question.

The ATTORNEY-GENERAL said that all persons who retired had a full claim to the extent to which they were entitled under the Act. They retired on the faith that £10,000 should be set apart, and the Committee had been instructed to deal with that amount. Supposing they gave the £10,000 and left the old Act as it stood, then he maintained the retired officers would be in a worse position than they would be placed in by the Bill. A new law must be passed, and, when considering the provisions of that law, he would not be indisposed to consider any claim, not only in a just but in a liberal spirit.

Mr. PEAKE opposed the Bill.

Mr. MARKS supported the previous question. If they refused to pay the pensions, they might as well hereafter refuse to pay the South Australian bonds.

Mr. MACDONOTT considered that all persons who had retired were entitled to their pensions for life.

Mr. BURFORD had heard no argument to satisfy him that the Legislature having voted one £10,000 should vote another. He would support the second reading of the measure.

Mr. HAY supported the second reading, convinced that the retired parties were not entitled to more than £10,000.

Mr. FINNISS moved the adjournment of the debate until Friday next.—Agreed to.

The House adjourned till next day at 1 o'clock.

LEGISLATIVE COUNCIL

WEDNESDAY, DECEMBER 9.

RAILWAY EXTENSION BILL.

The second reading of this Bill was postponed till the following day.

ALIENS NATURALIZATION BILL

The consideration of this Bill was postponed till the following day.

DINHAM'S PATENT BILL

This Bill was read a second time and passed through Committee, the third reading being made an order of the day for Thursday next.

The Council adjourned till the following day.

HOUSE OF ASSEMBLY.

WEDNESDAY, DECEMBER 9.

NOARLUNGA.

Mr. Blyth presented a petition from the District Council of Noarlunga, requesting that the House would not vote £1,600 for the erection of a bridge over the Onkaparinga. Received and read.

DURATION OF THE LEGISLATIVE ASSEMBLY.

Mr. FINNISS moved—

"That he have leave to bring in a Bill to limit the

duration of the Legislative Council, and to declare the powers thereof with respect to money Bills."

He had put the motion in that shape, so that the discussion should have a particular direction, in order to meet the difficulty. He expected to be met with objections owing to the lateness of the session. But he would observe that this motion had arisen out of the experience of this session, which showed that there was a great mistake in their construction; and it was therefore the duty of every public man to endeavour to remedy a mistake of such vast importance. He would gladly see the Government take up the question, and if so, he would willingly leave it in their hands. So long as the question was brought forward he was satisfied. If the Government would introduce such a Bill, or even the other House would do so, he would let it drop. Rather than the Government should take up the subject in such a way that they would stand or fall by it, he was satisfied to take it up himself. Defeat was nothing to him, if he were only allowed to do his best.

Mr PFAKE supported the introduction of this Bill, chiefly because he thought it desirable to make things certain which had been hitherto doubtful. But he objected to the proposal to limit the duration of the Legislative Council to a shorter period than at present.

Mr TORRENS, while he would not oppose the Bill, could not concur in the means it suggested to meet the difficulty. He would maintain that the introduction of such a measure was not respectful to the other House, and that it was in direct violation of their privileges, and he contended that all questions affecting the rights and privileges of one House should be introduced in that House. He did not believe that the measure would have any practical result for the present, but the discussion would give rise to mature consideration on the part both of the House and the country during the recess, and a measure might be passed in the next session.

Mr HUGHES maintained that the question of privilege was only to be settled by time. He would ask hon. members if there had been any public demonstration in this colony which would enable them to judge what view the majority of the public maintained on the constitutional question. He therefore maintained that the motion was premature.

Mr NEALES thought it was very advisable that some Bill should be laid on the table to meet the defects of the Constitution Act, but he could not agree with all the provisions proposed.

Mr BURFORD voted for the introduction of this Bill, in the hope that no more of the time of the House would be taken up for this session.

The question was put and carried.

PORT ELLIOT

The Commissioner of Public Works stated, in reply to Mr Lindsay, that it was not at present the intention of the Government to do anything towards the completion of the works commenced by a former Government, with the view of rendering Port Elliot a secure harbour for shipping engaged in the Murray and coasting trade.

BRIDGE AT THE ONKAPARINGA MOUTH.

The Treasurer stated, in reply to Mr Mildred, that the Government were prepared to place £1000 on the Supplementary Estimates for 1858 to erect a bridge on the Onkaparinga near Port Noarlunga, providing a guarantee were given that the sum would be sufficient to complete the bridge.

MR JOHN HINDMARSH.

Upon the motion of Mr Neales the petition of Mr. John Hindmarsh was ordered to be printed.

SAVINGS BANK BILL.

The House agreed to the amendment made by the Legislative Council in this Bill.

REAL PROPERTY BILL.

This Bill was further considered in Committee, and leave was given to sit again on Thursday next.

TRIAL BY JURY BILL.

The further consideration of this Bill was stoned till Wednesday next.

INSOLVENT BILL.

Postponed.

SURPLUS REVENUE.

The House having resolved itself into Committee, the Treasurer moved that £10,434 4s 11d excesses in votes from the ordinary revenue of 1856 stand as printed.—Agreed to.

Excesses in votes from Land Fund Revenue of 1856, £186,805 19s 5d. Agreed to.

The report was brought up and adopted.

ELECTORAL ACT REPEAL BILL.

This Bill was read a first time, the second reading being fixed for Friday next.

STIRLING'S ESTATE BILL.

This Bill was read a second time and passed through Committee, the third reading being fixed for the following day.

MR. JOHN HALLETT.

The petition of this gentleman was ordered to be printed.

APPROPRIATION BILL.

The Treasurer, in moving the second reading of this Bill, remarked that it was not the intention of the Government to put a stop to the important measure before the House, the Real Property Bill, by prologuing any earlier in consequence of the Appropriation Act being passed.—Mr. Burford, for fear that the Real Property Bill should be thrown over for another session, moved that the second reading of the Appropriation Bill be postponed for a month.—This motion was not seconded, and after some discussion the Bill was read a second time and passed through Committee, the third reading being made an order of the day for the next day.

The House then adjourned.

LEGISLATIVE COUNCIL

(THURSDAY, DECEMBER 10.

PORT AND GAWLER RAILWAYS COMPLETION BILL.

This Bill was read a third time and passed.

DINHAMS PATENT BILL.

This Bill was read a third time and passed.

WATERWORKS AND DRAINAGE BILL.

The Chief Secretary, in moving the second reading of this Bill, explained that in the Bill of 1856 it was proposed that £116,000 of the money to be raised should be expended in providing the city with deep sewerage, a plan by which the liquid manure was to be run off and the solid matter deposited and deodorized, but it had been since found in England that no sur-

able pipes could be made for the purpose, and that the deposited matter, when deodorized, was not worth even 2s 6d. per ton. On that account the idea had been abandoned, and, as no other system of deep drainage could be substituted at a less cost than half a million, it was proposed that surface drainage should be adopted as in Victoria. It was proposed to apply the £80,000, which would thus be drawn from the Waterworks to the proposed railway extension. He would move that the Bill be read a second time.—Mr. Forster seconded the motion.—The Bill was read a second time, and passed through Committee. The report was brought up and adopted.

MESSAGES FROM THE HOUSE OF ASSEMBLY

Messages were read notifying the passing of the Appropriation Bill, the Stirling Estate Bill, and also that the Savings Bank Bill and Dinham's Patent Bill had been agreed to as received from the House of Assembly.

The Appropriation Act and the Stirling Estate Bill were read a first time. A Select Committee was appointed to report on the preamble of the latter Bill on Tuesday next, for which day the third reading was fixed.

RAILWAY EXTENSION BILL.

The motion for the second reading of this Bill was carried by a majority of 8 to 5. Tuesday next was fixed for its consideration in Committee.

The Council adjourned till Tuesday next.

HOUSE OF ASSEMBLY.

THURSDAY, DECEMBER 10.

WELLINGTON FERRY.

The Commissioner of Public Works stated, in reply to Dr. Wark, that in a few days he should be in a position to report with reference to the changes contemplated respecting Wellington Ferry.

RETURNS

Mr. Mildred complained that returns which he had moved for with reference to all pluralities under the Government, and also with reference to Boards and Commissions, had not yet been laid upon the table.—The Commissioner of Public Works said the majority of the returns were already before the House, but some of them had not yet arrived at his office.

PETITION OF HENRY GILBERT.

Upon the motion of Mr. Blyth the House went into Committee to consider the petition of Henry Gilbert.

Mr. BLYTH said the question was reduced to this, would the Government encourage the construction of railways in this colony by private capital. The petition proposed to construct a line to the Burra. He would move the following resolutions—

"1. That this House approves of the principle enunciated in the petition of Mr. Gilbert, namely, that railways in this province should be constructed, maintained, and worked by companies or others providing capital for the purpose, and that encouragement should be given thereto by the Colonial Parliament, by a guarantee of interest on capital so employed, to an extent not exceeding 6 per cent per annum, whenever the profits derivable from traffic shall fall short of that amount."

"2. That the House will give due consideration to any Bill or Bills that may at any time be placed before it, purporting to be for railway extension in accordance with the foregoing resolution, and that shall fully and explicitly set forth the particular line proposed, with its direction and locality, the proposed

mode of construction, the actual sum for which a guarantee will be required, and all other matters connected therewith."

Before the House pledged itself to any guarantee whatever they would necessarily obtain the completest information on the proposed line. He would not even object to reduce the amount of interest to 5 per cent. Should the profits reach more than a certain percentage, a clause would be inserted in the Bill authorising the Government to share in the surplus profits.

Mr. TORRENS having heard the resolution, was sorry that he must oppose it.

The TREASURER, in the earlier days of the colony, would have preferred to have railways constructed by private companies, but, since the Government had already undertaken to construct the main railways, he thought they could continue to do so with the most advantage to the colony.

Mr. LINDSAY advocated the advantages of the Government constructing railways.

Dr. WARK pointed out that if the railways were constructed by the Government, their borrowed capital would be paid off about the time when they would cease to have Crown Lands for sale, and the railways would then be found a vast source of profit.

The COMMISSIONER of CROWN LANDS hoped the House would waste no more time on such a preposterous resolution.

The Speaker put the question, which was lost by a majority of 16.

The House then resumed.

COMPLETION OF GAWLFR AND PORT RAILWAYS BILL.

A message was received from the Legislative Council, transmitting this Bill with amendments, which were ordered to be considered on Tuesday next.

DINHAM'S PATENT BILL.

This Bill was received from the Legislative Council, with an amendment, which was agreed to.

RAILWAY FROM THE GOOLWA TO STRATHALBYN

Mr. Lindsay moved, that a select committee be appointed to enquire into the cost of constructing a railway from the Goolwa to Strathalbyn, to be worked at an average speed of not less than 20 miles per hour for passenger trains, and not less than 12 miles per hour for goods trains, so as to pay all expenses, including depreciation, under rates or tolls not exceeding fourpence per ton per mile for goods, and not exceeding threepence per mile for first-class passengers.

Mr. Torrens was unwilling to appoint a select committee, when he was satisfied the House would make no use of the result of their labours, for it would be most impracticable to construct a railway on the route required.

The Speaker put the question, which was negatived by a majority of 3.

STIRLING ESTATE BILL.

Read a third time and passed. Ordered to be transmitted to the Legislative Council.

APPROPRIATION BILL.

Read a third time and passed.

IMPOUNDING ACT AMENDMENT BILL.

Mr. Blyth moved the second reading of this Bill, which was a consolidation of the laws relating to the impounding of cattle.

Mr. Torrens seconded the motion.

Mr Lindsay was sadly afraid the Bill would be of but little practical use.—The motion was agreed to, and the House went into Committee *pro forma*. Leave was given to sit again on Wednesday next.

ADELAIDE BUILDING BILL

In Committee

Mr Neales said the Bill had, by the advice of the City Solicitors, been reduced to four short clauses. He would therefore have to move the recommitment of the clauses.

Mr Blyth asked the Chairman of the Committee recently appointed to consider the most effectual means of extinguishing fires, if any progress had been made towards drawing up a report.

Mr Lindsay said that there had been one meeting at which he had been appointed Chairman. Since then there had been three meetings, at which only himself and the reporter had attended.

Mr Neales read the proposed 1st clause, which was intended to prohibit the erection of wooden or other inflammable materials.—Passed.

Mr Neales moved the adoption of the 2nd clause, imposing a fine for the continued use of dangerous buildings, and authorising the removal of such buildings by the City Council.—Passed.

The other substituted clauses were adopted without remark.

Mr Neales said, in answer to Mr Hughes, that the whole of the clauses relative to building were abandoned for the present, as it was thought there would be no chance of passing them this session.

Mr Hughes moved the insertion of a clause empowering the Governor to extend the provisions of the Act to other corporate towns.—Carried.

Committee adjourned to Friday.

REAL PROPERTY LAW CONSOLIDATION BILL

The Attorney-General's Bill was postponed till Friday.

REAL PROPERTY BILL.

In Committee.

A number of clauses were recommitted on the motion of Mr Torrens, and verbally amended.

Several new clauses were also brought forward in manuscript by the same hon. gentleman and adopted upon his motion.

Mr Glyde moved the insertion of the words "under the operation of this Act" in the 75th clause.—Carried.

The Council resumed, the report was brought up and adopted, the Bill was ordered to be printed, and the third reading was made an order of the day for Tuesday.

CONSTITUTION AMENDMENT BILL.

Mr. Finnis laid on the table a manuscript copy of the above Bill. It was read a first time, and ordered to be printed.

INSOLVENT BILL.

The remaining clauses and schedules in this Bill were passed.

On the motion of Dr Wark, the 6th clause was re-committed for the purpose of inserting Mr Mann's name as first Judge of the Insolvent Court.

The Committee obtained leave to sit again on Friday next.

The House adjourned till 1 o'clock next day.

HOUSE OF ASSEMBLY.

FRIDAY, DECEMBER 11.

VACATION OF SEAT

Mr. Bonney presented a petition from B. T. Strangways having reference to the vacation of seats by accepting appointments to offices of profit and pension under the Crown, and praying the House to take measures to carry out the Constitution Act in its integrity.—Received and read.

WALKERVILLE.

Mr. Andrews presented a petition from numerous inhabitants of Walkerville, praying for certain alterations in the District Council Act.

GLENELG JETTY.

The Commissioner of Public Works stated, in reply to Mr. Milne, that he would shortly lay upon the table the report relative to the state of the materials for the Glenelg Jetty.

FINANCE.

The Treasurer, in reply to Mr. Hughes, said there was a balance on the Estimates of £22,000. The receipts from the Land Fund were estimated at £200,000, but the receipts proved that there would be an excess of £20,000 on that estimate, which would be quite sufficient for the railway purposes. The Ministry would keep within the sums voted generally, and the amount voted for immigration would not be exceeded.

EXEMPTION FROM ARREST

Mr. Hughes having brought under the notice of the House the fact of Mr. Dawes having been arrested for debt, and subsequently released by a Judge's order, on the ground that he was a member of that House, gave notice that he would move on Wednesday that the House take into consideration whether members should have freedom from arrest for debt or not.

VENTILATION OF THE HOUSE.

Mr. Torrens called attention to the defective state of the ventilation of that House, and expressed a hope that during the recess something would be done to remedy the defect. Several members expressed a similar hope.

CIRCUIT COURTS BILL

The consideration of this Bill was postponed.

CIVIL SERVICE BILL

The debate upon the second reading of this Bill was resumed.

Mr. FINNIS intimated that he should support the Government proposition, although he should probably find it necessary to move amendments in Committee. The question was a very difficult one, and he approved of the principle that officers should make provision for themselves.

The COMMISSIONER OF CROWN LANDS said the Bill was, in fact, not a Government measure, but merely the recommendation of the Select Committee to whom the consideration of the question had been referred.

Mr. BONNEY contended that the prospect of promotion should be the reward of good service, and the good-service, or increased pay, should go to the Superannuation Fund.

Mr. NEALES believed that a very small addition to the £10,000 would be sufficient to carry out the original intention of the Government.

Mr. MILNE pointed out that the great defect of the

old system was that the payments were voluntary—a system which could never succeed. The question was an exceedingly difficult one, and the Committee, after mature consideration, had recommended a plan which had already been recognised, namely, good-service pay in addition to salary.

Mr BLYTH considered that the House was responsible for the £10,000 only. Many clerks in the service had told him that all they wanted was, to have their money paid back to them, and in order to do that, he would act liberally, and would not be tied to the £10,000 exactly.

Mr. TORRENS strongly objected to the last clause, which regarded the claims of Messrs. Lipson and Gilbert as special. He had great respect for Mr. Gilbert, but he saw no justice in considering his claims so much beyond the claims of other long-trying and valued servants.

The COMMISSIONER of PUBLIC WORKS would support the new Bill, in the hope of introducing some plan that was satisfactory.

Mr SMYDLEY supported the second reading, believing that by this Bill justice would be done.

Mr BAGOT supported the second reading, because the £10,000 could be increased in committee if thought desirable.

The TREASURER said the duty of the Committee was simply to consider the claims of the servants under the Act, and the Bill was prepared accordingly. He maintained that justice had been done to the retired servants.

The second reading was agreed to, and the Bill was considered in Committee *pro forma*.

Leave was obtained to sit again on Tuesday next.

ADELAIDE BUILDING BILL.

Several clauses in this Bill were recommitted and amended, and the Committee obtained leave to sit again on Tuesday.

ELECTORAL LAW AMENDMENT BILL.

The COMMISSIONER of PUBLIC WORKS, in moving the second reading of the Bill, explained in what manner the electoral notices were to be distributed and filled up under this Act, and pointed out that it proposed to save £15,000 by doing away with quarterly courts of revision.

The TREASURER seconded the motion.

Mr. BAGOT stated that, in committee, he should propose an amendment in the clause relating to Courts of Revision.

Mr TORRENS would not oppose the second reading, but was sorry that this Bill did not seek to reduce the number of general elections, by dividing the colony into districts for electing members to the Upper House.

Mr BLYTH said it would be a good plan to let the business of election by tender. He would not have the gagging clause done away with altogether, but would allow speech-making on the hustings.

The ATTORNEY-GENERAL said the object was to bring forward a Bill that would reduce the expense of the old system, and stand a chance of being carried in the other House. Therefore no clauses were inserted to divide the colony into districts, and he hoped the House would keep that in view.

The second reading was agreed to, and the Bill was considered in Committee *pro forma*.

Leave was obtained to sit again on Tuesday next, until which day the House adjourned.

LEGISLATIVE COUNCIL.

TUESDAY, DECEMBER 15

GAWLER RAILWAY EXTENSION.

The Chief Secretary laid on the table plans, sections, and books of reference of the proposed extension of the railway to Section 112.

FOREIGN CAPITAL FOR RAILWAYS.

Captain BAGOT, the House having gone into Committee, said he was not, in the motions standing in his name, at all connected with the petition before the House from Mr. Henry Gilbert. His object was to bring under the notice of the Council the probability of propositions being made by English capitalists to construct railways with their own capital, if they thought the Legislature would consent to guarantee them against loss. The resolutions he had to propose were as follow:—

"1 That this Council approves of the principle enunciated in the said petition, namely, that railways in this province should be constructed, maintained, and worked by companies or others using their own capital for the purpose, and this Council will consent to encourage and support such undertakings by a guarantee of interest on capital so employed, to an extent not exceeding 6 per cent per annum, whenever the profits, derivable from traffic shall fall short of that amount."

"2 That, in accordance with the foregoing resolution, this Council will concur in any legislative enactment passed by the House of Assembly for railway extension that embodies these principles, and that details fully and explicitly the direction and localities of the proposed line—the proposed mode of construction and management—the actual limit of cost not to be exceeded, and upon which a guarantee of interest is to be given, and all other necessary matters of explanation."

Mr. FORSTER seconded the resolutions.

Mr W SCOTT not only objected to giving a guarantee of 6 per cent to any company that might start up, but he objected to that part of the resolutions which spoke of agreeing to any railway extension assented to by the House of Assembly.

Mr DAVENPORT must also vote against the resolutions.

Mr MORPHETT agreed with the general principle enunciated by the resolutions, but whilst he thought that railways should be carried out by private capital, and that a percentage should be guaranteed, he did not approve of the mode in which the resolutions were framed.

Mr FORSTER was in favour of any principle that approved of the use of foreign capital in this colony, but he decidedly objected to the resolutions as they stood.

Captain BAGOT obtained leave to amend the resolution, as follows:—

"That this Council approves of the principle that approved Parliamentary lines of railways in this province should be constructed, maintained, and worked by companies or others using their own capital for the purpose, and this Council will encourage and support such undertakings by agreeing to a guarantee of interest on capital so employed, to an extent not exceed-

ing 6 per cent. per annum, whenever the profits derivable from traffic shall fall short of that amount."

The resolution was lost by a majority of one.

RAILWAY COMPLETION BILL.

A message was read from the House of Assembly, stating that the House had agreed to the Railway Completion Bill, as amended by the Legislative Council

EMIGRATION AGENT—FEDERATION DELEGATE

The Chief Secretary, in answer to Mr. Baker, said no Emigration Agent had yet been appointed. No delegate on the subject of federation had yet been appointed to proceed to Victoria.

PROROGATION.

The Chief Secretary, in answer to Mr. Morphett, said the Government had not yet made up their minds as to when his Excellency should be advised to prorogue the Legislature. It depended on the progress of the business before the House—Mr. Forster expressed a hope that it would not be before the whole of the business before both Houses had been disposed of.

PERYMAN'S PATENT.

The Select Committee reported the preamble of this Bill proved To be read a second time the next day.

WATERWORKS AND DRAINAGE BILL.

Read a third time and passed.

APPROPRIATION BILL.

The Chief Secretary, in moving the second reading of this Bill, remarked that, whilst the Ways and Means were £477,000, the estimated expenses were £454,000, leaving a balance of £23,000. The estimated land revenue for 1857 was £200,000, but that would be exceeded by something more than £20,000; so that £43,000 would be left for the line of railway from Gawler Town.—The Bill was read a second and committed

Clauses 1 and 2 were discussed, and the Committee obtained leave to sit again the next day.

GAWLER RAILWAY EXTENSION BILL.

In Committee.

Clauses 6 and 7 were discussed, and the Committee obtained leave to sit again next day.

The House adjourned till next day at 2 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, DECEMBER 15.

MR. R. B. LFAKE.

The Speaker announced that this gentleman had resigned his seat for Victoria, and a new writ was, in consequence, ordered to be issued.

RIGHT-OF-WAY.

Mr. Burford presented a petition from Messrs James Smith and Robert Frew, for compensation for expenses sustained in a certain action respecting a public right-of-way

LIBRARY.

In answer to Mr. Blyth, the Speaker stated that the Library Committee had not yet agreed as to the necessary regulations in reference to the admission of strangers to the Library

GOVERNMENT PRINTING.

In answer to Mr. Mildred, the Attorney-General stated that he would cause returns to be laid on the

table respecting the expense of Government printing during the present session.

INFLECTION OF CAPITAL PUNISHMENTS IN PRIVATE.

In answer to Mr. Blyth, the Attorney-General stated that the Government were causing a Bill to be prepared authorising the infliction of capital punishments in private, but they could not guarantee the measure would be introduced this session.

PROROGATION.

The Attorney-General, in reply to Mr. Blyth, stated that it was the intention of the Government to prorogue Parliament as soon as practicable

PORT AND GAWLER RAILWAYS COMPLETION BILL.

The verbal amendments made by the Legislative Council in this Bill were agreed to.

INSOLVENCY BILL.

In Committee.

The preamble was amended.

Clause 57 was recommitted, and amended at the suggestion of Mr Glyde, to the effect that the maximum amount that might be received by insolvent's accountant, should be £50.

Clause 113 was recommitted to extend the time of time-bargains from seven days to a fortnight.

Several amendments to different clauses were proposed by Mr Peake, and negatived.

The House resumed, and the third reading was made an order of the day for the next day.

REAL PROPERTY BILL.

The motion for the third reading of this Bill was carried by a majority of 19 to 7

PARLIAMENTARY PAPERS.

During the day there were laid on the table correspondence relative to leasing Section 2122 in the District of Highercombe, and also a preliminary report from the Engineer in charge of the Glenelg Jetty as to the quality of the workmanship, materials, &c., of that structure

The House then adjourned until the next day at 1 o'clock.

LEGISLATIVE COUNCIL.

WEDNESDAY, DECEMBER 16.

WASTE LAND ACCESSION.

Mr Forster drew the attention of the Surveyor-General to an error in the returns of fourteen years leases, the word lease having been substituted for square miles.

REAL PROPERTY BILL.

Read a first time. The second reading was fixed for Thursday next.

PERYMAN'S PATENT BILL.

This Bill was read a second time, and seven clauses were passed in Committee.

APPROPRIATION BILL.

This Bill passed through Committee, and the third reading was fixed for the next day.

GAWLER RAILWAY EXTENSION BILL.

IN COMMITTEE.

The CHIEF SECRETARY said with regard to the clause No. 6, if the House objected to it he would not press.

it, but he would leave it to be embodied in a Bill applying to the whole of the lines.

This suggestion was adopted.

The CHIEF SECRETARY said he had no objection to extend the time for claiming compensation from three years to five as had been proposed, or to introduce words providing for cases where the land belonged to minors.

Mr HALL objected to the proposed amendment, since private individuals ought to protect and look after their own land.

Mr. BAKER thought that it would never do to take away the lands of absent persons until they had had means of knowing that the law was in operation.

Mr HALL would assess the property at the time the railway passed through it.

Mr FORSTER suggested that the proviso be withdrawn, so that persons should be able to claim what was due to them at any time.

Mr W SCOTT thought that the proviso might be retained, with words restricting the amount to be claimed.

Mr. BAKER moved that the proviso be struck out

Mr. AYERS seconded the motion. The proviso did not exist in any other railway Bill.

Captain BAGOT said if the clause were struck out provision should still be made for persons to claim reasonable damage at any time.

Mr AYERS said that was already provided for in the Lands Clauses Consolidation Act.

The proviso was struck out, and the clause passed as amended

Clauses 11 to 20 were passed

Clause 21 was postponed.

Clause 22—"Appropriation of Toll" Struck out

The remaining clauses were passed, and the third reading was fixed for the following day

INSOLVENT BILL.

Read a first time The second reading was fixed for Tuesday next

House adjourned till next day.

HOUSE OF ASSEMBLY,

WEDNESDAY, DECEMBER 16.

IMPROVED REAPING MACHINE.

Mr Blyth presented a petition from William Barnet, farmer, of Salisbury, for a patent for certain improvements in a reaping machine, which could be converted into a hay-cutting machine.—Received and read.

PARLIAMENTARY DEBATES.

The Attorney-General stated, in reply to Mr. Bagot, that the Government had not taken any steps to have special reports published of the debates in that House, it was a matter for the House to determine.—Mr Bagot gave notice of motion upon the subject.

GLENELG JETTY.

The Commissioner of Public Works stated, in reply to Mr Blyth, that he had not received any information in reference to a spring of fresh water having been

started from the rock during the diving for the Glenelg Jetty

RAILWAY EXTENSION.

The House having gone into Committee,

Mr. MARKS moved—

"That an address be presented to his Excellency the Governor-in-Chief, praying that he will cause a survey to be made of the length, and probable cost per mile, of a line of locomotive railway from Section 112, Hundred of Light, through the valley of the Gilbert to the Burra, also, an estimate of the length, and probable cost per mile, from the said Section 112, Hundred of Light, to the proposed terminus near Kapunda and on to the Burra, and that a return be laid on the table showing the number of acres of unsold land at a distance not exceeding fifteen miles on each side of any line of railway that may be surveyed between Section 112, on the Kapunda Extension Railway and the Burra, or northwards of that place"

All he asked for was information on the subject. If, as he believed, the cost of the extension of the railway to the Burra by the valley of the Gilbert would save £50,000 on the contemplated line, it was highly important to have accurate information on the subject

Mr. PFAKE seconded the motion, believing that the Chief Engineer had some misgivings as to which was the best line.

Mr BAGOT would not oppose the motion if it included the probable traffic that would take place on the line

The COMMISSIONER OF PUBLIC WORKS thought the former part of the motion was premature, it not having been resolved to extend the line.

Mr. MARKS had no objection to traffic returns being made, but he would ask if it would be fair to take the traffic on a mail line of road as contrasted with another line through which there was no such traffic.

Mr TORRENS supported the original motion, but opposed the very useless expenditure that would be involved in taking the traffic returns

Mr HAY, as an amendment on the motion before the House, moved that all the words after the word "Burra" be struck out.

Mr BONNEY supported the motion as amended, as he considered, it embraced all that was necessary for finding the best line.

In answer to Mr. Blyth,

The ATTORNEY-GENERAL said the expense of the survey would cost from £35 to £50 a mile, according to the difficulties met with. The Government believed the line already contemplated was the best, but if the House wished it they would willingly consent to the proposed survey by the valley of the Gilbert

Mr. MARKS said that, admitting the line cost £400 for a survey, if that outlay saved the country £30,000, he apprehended that the proposition was not unreasonable

Mr. Hay's amendment was lost, and the original motion carried

The House resumed, and the report was adopted.

THE SOUTHERN PORT

Mr. LINDSAY moved—

"That a select committee be appointed to enquire

into the nature of the wrecks at Port Elliot and the mouth of the Murray, and whether, by a judicious continuance of the improvements contemplated by a former Government, such wrecks might not have been prevented; and also to enquire what means can be adopted for connecting the Murray navigation with a sea trade by improving the navigation of the mouth of the Murray, and by facilitating the communication between the Goolwa and the adjacent southern ports of Port Elliot, Victor Harbour, and Rosetta Cove, and the ports of Kangaroo Island and Port Adelaide." If the southern ports could be rendered navigable, and if those ports could be connected with the River Murray, the question was as important as any that could come before the House that session.

Mr. KRICKAUFF thought it was rather late in the session to move for a select committee, but he believed that more money should be spent on the southern ports. He therefore supported the motion.

Mr NEALFS believed that, at this late period of the session, it would not be advisable to have a select committee to enquire into so important a subject. He believed already that sufficient money had been wasted in the direction of Port Elliot.

Mr. MILDRED was acquainted with the locality very well, having once been wrecked there and having often visited it, and he was decidedly opposed to the completion of the breakwater.

Mr. TORRENS believed it would be unnecessary to press the motion, because the evidence required had already been furnished by the report of the Harbour-Master.

Mr HARVEY thought that the southern districts, which derived no advantages from the railways now constructed, were entitled to expect that something would be done to render their ports navigable and secure.

Dr WARK considered this was one of the vital interests of the colony, and he thought that a full enquiry into the matter was of sufficient importance for a select committee.

Mr BONNEY was so thoroughly convinced that no amount of money spent on the southern ports would render the Murray navigable, that he would vote against the motion.

The TREASURER thought that a very fair case had been made out for a select committee, although, owing to the lateness of the session, he did not think its labours would be of much use.

The Speaker called the attention of the House to the fact that it was 3 o'clock.

INSOLVENT BILL.

Read a third time and passed.

RESTORATION OF TRIAL BY JURY BILL. IN COMMITTEE.

The ATTORNEY-GENERAL stated that he proposed to amend the Bill as follows—"The power given by the said sections, Nos. 182 and 183 of the said (Supreme Court Amendment) Act, shall not be exercised by any Judge of the said Court unless on the application of one of the parties to the cause; and in no case shall any Judge have power to decide matters not in dispute in the cause to be referred, unless with the consent of both parties to such cause signified in open Court."

This, the only clause of the Bill, was slightly modified as originally proposed, and passed in the above form.

The preamble was amended, and the title agreed to. The House resumed, and the report was brought up and adopted.

IMPOUNDING ACTS AMENDMENT BILL

This Bill was considered in Committee. Leave was given to sit again that day week.

THE SOUTHERN PORTS.

Mr. Lindsay's motion was further considered, and, at the suggestion of the Treasurer, postponed till next session.

PORT-ROAD.

Mr Scammell moved the House into Committee for the consideration of the motion standing in his name—"That an address be presented to his Excellency the Governor-in-Chief, requesting that a sum of £3,000 be set apart for the repairs of the Port-road as soon as the state of the revenue will suffice to meet such outlay."—The House divided upon the motion, which was negatived by the Speaker's casting vote.

ASSESSMENT REGULATION AMENDMENT BILL

Mr. Burford moved that he have leave to bring in a Bill to amend the Corporation Ordinance, No. 11 of 1849, in so far as regards the valuation of vacant or unlet lands in assessments for city rates, and the charging of such lands with their relative value as compared with adjacent lands let, occupied, or built upon.—The motion was adopted, and the Bill was read a first time.

PRIVILEGE.

Mr. Hughes moved, to take the sense of the House as to whether members of the House of Assembly are possessed of the same privilege of freedom from arrest for debt as is enjoyed by members of the House of Commons. His object was principally to inform the mercantile portion of the community. He did not think it would add to the dignity of the House to include such exemption from arrest amongst their privileges.—Mr. Milne was proceeding to address the House, when the Speaker remarked that there was not a quorum present, and adjourned the House till the following day.

LEGISLATIVE COUNCIL.

THURSDAY, DECEMBER 17

APPROPRIATION BILL.

Read a third time and passed.

GAWLER RAILWAY EXTENSION BILL.

Read a third time and passed.

PERYMAN'S PATENT BILL.

This Bill was passed through Committee. Its third reading was made in order of the day for Tuesday next, until which day the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, DECEMBER 17.

MR. BABBAGE.

The Speaker announced that he had received the resignation of Mr. Babbage, the member for Encounter Bay—A new writ was ordered to be issued.

VICTOR HARBOUR.

Mr. Lindsay moved that the House go into Committee, to consider the motion standing in his name—"That an address be presented to his Excellency the Governor-in-Chief, requesting him to make provision

at the earliest opportunity, should any surplus revenue arise over and above the amounts already appropriated, for the purchase of whatever land may be required for the extension of the Goolwa Railway to Victor Harbour and Rosetta Cove"—There was no seconder, and the motion consequently fell to the ground.

WHARF AT THE NORTH ARM

Mr LINDSAY advocated the desirability of the Government making some use of the reserves at the North Arm, and moved that the House go into Committee for the consideration of his motion upon the subject.

Mr. HARVEY seconded the motion.

Mr NEALFS opposed going into Committee, as he did not see why the Government should assist those who would not assist themselves.

The COMMISSIONER of PUBLIC WORKS was surprised at the course taken by the hon member for Encounter Bay. He could only suppose that he was prompted by the North Arm proprietors.

Mr BURFORD objected to the motion on the broad ground of not pre-pledging the revenue for any public works whatever.

Mr. PLAKE opposed the motion, as only affecting private interests.

The TREASURER explained that the steam-dredge was now working on the outer bar, and there was a reasonable prospect that vessels of a great depth would soon be able to pass it.

Mr LINDSAY admitted that much money had been unnecessarily expended on the road to the North Arm. Had the land for the Port railway been purchased in time, at least £15,000 would have been saved. As to the assertion that the motion tended to back up private interests, he would point out that the private interests of the Port proprietors had been very considerably backed up.

The question was negatived.

FREEDOM FROM ARREST

Mr MILNE proceeded with the privilege debate, which was adjourned from the previous day.

Mr. NEALFS considered that if the freedom from arrest of members was not admitted, the Government had better bring in a short Bill on the subject.

Mr. PEAKE considered that the inherent right of members should be protected. To attempt to set aside that privilege would be a violation of the common law of England.

Mr. TORRENS viewed the proceeding of the House on the preceding day, when the House was counted out, as the means generally adopted to shelve a question the House considered inexpedient. During the recess doubtless the Government would consider the question, and if not, would probably ask for a select committee at the commencement of the next session.

Mr. BLYTH moved as an amendment—

"That freedom from arrest for debt during session is one of the privileges of members of this House, and that it is not at present desirable to divest this House of that privilege."

The ATTORNEY-GENERAL considered that the House might fairly rely on the authority of the highest legal

functionary in the land. He could not see how the question could be raised as to freedom from arrest.

Mr FINNISS said that whatever might be their decision that day, it would be practically null and void, if the common law gave the privilege of freedom from arrest.

Mr. GLYDE thought it was very odd that members should not be amenable to the laws they made.

Mr HUGHES believed that if such needy men as those who could not pay for a pair of boots got into the House, it would be better that such were arrested, for they must be open to purchase.

The amendment was carried by a majority of 17; the minority being Messrs Hughes and Glyde.

GAWLER TOWN RAILWAY EXTENSION—APPROPRIATION BILL

The Speaker announced that he had received the Gawler Town Railway Extension Bill, which had been passed by the Legislative Council with amendments. Also, the Appropriation Bill with amendments.—The Treasurer moved that the amendments made by the Legislative Council in this Bill be agreed to, they being merely verbal.—Carried.

IMMIGRATION FUND.

Mr Hughes moved, that there be laid on the table of this House copies of all letters received during the past three months from the Emigration Commissioners in London relating to the state of the funds of the colony in their hands, together with an abstract of the latest statement of accounts rendered by said Commissioners.—Mr Torrens seconded the motion.—The Treasurer had no objection to the returns being made. Hon. members would see exactly how the matter stood by reference to the Council Papers.—The motion was carried.

BARNET'S PATENT.

Mr Blyth moved, that he have leave to introduce a Bill intitled an Act to secure to William Barnet, during the term of fourteen years, within the province of South Australia, the exclusive right to make, use, exercise, and vend, within the said province and its dependencies, certain improvements in or additions to a machine commonly called a reaping machine, by means of which improvements and machine the operations of reaping and winnowing and cleaning corn, putting the same into bags, and weighing them, and also for cutting the straw and raking it and rqling the stubble, may be effected simultaneously, and for converting the said machine into a hay-cutting machine.—The motion was agreed to, and the Bill was read a first time.—A select committee was appointed to report on the preamble.

AN ACT TO AMEND THE SUPREME COURT PROCEDURE ACT.

This Bill was read a third time and passed.

ADELAIDE BUILDING BILL.

In Committee.

Clause B was recommitted, and amended by the Attorney-General as follows, "In case any person or persons shall erect within the said city any building with its sides, ends, roofs, or other exterior part covered wholly or in part with wood, straw, grass, or thatch, or any other inflammable material of whatsoever description, or shall put up or continue in use, in any building in the said city, for a month after he shall have been required by the Town Clerk to remove the same, any ceiling, partition, or other interior part of any building, of calico, canvas, paper, or other equally or more inflammable material, every such person shall be liable to a fine of not less than five pounds, nor more than

fifty pounds, to be recovered in a summary way before any two Justices of the Peace, and the objectionable parts of any building, and in respect to which any such penalty shall have been inflicted, shall forthwith be removed, by and at the expense of the person or persons erecting or using the same respectively, and in default of his, her, or their so doing, then by any person duly authorised by the Mayor of the said city for that purpose, and the costs of such removal shall be recoverable, if not previously paid, upon the order of the Council of the said city, under the hand of the Mayor or Town Clerk, and it shall be lawful for any Justice of the Peace to order the same to be levied by distress and sale of the goods and chatties of the person mentioned in such order, or in default of such distress, to commit such person to the Common Gaol at Adelaide for any period not exceeding three calendar months."

Clause C was recommitted and amended, to the effect that Justices ordering the removal of the dangerous buildings should fix a time for the removal.

The Attorney-General proposed a further amendment to the effect that the cost of compensation should be fixed by the referees in case of proceedings.—Agreed to.

The preamble was amended, and the report adopted. The third reading was fixed for Wednesday next.

ALIFNS BILL.

The Attorney-General pointed out that the House had disagreed with some of the amendments made by the Council in the Aliens Bill, without giving any reasons for the dissent. He moved that a committee be appointed to propose reasons for the non-agreement.

A committee of three members was appointed accordingly.

CIVIL SERVICE AND SUFFRANUATION BILL.

In Committee.

The first three clauses were agreed to.

Mr. Hughes proposed that the 4th clause be postponed with a view to consider whether the Government clerks would not prefer establishing a benefit fund amongst themselves. For that purpose he moved that a select committee be appointed when the House met next session.

The Treasurer said the hon gentleman's calculations were founded on exaggerated data, and contended that the clause now before the House was one recommended by the Select Committee.

Mr. Finnis supported the Bill before the House, because it would be a final settlement of the matter, though he would propose, as an amendment, that the retiring fund should be secured to the old officers.

Mr. Torrens expressed his surprise at the House being so thin, since, on the passing of the second reading of this Bill, nearly every member said he would seek to amend the Bill in Committee. As he objected to the juniors being favoured in this clause to the disadvantage of the seniors, he would move an amendment to the effect that both juniors and seniors be treated alike.

The Attorney-General said the Government would take the subject into consideration, with a view to carrying out the hon gentleman's suggestion.

The Speaker said there was not a quorum.

The House adjourned till 1 o'clock the next day.

HOUSE OF ASSEMBLY.

FRIDAY, DECEMBER 18.

BARNET'S PATENT BILL.

This Bill was read a second time, and passed through

Committee, the third reading being made an order of the day for Tuesday next.

WASTE LANDS REGULATIONS

The Commissioner of Crown Lands said, in reply to Mr Hughes, that it was the intention of the Government to put up waste lands at so much per cent per annum.

GAWLER RAILWAY EXTENSION BILL.

IN COMMITTEE.

The amendments made by the Legislative Council as far as clause 20 inclusive were agreed to.

An amendment of the Legislative Council, striking out clause 21, empowering the Ministers to lease the railway, was lost.

The CHAIRMAN, in answer to Mr. Blyth, said the Legislative Council, in striking out the clause, had not acted in accordance with the recent agreement.

The COMMISSIONER of PUBLIC WORKS intimated he should propose that the clause be struck out as inconsistent with the title.

The TREASURER proposed that the Chairman report progress, in order that the question might be reserved for a fuller attendance of members.

Mr FINNISS, whilst he considered the amendment made by the Legislative Council interfered with the conditions and qualifications of a money Bill, would have been glad had the clause been struck out by the House of Assembly, as it involved very unwise conditions. He supported the motion of the Treasurer.

Mr BAGOT maintained that the House should adopt the very proper amendment of the Legislative Council.

Mr BLYTH, while admitting the importance of the Bill, valued something still higher, and that was the integrity of the arrangement made on the privilege question.

Mr HAY hoped the removal of the 9th clause would also be considered, for he believed it was more important than the one under consideration.

Mr MARKS, while he disclaimed any desire to throw out the Bill by a side wind, would support the motion for a postponement.

The COMMISSIONER of PUBLIC WORKS supported the postponement.

Mr. TORRENS held that the best mode of asserting their privileges was not to let them interfere with the progress and interest of the colony (Hear, hear.) He believed that there had been, whether intentional or not, an invasion of their privileges in that amendment, but to assert their privileges to the obstruction of the progress of the country would be to bring those privileges into contempt.

Mr. FINNISS would not barter principle for expediency. It was not the immediate advantages that would result from the passing of that Bill that would compensate for the establishment of a precedent which amounted to an abandonment of their privileges.

Mr. NEALFS believed that the Legislative Council would meet their views if a respectful message were sent, stating that they should merely have suggested and not struck out the clause.

Mr. BURFORD would not yield one iota of their privileges, and would support the amendment.

Mr HUGHES hoped to see the House divide on the question. He regretted to see the vacillating policy of the Government, they had no distinct policy, but yeered about to meet the wishes of hon. members.

The CHAIRMAN, in reply to Mr. Bagot, said it was not competent for the House to alter the title of the Bill.

The TREASURER thought the clause might be struck out as inconsistent with the title, and the debate would show the other House that they were quite alive to their privileges.

Mr TORRENS considered it unworthy the dignified position of that House to set up such paltry questions of privilege, which did not at all effect the great principle.

Mr. BURFORD moved that the motion be made a matter of conference.

Mr LINDSAY would be willing to see the 9th and 21st clauses struck out, as tending to make a foolish Bill less foolish.

The motion for a postponement was carried.

The House resumed.

PREVENTION OF FIRE.

Mr Lindsay said he had attended on several occasions as Chairman of the Select Committee, but there was no quorum. At length a meeting of less than five members agreed to a report, to him most unsatisfactory.

The Speaker said he could not receive the report.

The other business on the paper was postponed, and the House adjourned until 1 o'clock on Tuesday next.

LEGISLATIVE COUNCIL.

TUESDAY, DECEMBER 22.

ANNEXATION OF TERRITORY—MARRIAGE BILL.

The President informed the House that he had presented addresses to his Excellency the Governor, with respect to the annexation of territory and the proposed reservation of the Marriage Bill, in accordance with the wish of the House.

THE FINNISS COMPENSATION.

The Chief Secretary laid on the table of the House a copy of the correspondence between Mr. Finnis and the Government, in relation to the compensation awarded to him by the Government for a deficiency in the acreage of land purchased by him under certain circumstances.—The correspondence was read and ordered to be printed.

APPROPRIATION BILL—TRIAL BY JURY.

The President announced that he had received messages Nos. 52 and 53 from the House of Assembly, the former communicating that the House of Assembly had agreed to the amendments of the Legislative Council in the Bill for the appropriation of the Revenue, and the latter enclosing the "Restoration of Trial by Jury Bill," as amended by the House of Assembly.

TORRENS' REAL PROPERTY BILL.

The Chief Secretary stated in reply to Mr. Baker that the Government did not intend to take any course in this matter as a Government, but in their individual capacity they would exercise their own discretion. The Bill had been introduced by a private member of the House of Assembly, and the members of the Government in that House had taken no action in the matter. When the Bill, however, came on for

consideration in Committee, he would state his views, and not till then.

NORTHERN EXPLORATION.

Mr Baker said he had heard that Mr Babbage had been appointed to the command of the proposed expedition to the northern interior. He would like to know what the Government had been guided by in making this appointment, whether they were governed by the fitness or otherwise of Mr Babbage for the work, and, if the former, what circumstances there were in the antecedents of Mr. Babbage to justify the appointment.—The Chief Secretary stated that Mr. Babbage had been appointed at the recommendation of the Commissioner of Crown Lands.—Mr Baker persisted in asking on what grounds he had been appointed.—The Chief Secretary said if the hon member wanted any further explanation he must give notice, and ask the question another day.—Mr Baker gave notice accordingly.

HORSES TO INDIA.

Mr. Baker moved, according to the notice standing in his name, that a copy of the instructions which were issued to the police authorities consequent on the address presented to his Excellency the Governor-in-Chief by this Council on the 13th October last, together with all other correspondence in possession of the Government on the subject of that address, and of the shipment of horses for India, be laid on the table of this House. He stated that the report made by Inspector Hamilton, as presented to the House of Assembly, contained in effect a total condemnation of all the police horses in the colony. Now it was known to hon members that the Police Commissioner's report, which was presented annually, and on which large sums of money were voted by the Legislature, told a very different tale. It was paltry, mean, and contemptible (the hon gentleman said) to refuse aid in such an emergency. He condemned the steps taken by means of the report to prevent this aid being afforded to their suffering countrymen.—The Chief Secretary had no objection to furnish the correspondence. He would state, however, that the refusal to entertain the proposition of the hon member was not to be attributed to the report of the Commissioner, but to the House of Assembly, who would not vote the money, as the application had been irregular.—The question that the correspondence be furnished was put and agreed to.

STIRLING ESTATE BILL.

Mr. Forster laid on the table the report of the Select Committee on the Stirling Estate Bill, which stated that the Committee had found the preamble proved.—The second reading was made an order of the day for Wednesday.

RESTORATION OF TRIAL BY JURY BILL.

The amendments of the House of Assembly on the Bill for the Restoration of Trial by Jury were ordered to be printed and taken into consideration on Wednesday.

INSOLVENT BILL.

The CHIEF SECRETARY explained, in moving the second reading of the Insolvent Bill, the reform in the insolvent debtor law which it was intended to effect. He alluded to the provision, it made for the appointment of a Judge, the withdrawal of the business out of the jurisdiction of the Supreme Court, the power given to the Judge to imprison fraudulent debtors, the provision for the issue of graduated certificates, the power given to arrest absconding debtors, and the general facilities it gave to honest debtors, whilst at the same time it prevented fraudulent ones. He concluded by stating that the measure had been carefully studied

with regard to its usefulness by the law officers of the Crown, and moved its second reading.

Mr. GYNNNE seconded the motion.

Mr AYERS did not rise to oppose the Bill, but he called attention to some portions of it in which he desired amendment. The scale of fees according to this Bill were considerably in excess of those which were charged under the present Act. Unless the Government could show why that and similar clauses had been inserted, he should feel it to be his duty to oppose the Bill in Committee.

The Bill was then read a second time and considered in Committee, when three clauses having been disposed of, the Chairman reported progress, and leave was given to sit again that day fortnight.

PERYMAN'S PATENT BILL.

Read a third time, passed, and ordered to be forwarded to the House of Assembly.

REAL PROPERTY BILL (TORRENS')

Mr. Baker moved that the consideration of the Real Property Bill be postponed to Wednesday fortnight.—Carried.

ADJOURNMENT.

Mr. Ayers moved that the House, at its rising, do adjourn to that day fortnight.—Carried.

The House then adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, DECEMBER 22

MR. C. H. WEBB

Mr. Lindsay presented a petition from the inhabitants of Clare, praying for an enquiry into the appointment of Mr C. H. Webb as a Justice of the Peace. A great portion of this petition had been torn off and stolen, the part he held in his hand contained twenty-eight signatures only.—Received, read, and ordered to be considered next day.

VENTILATION.

Mr. Torrens called attention to the want of ventilation in the House.—The Attorney-General said the Government were ready to listen to any suggestion coming from the Speaker.

CIVIL SERVICE AND SUPERANNUATION BILL

The House resolved itself into Committee upon this Bill.

Upon the 4th clause, providing for a retiring allowance fund, being read,

Mr. TORRENS objected to the clause as it stood. It proposed to carry the whole of the good service pay of every officer whose salary amounted to £300 a year and upwards to the Retirement Allowance Fund, whilst all classified officers with a less salary than £300 a year were only to contribute a moiety of their good service pay. He disapproved of this arrangement altogether. He was for a moiety of it in all cases, whether the salaries of the officers were above or below £300 a year, going to the Retirement Allowance Fund, and the rest to the officer.

The ATTORNEY-GENERAL said that, so far as unclassified officers were concerned, they agreed to leave them in undisturbed possession of the good service pay, but where the salaries were classified they did not think that should be the case. Under this clause they had

done all that the public service required, and all that the interest of the country demanded.

Mr. TORRENS had opposed the second reading of this Bill, because of the injustice of it. Persons were selected for promotion on account of their greater intellectual power and capability to fill the higher offices, but this clause took from them no small share of the advantages of their promotion.

Mr. FINNIS did not think that justice required any such modification of the clause as that now suggested. The heads of departments were always sure to be well taken care of. There was no force in the argument, that Ministers were making a Superannuation Fund out of their means. To argue that the junior clerks lost one-half of their good service pay by it going to the Superannuation Fund, was a fallacy.

Mr. PEAKE said the hon. member would throw the whole burden of contributing to the Superannuation Fund on the juniors for the benefit of the seniors. He believed this Superannuation Bill would be a delusion, just as the last had been.

Mr. HALLETT wished to know the meaning of the last part of the clause, which spoke of carrying the surplus beyond £10,000 to the general revenue, and what would be done if there should be any deficiency.

The TREASURER believed there would be no deficiency, but if there were a deficiency, they would apply to the general revenue to make it up. They had no desire to give persons the hope of a thing which they could not carry out. Let them look at the Bill which this was proposed to abolish. According to that Bill, the youthful, who paid their 2½ per cent, had as much to pay as the man of fifty, who ought to pay his 60 per cent to get the same amount of pension. The calculations on which this Bill was based, were not the calculations of one man, but of many. They were in fact based on the calculations of some of the best actuaries in England. He should, therefore, oppose the amendment.

Mr. TORRENS said it was not so much the heads of departments, who received their £600 or £700 a year, that he complained of as being deprived of good service pay, but it was of the men with their £300, £350, and £450 a year. He had made no substantive motion on the subject. He only sought to amend, modify, and bring within the scope of justice the plan, which the Government had brought forward.

Mr. BURFORD believed the former fund would have been sufficient, if, when the measure was introduced, it had been properly fenced round as it was proposed to do in this case. He looked upon this measure as a precautionary one. He thought the proposition of the hon. member for Burra and Clare a most preposterous one.

Mr. BONNEY thought the matter would have been greatly simplified if a per centage had been adopted, instead of the present system. He should like to see the item of good service pay struck out altogether, and he would make a motion to that effect, if he thought he could carry the House with him.

Mr. HAY thought those officers receiving £300 a year and good service pay too, should give the whole of their good service pay to the Retirement Fund.

Dr. WARK thought a per centage would have been better than this scheme. But it would have been a thousand-fold better if the Government officers had been allowed to manage their own funds in their own

way Still, when he looked at the last portion of the clause, he should not oppose it.

The clause was then passed as it originally stood.

(Clauses 5 to 10 were passed.)

The 11th and 12th clauses were modified, and thrown into one, on the suggestion of Mr. Torrens.

The 5th and 10th clauses were recommitted and amended, the preamble agreed to, and the House resumed.

BARNETT'S PATENT BILL.

This Bill was read a third time and passed.

ALIENS NATURALIZATION BILL.

Report of the Committee on this Bill, with reasons for not agreeing to the amendments of the Legislative Council on it, brought up, read, and ordered to be sent by message to the Legislative Council.

GAWLER RAILWAY EXTENSION BILL.

IN COMMITTEE.

The House resolved itself into Committee, to consider the amendments made by the Legislative Council in this Bill.

The 21st clause having been read

The ATTORNEY-GENERAL said this clause had been struck out by the Legislative Council, on the ground that it was not included within the title. The clause had reference to the leasing of the line when completed. Now, as that could not take effect, or come into operation for two years or more, they would have time to provide for this in another manner, and he did not think they should oppose the present amendment. He did not know that this was a money clause. It did not interfere with their laying out of the money, or, as far as he saw, affect the money portion of the Bill in any respect. He proposed that the amendment be passed, with an entry on the journal of the House of their reasons for doing so.

Mr. BURFORD thought they had better alter the title of the Bill, and allow the clause to stand, if they had the power of doing so.

Mr. TORRENS entirely concurred with the hon. the Attorney-General in his views on this matter. The Legislative Council had adjourned for a fortnight, and this was one reason among others why they should proceed with the Bill. He would, however, send a message to the other House, calling attention to that entry, and informing them that this was not to be taken as a precedent.

Mr. PEAKE should act with the Attorney-General on this occasion. He agreed with the hon. member Mr. Torrens, however, as to entering a protest on the records of the House.

Mr. BAGOT hoped the motion of the hon. the Attorney-General would be passed, and that works would be proceeded with. By passing this amendment, as the Attorney-General had proposed, they would, he hoped, consider themselves as having sufficiently protected the interests of the people.

Mr. FINNISS said it had been stated that this clause did not agree with the title of the Bill. He did not clearly understand that. If they agreed to this amendment, they would be allowing to the other House the power to make amendments in Money Bills. He could not look upon it in any other light than as an amendment in a Money Bill, as an alteration of the conditions on which a grant was to be made to the Crown.

Mr. BLYTH was anxious to know, whether, if this

amendment were agreed to, the Bill would be passed as a matter of course, or whether it would have to undergo further revision.

Mr. SMEDBY should support the Attorney-General's motion for the adoption of the Council's amendment, but his support would be of a very uncomfortable kind. He saw clearly that the privilege question would have to be adjusted again, and he hoped it would be fought well.

Mr. PEAKE suggested a form of protest to be entered on the journal of the House, but this was not entertained.

The ATTORNEY-GENERAL did not think they had anything to do with sending messages to the other House on this matter. They had only to consider whether what they had done was in accordance with their standing orders. In the disagreement between the title and the body of the Bill, the means of escape had been provided, and he thought they might therefore adopt the amendment sent down to them, without in any way interfering with the position in which that House stood with reference to the other House.

The motion was then agreed to, other amendments were made, the House resumed, and the report was adopted.

Mr. TORRENS asked whether the Bill would not immediately become law?

The SPEAKER—It will as soon as the Governor assents to it.

ELECTORAL LAW BILL.

IN COMMITTEE.

The 1st enacting clause read and passed.

On the 2nd clause being read,

Mr. TORRENS objected to it. It left the Electoral law of the province unaltered where it was most defective. That monstrous institution of converting the whole colony into one electoral district was to be left untouched. They might, under that arrangement, have elections every three months, costing the colony every time from £5,000 to £6,000. What he suggested as an amendment in the clause was, that the colony should be divided into sixteen districts for the election of members to serve in both Houses.

The COMMISSIONER of PUBLIC WORKS opposed the amendment. He disapproved of the proposal of sixteen districts for both Houses, and did not see that it would be any saving of expense. He thought the one constituency principle for the Upper House the very best they could have.

Mr. PEAKE was astonished at the hon. the Commissioner of Public Works. That House, elected by different districts, represented the people. The other House did not. He thought the expense of the elections might be reduced to one-fifth of its present amount, and he should be prepared to show how this could be done before the Bill was taken out of Committee.

Dr. WARK said the division of districts, where this could be effected, was, according to his notions, the very essence of what the Electoral Law should be. That applied to the Lower House, however, only. He thought there were reasons why the Upper House should be elected by the general body, and the principal one was, that the members of that House were more independent of their constituents. He hoped Ministers would agree to the postponement of the clause.

Mr FINNISS agreed with Mr Torrens, the hon member for the city, as to the necessity of getting rid of the one district system, but not as to his proposed sixteen districts. A great mistake had been made in the first instance in having but one district. They had destroyed the responsibility of the Upper House to the people. It had been the occasion of all the unpleasantness which had taken place between that and the other House, and it would be the occasion of more, if the present system was not speedily altered.

Mr BURFORD said the Upper House would be of great importance in a time of excitement to revise the Acts of the Lower, until the passions had cooled down, and reason had resumed its sway.

The ATTORNEY-GENERAL was understood to say, that the House should consider those two measures apart, the amendment of the Constitution Act, and the amendment of the Electoral Law Act, and they had acted wisely in doing so. He hoped the amendment would not be persisted in.

Mr LINDSAY thought the present system far too expensive, but the object of the present Bill was merely that of tinkering without amendment.

Mr TORRENS agreed that the present Bill was but a mere attempt at tinkering, and it was not worth their while to sit there broiling themselves for what it contained. Where they should seek to make a distinction between the Upper and Lower House was, not by their being elected by different constituencies, but by a different tenure of office.

The amendment was carried by a majority of one.

The Chairman reported progress, and obtained leave to sit again next day.

HOUSE OF ASSEMBLY

WEDNESDAY, DECEMBER 23.

WASTE LAND REGULATIONS.

The Commissioner of Crown Lands laid on the table a copy of the New Waste Lands Regulations, which were ordered to be printed.

REVISION OF STANDING ORDERS

Mr. FINNISS moved the appointment of a Committee, consisting of Messrs Hanson, Finnis, Dutton, and Bagot, to revise the Standing Orders of the House, and to report thereon within fourteen days from the assembling of Parliament after the recess.—Agreed to.

PORT NOARLUNGA.

Mr. LINDSAY, pursuant to notice, moved—

“That an address be presented to his Excellency the Governor-in-Chief, requesting that the engineer officers of the Government—when engaged in surveying the line for a railroad from Willunga to Port Noarlunga, in accordance with an address from this House—may be instructed to examine also the country between Willunga and Port Noarlunga, and to report upon the respective merits of the two lines.”

If it were thought desirable to construct such a railway as that referred to, it was desirable that better harbourage should be selected. He had a chart before him which showed that Port Noarlunga was the best port, next to Port Adelaide, on the whole line of coast.

Mr. BAGOT seconded the motion.

Mr. MILNE moved as an amendment that the further consideration of the various Bills now on the table take

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precedence of all notices of motion until the said Bills be disposed of. His motion was confined to the Bills now standing on the notice paper.

Motion agreed to.

ADJOURNMENT OF THE HOUSE.

The Attorney-General stated, in reply to Mr Bagot, that he was not prepared to state what would be done in reference to an adjournment. It was obvious to all hon members, that it was of no use for them to go on with the business of Legislation, unless the other House was disposed to go on, and proceed to the consideration of the various Bills as they were sent up to them.

CONSTITUTION AMENDMENT BILL.

Mr Finnis said, after what had fallen from the Government with respect to the adjournment, it would be useless for him to think of going on with his Bill for the amendment of the Constitution Act which was to have been read a second time that day. He would ask to have it postponed for three weeks.—Agreed to.

COUNCIL PAPER NO 184.

Mr Hughes called attention to some errors in the returns contained in Council Paper No 184. They were very gross, and he was anxious to have them corrected before they found their way into the Blue Book.

ADELAIDE BUILDING BILL.

On the third reading of this Bill being moved,

Mr BAGOT said he should oppose it. If the Bill came into operation it would be equivalent to the confiscation of one-half of the city.

Mr BURFORD said the Bill was not directed against men of small means, but against those who had dangerous outbuildings attached to larger premises.

Mr LINDSAY thought the Bill would be of no use for the purpose for which it was intended, and it would be most mischievous in its effects.

Mr HUGHES should support the third reading of this Bill, and he did so because he had been requested to do so, both by the Corporation of Adelaide, and the Corporation of Port Adelaide. The object sought to be attained by this, was to prevent small buildings from setting fire to larger ones.

Bill read a second time and passed.

WELLINGTON FERRY.

In answer to a question from Dr Wark, the Commissioner of Public Works stated that the state of the public business was such as not to justify the alterations with regard to the Wellington Ferry referred to at an earlier part of the session. They would be attended to.

SUPERANNUATION AND CIVIL SERVICE BILL

On the motion for the third reading of this Bill,

Mr HUGHES rose to object to it in its present form. It inflicted an act of injustice on all parties concerned. He could not understand the Bill. According to the 3rd clause, the good service pay of no officer was to be reduced. But by the 4th clause, it was to be filched away in whole or in part. He moved as an amendment, that it be read a third time that day six months.

Mr. MARKS supported the views of the hon member for the Port. He thought the junior officers in the Government service would have great injustice done to

them if the Bill passed in its present form, and the same might be said with respect to some of the sections.

Mr LINDSAY had much pleasure in supporting the hon. member for the Port.

The amendment was put and carried by a majority of two.

CORPORATION AMENDMENT BILL.

Mr. BURFORD moved the second reading of this Bill.

Mr. HUGHES seconded the motion, and hoped the Attorney-General would assist in passing the Bill. It had arisen out of a late appeal of the South Australian Company against the amount of the city assessment on their town lands, and in which the magistrates had decided in favour of the Company.

Mr KRICHAUFF contended that the land should be assessed at its real value, and not at a nominal one.

Dr WARK was for a medium course. He would not have such lands assessed too low, nor yet forced beyond their actual value.

Bill read a second time and committed.

The three clauses of the Bill were passed without discussion, and a fourth was added by Mr. Burford for extending its operation to other towns and Corporations besides Adelaide.

The third reading of the Bill was postponed.

SMELTING IRON ORES.

Mr Lindsay moved, that an address be presented to his Excellency the Governor-in-Chief, requesting him to appropriate, whenever there shall be funds available for the purpose, such sum as may be necessary to practically test the possibility, under existing circumstances, of profitably smelting, or smelting and refining, any of the iron ores in this province. The hon mover gave a history of what had been done in this respect by former Governments — The motion dropped for want of a seconder.

STRATHALBYN AND GOOLWA RAILWAY

Mr LINDSAY moved—

“That an address be presented to his Excellency the Governor-in-Chief, requesting him to make provision at the earliest opportunity for the acquisition of whatever private land may be necessary for the Strathalbyn and Goolwa Railway, including a branch to Milang, and to instruct the engineer officers of the Government to make such further surveys as may be expedient in order to secure the best lines, and also to instruct the Crown Lands Department to withhold from sale any surveyed lands that may possibly be required for such railway and branch.”

One part of his motion referred to land for the purposes of the railway being procured from private parties who had offered it. But their offers could not be considered open for an indefinite period, and it was therefore important to close with them as early as possible.

Mr KRICHAUFF seconded the motion. Whether they had railways or tramways, the land for them would be required, and he did not think they ought to sell any of that which would be required for this purpose.

Mr BAGOT said, if put to the vote, he hardly knew what to say about the motion in its present form. If the former part of it, however, were struck out, and the latter part modified, he might be disposed to go along with the hon member.

The ATTORNEY-GENERAL called the attention of the hon member who introduced this motion to the fact that the former part of the motion was not within the scope of an address to the Governor. With regard to the second part, the Government would consider it, but perhaps would not do more in this respect than had been done in other cases. And with regard to the third part, that the Government had already done. If land were required for railway purposes, they should take care that it should not be sold. With this explanation, he trusted the hon. member would withdraw his motion.

Mr LINDSAY did not feel inclined to withdraw his motion.

Motion negatived.

NET-WORK OF RAILWAYS.

Mr Lindsay moved, that an address be presented to his Excellency the Governor-in-Chief, requesting that the engineer officers of the Government may be instructed to survey and submit to the consideration of this House a general system or network of lines of communication throughout the settled districts of this province, in substitution of the existing unavailable roads delineated upon the plans in the Surveyor-General's office. After seeing the fate of his preceding motions, he did not expect this would meet with any better success. But this was really a very important motion, and he must press it.—The Attorney-General moved, as an amendment, that the House of its rising do adjourn till Wednesday, the 6th of January last.—Amendment carried, and motion lost.

LAPSED MOTIONS

Mr Neales' motion for the appointment of a legal officer to report upon Bills before the House, and Mr. Peake's with respect to the Railway to the North, lapsed from the fact of neither of the hon members being in attendance.

CLARE MAGISTRACY.

Mr Lindsay moved the printing of the petition of the inhabitants of Clare, on the appointment of Mr W. H. Webb to the Magistracy, of which he had given notice on the preceding day. The motion was negatived.

RAILWAY LEVEL CROSSINGS

Mr COLE moved, the adoption of the report of a Select Committee appointed to enquire into all matters in connection with the level crossing, as prayed for by the inhabitants of Bowden, Brompton, and Hindmarsh.

Mr HUGHES seconded the motion. Mr Hanson, the engineer, had been applied to, and he did not object to the level crossing recommended by the Committee; it would not cost more than £250.

Mr LINDSAY supported the motion. He did not think Hindmarsh had been well treated. There was no necessity for level crossings there.

The ATTORNEY-GENERAL said they could not do anything in the matter, if the report were adopted, the other House having struck out a clause which would have enabled them to follow up the recommendation of the Committee.

Mr COLF was quite aware of the force of the Attorney-General's remarks, but his object in bringing it forward now was, that the attention of the Legislative Council might be called to it.

Motion withdrawn.

MR JOHN HINDMARSH'S PETITION.

Mr. Blyth, in the absence of Mr. Neales, moved that

the petition of John Hindmarsh, Esquire, be referred to a Select Committee to report thereon.—The Attorney-General said the petition called for enquiry. It referred to matters connected with Governor Gawler's administration. But if this petition were referred to a Committee, he thought it should only be done when there was a probability of a good attendance.—Mr Blyth relying upon the promise of the Attorney-General, that he should have his support at a future time, would defer the motion.

MOUNT BARKER TELEGRAPH

Mr Krichauff asked the Commissioner of Public Works whether the Government would be in possession of funds to carry a line of telegraph to Mount Barker in 1858, and if not, whether they would allow the work to be performed by a private company, connecting the line with the terminus in King William-street.—The Commissioner of Public Works believed that the Government would have funds for that purpose, and he thought there would be objections to the work being performed by a private company.

AUSTRALIAN FEDERATION.

The ATTORNEY-GENERAL moved, that the House do now proceed to nominate two persons as Delegates to meet Delegates to be appointed by the other Australian colonies, in accordance with the Report of the Federation Committee. Although not necessary to take any steps to bind the colony by any legalised or executive action, still it would be the duty of the Government to put the delegates now to be appointed in communication with the delegates of the other colonies, and then leave them to act to the best of their judgment. The delegates would go at the expense of the community, but would give their time without any remuneration.

The COMMISSIONER of CROWN LANDS seconded the motion.

Mr. BURFORD thought the powers of the delegates ought to be inserted in the motion.

Mr HUGHES quite agreed that some instructions should be laid down, and that the House should know what they were.

The ATTORNEY-GENERAL thought that sufficient interest had been felt in the matter to have led hon members to see that the delegates were to be appointed in accordance with the Report of the Federation Committee. That was a sufficient record of the grounds on which they were to appoint these delegates, and of the powers which they were to exercise. Two delegates were to be chosen by that House, and one by the Legislative Council.

The motion was then agreed to, and the two delegates chosen by ballot were the Attorney-General, and Mr. Torrens.

COLONIAL DISTILLATION.

The Attorney-General stated, in reply to Mr Mildred, that a Bill would be prepared with the view of allowing all the vine-growers of the colony to distil from their own produce.

The House then adjourned on the motion of the Attorney-General, until Wednesday, the 6th day of January next.

LEGISLATIVE COUNCIL.

TUESDAY, JANUARY 5.

TORRENS'S REAL PROPERTY BILL

Mr. Forster presented a petition, signed by 2,700 persons, praying the House to pass the above Bill before the close of the session.

REAL ESTATE BILL.

Mr Baker gave notice of a series of questions to ask the hon member who had charge of this Bill, contingent on the second reading.

REAL ESTATE BILL.

Mr Forster gave notice of the second reading of the Real Estate Bill for the following day.

STIRLING ESTATE BILL

Captain Hall gave notice of the second reading of the Stirling Estate Bill for the following day.

CITY WATERWORKS

Major O'Halloran gave notice of his intention to call for certain information with regard to the City Waterworks.

COLONIAL FEDERATION.

The Chief Secretary would move the appointment, on the following day, of a delegate to act with those appointed by the House of Assembly to the conference on the subject of Colonial Federation.

CUSTOMS VALUATIONS

Mr Forster asked the Chief Secretary in what way the Collector of Customs proceeded in estimating the value of wool, minerals, and cereals exported from the colony.—The Chief Secretary would seek the information the hon member desired.

MILITARY RETURNS.

The Chief Secretary laid on the table a return connected with the military now stationed in Adelaide, as called for by the hon Mr Forster.

The letter was as follows—

The Honourable the Chief Secretary, &c, &c., South Australia

Commandant's Office, South Australia

21st December, 1857.

Sir—I have the honour to acknowledge the receipt of a letter, addressed to me by your directions on the 16th instant, requesting the return of the daily duties performed by the officers, non-commissioned officers, and privates of the detachment of H. M.'s troops under my command.

I have delayed replying to this letter until I had communicated with his Excellency the Governor-in-Chief.

I now beg to state, for the information of the Government of South Australia, that the general daily duties of the troops are those laid down in the Queen's Regulations and Orders for the Army, which embrace, amongst others—

To aid in the general defence of the colony.

To aid the civil power when called upon in representing disturbances

And to furnish such guards and detachments, as may be required (and in accordance with the Queen's Regulations)

The general local duties at present are—

To furnish a guard to his Excellency the Governor-in-Chief.

A guard at the Treasury.

A detachment at Robe Town, Guichen Bay, and another about to be stationed at the Dry Creek.

In addition, it is the practice of the troops to render their assistance in all cases of fire

I have, &c.,

THOMAS NELSON

Major 40th Regiment commanding H.M.'s Troops in South Australia.

Captain Hall wished to know whether that was the only return the Government had received.—The Chief Secretary said it was the only return he had been able to obtain, but it was not so satisfactory as he could have wished.

APPOINTMENT OF MAGISTRATES

Mr Baker asked the hon. the Chief Secretary a question with respect to appointment of Justices of the Peace. He was led to this by reason of the appointment of Mr C. H. Webb, which had lately been made in Clare, and which had given great dissatisfaction. It would, in fact, he believed lead to the resignation of several magistrates in the north.—The Chief Secretary said, with respect to the appointment of Mr. C. H. Webb, he would state the circumstances under which it arose. A communication was received from the Special Magistrate of Koorunga, suggesting the appointment of another Magistrate in the Clare District, and, acting upon this suggestion, the Government had fixed upon the Chairman of the District Council, as a person likely to be considered in all respects eligible. The Government had not received any intimation of the intention of the magistrates of that district to resign.

RAILWAY LEGAL EXPENSES.

Mr Baker had reason to believe that the return which had been furnished was incomplete. He was told that there was a large bill in an office in town, say upwards of £1,000, which was not included in that return.—The Chief Secretary had no knowledge of any such bill.—Mr Baker made no secret of the office he alluded to. It was that of Messrs Hanson and Hicks.

HORSES TO INDIA

The Chief Secretary laid on the table returns moved for by the hon. Mr. Baker with regard to the shipment of horses to India.—Ordered to be read.

INSOLVENT BILL.

IN COMMITTEE.

The House went into Committee on the Insolvent Bill.

Clauses 4 to 19 were passed

On the 20th clause being read,

Mr Gwynne moved an amendment by the insertion of words to protect the Official Assignee against all liability for any act done by him, or by his order or authority, in the execution of his duty.

The amendment was adopted

The 21st clause, providing for the appointment of a new Official Assignee, in the event of the removal of the present one by death or otherwise, was read.

Captain HALL wished to know how that appointment was to be notified

The CHIEF SECRETARY—In the usual way, just as with other Government officers. It would be a public notification.

The 22nd clause read

Mr. AYERS called the attention of the House to the inexpediency of giving the messengers to be appointed under this Bill, powers to act as appraisers and auctioneers

Mr. Gwynne suggested an addition to the clause. After the last word, "Court," he would add, "and in case the estate is not sufficient to pay such fees, the same shall be paid out of a fund hereafter to be called the 'Unclaimed Dividend Fund.'"

Captain HALL said there might be no such fund, and they ought to provide, he thought, for the payment of these fees, in such cases, out of the general revenue.

Mr. Gwynne would bring forward an amendment to that effect, but he was satisfied there would be such a fund

Mr BAKER doubted whether the House should introduce a clause into the Bill for the appropriation of any part of the general revenue of the colony

Mr. AYERS hoped the hon. Mr. Gwynne would press his amendment

Mr Gwynne would take the sense of the House on it. What he proposed to do was, to give the messengers a first chance under this clause, and then another under the "Unclaimed Dividend Fund"

The amendment was then agreed to

On the reading of the 23rd clause,

Mr AYERS proposed that it be struck out. It would give to messengers the power, first, to seize goods, then to value them, and then to sell them.

The CHIEF SECRETARY said the nature of their duties would be such that they must have large powers.

Mr BAKER thought the persons seizing ought not to be the persons to value and sell

Captain HALL did not read the clause as other hon. members did. The messenger was not necessarily to be the auctioneer or appraiser, although the Court might so appoint him

The CHIEF SECRETARY said the goods might, in some instances, be of so small a value, that it would not be worth while calling in a licensed auctioneer or appraiser.

Mr BAKER did not think it necessary for the Government Auctioneer to go and sell small quantities of goods at a distance from Adelaide. There were auctioneers now at Gawler Town, at Mount Barker, and all over the colony

Mr. FORSTER thought the clause as it stood limited the power of the Court to the appointment of the messengers, and to the messengers only. He would recommend the Chief Secretary to extend it to others.

The CHIEF SECRETARY said the messengers of the Court might have to go and make seizures 100 miles away, at Mount Remarkable for instance, and what was to be done in such cases as that?

Mr. BAKER reminded the hon. the Chief Secretary, that there was already an auctioneer at Koorunga, and wherever goods were to be seized, there would be no difficulty in getting an auctioneer to appraise and sell them.

The CHIEF SECRETARY—Wherever goods are to be seized, there the messenger must also be sent.

Mr Gwynne called the attention of the hon. member to the fact, that there was no such reason to apprehend a want of fidelity on the part of the officers of the Court as some would lead them to suppose.

Capt HALL thought that if other persons besides the messengers were to be employed, the words "other persons" ought to be put in.

Mr BAKER still hoped the messengers would not be the persons to be appointed. Suppose a messenger to enter an establishment—his own for instance—under the confusion that was created on such an occasion, as they all well knew, it would be very improper for such messenger to seize his property, and then to exercise the power of realising upon it.

Mr FORSTER thought if the clause stood as printed, he feared some persons might stand up and contend that it was not in the power of the Court to appoint any others, except its messengers, and he could not see how such an objection was to be met.

Mr GWYNNE suggested an amendment of the clause in the following form —“That it shall be lawful for the said Court, by order, in any particular case, to authorise any competent person, whether messenger under this Act or not, to act as appraiser and auctioneer, for the purpose of valuing or selling any goods, chattels, or effects of any insolvent, seizable and seized by virtue of this Act; and the person so authorised may, without other license on his behalf, do and perform all the duties of appraiser or auctioneer, provided that, in all cases where tradq assignees are appointed, their assent to such order shall have been first obtained”

After some further discussion the clause as amended was passed.

Mr. GWYNNE asked for its recommittal, as an Hibernicism had crept into it.

The PRESIDENT said it could not be recommitted that day.

The 24th clause was passed with a slight verbal alteration relating to the cost of preparing insolvent's schedule, and the charges for newspapers and advertising, which were expenses out of pocket.

On the reading of the 25th clause,

The PRESIDENT felt it his duty to call attention to the fact that this referred to the appropriation of the general revenue of the colony.

The CHIEF SECRETARY thought it unwise to raise such a question.

Capt HALL said the question was, was there anything to show in what way the Bill had been introduced into the other House. Had it been at the Governor's recommendation or not.

Mr MORPHETT called attention to the votes and proceedings of the other House. Those were all they had to go by, and there was nothing there to show that it had been introduced on the recommendation of the Governor.

Capt SCOTT said, if the head of the Government in the House of Assembly had introduced it, he presumed it was done with the understanding and consent of the Governor.

Mr MORPHETT did not think the assent of the Governor sufficient. According to the Constitution Act, he must recommend it.

The clause was passed

Clauses 26 to 45 passed as printed.

Clauses 46 to 47 postponed.

Clauses 48 to 54 passed as printed.

On clause 55 being read,

Mr. GWYNNE suggested an amendment. As the clause stood, it limited the power of the Court to appoint an accountant until after the surrender of the in-

solvent. But some insolvents never surrendered, and with regard to others a long time elapsed before they did so.

A long discussion ensued, and the clause was passed with some slight alterations.

Clauses 56 to 72 passed as printed.

Clause 73 passed with a slight verbal alteration.

The CHAIRMAN reported progress, the House resumed, and the further consideration of the Bill in Committee was made an order of the day for the following day.

The House then adjourned till 2 o'clock next day.

LEGISLATIVE COUNCIL

WEDNESDAY, JANUARY 6

REAL PROPERTY BILL

Mr FORSTER moved the second reading of the Real Property Bill, and replied to a number of questions in reference to the Bill, which were put by the hon. Mr. Baker.

Mr. BAKER said he was not hostile to the measure, but wished for information to enable him to judge the better of it, and, if possible, to remedy its defects. He had no hesitation in saying that the Bill, as at present framed, would be a most disastrous one. The introducer of the Bill certainly deserved great credit for the manner in which he had devoted himself to the object, but if the Bill were passed in its present condition, he was certain all his labour and his reward would be lost.

Captain BAGOT supported the second reading. It was a step in the right direction. The present voluminous and verbose system too evidently required reform. Registration should not be made compulsory. He cordially supported the second reading.

Mr. BAKER said that the replies by Mr. Forster to his questions were far from being satisfactory, although he confidently looked for information, but in order that the Bill might, if possible, be made a perfect measure, he would agree to its second reading.

Mr MORPHETT agreed to the second reading on the condition that the very valuable report of the English Commission should be printed and placed in the hands of honorable members before the Bill was called on in Committee.

Mr. DAVENPORT supported the second reading.

Mr. HALL did so also, considering the Bill a step in the right direction.

Captain SCOTT would certainly have opposed the second reading, but for the guarantee of the mover, that he would not press the clause insisting upon compulsory registration.

Mr FORSTER in reply, said he was surprised at the turn which the debate had taken. He had expected to have heard some grave objections urged against the Bill, but he had heard none. In compliance with the wish of the House, he would move that the Bill be considered in Committee on Tuesday next, when, if it was found that further time was required, it could be given.

After some discussion the Bill was read a second time, on the faith of sufficient time being given for its consideration before being committed, and for the report

of the English Commission to be printed and placed in the hands of the members of the House.

MESSAGES FROM THE ASSEMBLY

The President reported the following messages from the House of Assembly —

No 54 Enclosing Barnett's Patent Reaping Machine Bill as passed.

No 55. Agreeing to the adoption of certain amendments by the Legislative Council in the Aliens Naturalization Bill

No 56. Agreeing to the amendments of the Legislative Council in the Gawler Railway Extension Bill.

No. 57 Enclosing the Building Bill as passed

No 59 Enclosing certain proposed amendments in Ordinance (1849) for Municipal Government

REAL PROPERTY BILL.

Mr FORSTER moved that the Real Property Bill be considered on Tuesday next in Committee.

Mr MORPHEE objected to it, as he supported the second reading under the belief that sufficient time would be given to enable the printed report of the English Commissioners to be placed in the hands of members.

The CHIEF SECRETARY hoped the consideration of the Bill would not be deferred beyond Tuesday.

Mr FORSTER said he must have been misunderstood His intention was that the time should be extended if not sufficient.

Mr. BAKER had no objection to go into committee on Tuesday next, but suggested that it would be better for Mr. Forster to be on the side of liberality if at all.

Mr. MORPHEE's amendment against going into committee on Tuesday was negatived, and the original motion carried.

The suspension of the standing order was agreed to, and

Mr FORSTER moved that the Report of the Commissioners to the 60th page be printed:

The PRESIDENT—Is the hon. member prepared to lay the Report upon the table? (then in his possession.)

Mr FORSTER replied that he was not, but that he would do so on the succeeding day.

The PRESIDENT said that he could not put the question without the report.

BUILDING BILL.

Read a first time

AMENDMENT IN ORDINANCE NO. 11, 1849.

Read a first time.

BARNETT'S PATENT BILL.

Read a first time, and a Committee appointed to report on preamble.

NORTHERN EXPLORATION.

The Chief Secretary stated, in reply to Mr. Baker's question, that Mr. Babbage had been appointed to the command of the expedition to the interior on the recommendation of the Commissioner of Crown Lands, and on account of the various qualifications which he possessed for the same. His salary was to be £1,000 per annum.

The House adjourned till the following day at 2 o'clock.

HOUSE OF ASSEMBLY.

WEDNESDAY, JANUARY 6

ONKAPARINGA PETITION

The Speaker informed the House that he had received a letter from the hon the Chief Secretary, informing him of the return of the writ for the election of a member of that House for the district of Onkaparinga. William Townsend, Esq., had been declared duly elected—Mr Hughes presented a petition signed by 170 electors of that district against Mr Townsend's return.—On the motion of the hon gentleman, the petition, return, and all other papers relating thereto were referred to the Court of Disputed Returns, to be held on the 13th January, at 11 o'clock

CIRCUIT COURTS BILL.

Mr. TORRENS presented a petition against this Bill, from a number of licensed practitioners of the Supreme Court.

The petition, which was read, declared that Mr. Bagot was not the mouth-piece of the legal profession, and the petitioners declined to endorse the eulogistic remarks recently made by that gentleman in reference to Mr. Mann. The prayer of the petition was as follows —

"Your petitioners therefore humbly pray that your Honourable House will, upon the passing of any Act having for its object the appointment of a third Judge of the Supreme Court, accompany the same with an address to his Excellency the Governor-in-Chief, praying him, before making such appointment, to cause an enquiry to be made into the efficiency of any gentleman who may be proposed to fill the office."

Mr BLYTH wished to know whether the hon. the Speaker thought the wording of the petition respectful. He himself did not think it was. As far as he could catch it, whilst being read, he understood it to reflect upon a member of that House.

The SPEAKER thought the petition one of a very unusual character, reflecting as it did on the speech of a member of that House.

Mr. BAGOT asked for the names of the petitioners to be read by the Clerk of the House.

They were Messrs. E. Castres Gwynne, Charles Fenn, R. J. Stow, and R. B. Andrews.

Mr. BLYTH referred to the fact of it being signed by a member of that House—Mr. Andrews, the last on the list, was the member for Yatala

The SPEAKER thought it competent for any member of the House to do so if he thought fit. There was nothing to forbid it.

Mr. BAGOT admitted having made some such remarks as those imputed to him in the petition, but he distinctly denied that he had appeared as the mouth-piece of the profession to which he belonged. The hon. gentleman having proceeded for a considerable time,

Mr. NEALES remarked that there were only four names to that petition, and if so much of their time was taken up with a reply to four gentlemen, what would it be where petitions were more numerous signed? They had heard of a petition with 2,700 signatures attached to it, and he should like to have a shy at some of those gentlemen, but only think of the time it would take up

Mr. BAGOT contended, in conclusion, that the gentle-

man who had first signed that petition had not acted in the way one gentleman should act towards another in first asking him whether the words said to have been used by him were so used, before he proceeded to reflect upon him.

Mr TORRENS did not wish to be deemed a party to the petition. He felt it, however, a duty he owed to his constituents to present it, and he had been guided solely by that feeling. With reference to his friend Mr Mann, he should be glad to see him confirmed in his appointment, but whilst he said this he must not omit all reference to what had dropped from the last speaker. That gentleman had said that there was an attempt made in that petition to control the freedom of speech. It was purely ridiculous, it was simply absurd, to put forward any such statement.

The ATTORNEY-GENERAL called attention to the fact that there was no motion before the House.

The SPEAKER said the discussion had been irregular, but he did not wish to interrupt it against the feeling of the House. If carried further there must be a motion upon it.

After a few words from Mr Torrens and the Attorney-General,

Mr BLYTH said that the hon. member for the city had said that it was the petition of that hon. member's constituents, but that was not the fact, one of the petitioners might be a constituent of his, but not more. He had asked Mr Torrens whether the wording of the petition was respectful, and he had said that it was, but he did not think it respectful to call upon an individual by name and reflect upon him for having made offensive statements without having taken the trouble to enquire whether he had done so or not. He should certainly have objected to present the petition himself if he had been asked, and he regretted that the hon. Mr. Torrens had not done so.

The subject then dropped.

ASSESSMENT OF STOCK.

Mr. Neales gave notice of motion upon the subject of assessment of stock.

FEDERATION DELEGATES.

The Attorney-General gave notice of motion for an address to his Excellency, informing him of the appointment of delegates to meet the Conference on the subject of colonial federation.

ELECTION FOR THE LIGHT.

On the motion of the Attorney-General, a new writ was ordered to be issued for the election of a member for Light in the room of Mr Smedley, resigned.

FEDERATION DELEGATES

Mr. Hughes asked the hon. the Attorney-General whether the Colonial Federation delegates would consider themselves empowered to deal with the tariff question in accordance with Council Paper No 23.—The Attorney-General should not consider himself bound by anything not embodied in the instructions of that House to the delegates.

DISTILLATION

Mr Mildred wished to know whether anything had been done with regard to the vine-growers, and their being allowed to distil from their produce.—The Attorney-General said the subject had been under the consideration of Government, and they had invited persons to meet them and give them their suggestions, but no practical results had been arrived at that

could as yet be embodied in a Bill to be laid before the House.

CORPORATION AMENDMENT BILL.

This Bill was read a third time and passed after some opposition from Mr Bakewell.

ELECTORAL LAW AMENDMENT BILL

The House went into Committee on this Bill.

The COMMISSIONER OF PUBLIC WORKS called attention to the amendment on the second clause of this Bill when last in Committee. The amendment then adopted was, that the colony should be divided into sixteen districts for the election of members of the Legislative Council, and seventeen for the House of Assembly. But though the amendment of the hon. Mr. Torrens had been adopted, the question had not been put, that the clause do stand as amended. He should, therefore, move as an amendment, that the clause do stand as printed.

Clause passed as printed

Amendment consequently rejected

Clause 3 was amended on the motion of Mr Blyth, by the insertion of words making it necessary that the returning officers should in all cases be resident in the district.

Clauses 4 to 9 passed as printed.

Clause 10 passed with a few verbal alterations.

Clauses 11 to 25 passed as printed.

On the 26th clause being read,

Mr BURFORD asked whether it was intended by this clause to sanction the hiring of public-houses for the purpose of taking votes.

The COMMISSIONER OF PUBLIC WORKS said there was nothing in the clause to interfere with that.

Mr. BURFORD would then move as an amendment, that the elections should not be holden within a certain distance of any public-house.

Mr. NEALES was surprised, after what they had seen of the hiring of public-houses for election purposes, that they were about to return to the system. He would make the place at which the election was held at least 300 feet from any public-house.

The COMMISSIONER OF PUBLIC WORKS said the gentlemen who had sat to report on the expenses of the late elections objected to booths on account of their cost.

Mr NEALES said tents were sold constantly in Adelaide at from £5 to £10, and the Government might keep a lot on hand, and thus have a freehold of them. He still hoped the House would not sanction the holding of elections within one hundred yards of any public-house.

Mr HAY took an opposite view. Rooms sufficiently large could be had for the purpose in public houses in the country, and if the ballot had obtained, the riots referred to would not have taken place.

Mr BLYTH said to erect booths in the country would be expensive, but they could hire rooms at a small cost, and in the country, where the houses were more quietly conducted, the public-houses were the best.

Mr MARKS saw no danger from the elections being near a public-house. It would be a great inconvenience and expense if the hiring of rooms in public-houses were prohibited.

After a tedious discussion, the amendment was

negated, and the clause as printed was carried by a majority of 14 to 7.

Clauses 27 and 28 were passed as printed

Mr BAGOT then proposed the introduction of the following new clause, which led to an animated discussion, of nearly as great length as that on the 26th clause—

“It shall not be lawful for any candidate for election as a member of the said Legislative Council or House of Assembly to solicit personally the vote of any elector or to attend any meeting of electors convened or held for election purposes, if such meeting be held three days before, or on the day appointed for the nomination of candidates for any electoral district, and until after the poll is taken for the said district, and the attendance of any candidate at any such meeting or his personal solicitation of the vote of any elector, shall have the same effect as the acts of bribery and corruption hereinafter mentioned”

Mr. TORRENS moved, as an amendment on it, the following—

“It shall not be lawful for any candidate to address any meeting of electors, or to solicit votes on or after the day appointed for the nomination.”

Mr Bagot's clause was carried by a majority of 18 to 3, and the remaining clauses having been passed with amendments the House resumed, and the Chairman reported progress and obtained leave to sit again.

ORDERS OF THE DAY

The Circuit Courts Bill, and the Property Consolidation Law Bill were deferred till next day.

PARLIAMENTARY REPORTS

Mr BAGOT asked leave to amend his motion for an address to his Excellency to provide for full and accurate reports of the proceedings of Parliament, which was granted, and he then said, that his reasons for it were shortly these—The newspapers under their present arrangements could not give full and accurate reports. What he meant to convey was, that the system of epitomizing did not afford their constituents the opportunity of knowing how they conducted themselves in the House, and thus they all knew to be very desirable

A quorum not being then present, the House adjourned till the following day at 1 o'clock.

LEGISLATIVE COUNCIL.

THURSDAY, JANUARY 7.

STIRLING ESTATE BILL

This Bill was read a second time, and passed through Committee, the third reading being made an order of the day for Tuesday next

CITY DRAINAGE.

Major O'Halloran asked the honourable the Chief Secretary when the Government intended to commence the surface drainage of the city with the funds now at their disposal for that purpose, viz, £36,000. He was afraid that the £36,000 might be applied to some other purpose.—The Chief Secretary stated that the Government had no intention of applying the money to any purpose. A scheme was now under the consideration of the Government.

FEDERATION

APPOINTMENT OF DELEGATE.

The CHIEF SECRETARY moved—

“That the report of the Select Committee of the Legislative Council on Federation be forwarded to his

Excellency the Governor-in-Chief for his information; and that, in conformity with the recommendation contained in it, the House do proceed to appoint a delegate to represent this branch of the Legislature in the proposed united Conference of the various Australian colonies”

The honourable gentleman referred to the onward progress of the colony, and the necessity there was for harmony existing between the colonies by means of Federation, to which the appointment of delegate referred.

The SEEAKER was about to put the question, when,

The CHIEF SECRETARY called attention to the necessity there was for the delegate to be appointed by ballot

Dr DAVIES would like to know before they proceeded to vote whether it would be imperative on the member who was elected to act.

The CHIEF SECRETARY replied that it would not

The result of the ballot was then taken, and the President declared that the Honourable George Hall was the delegate appointed.

ALIENS NATURALIZATION BILL.

At the suggestion of the Chief Secretary, the House went into consideration of the reasons assigned by the House of Assembly for disagreeing to some of the amendments made by the Legislative Council.—The President read the reasons to the House.—The Chief Secretary said as the reasons were satisfactory, he would propose that the Legislative Council do not insist on the amendments referred to.—The President put the question and it was agreed to.

— APPOINTED DELEGATE.

The Chief Secretary proposed that the name of the delegate appointed should be forwarded to his Excellency the Governor with the Report.—Agreed to.

BUILDING BILL.

Upon the motion of Captain Bagot this Bill was read a second time, and its further consideration made an order of the day for Wednesday next.

COMMISSIONER'S REPORT.

Mr Forster laid upon the table the Report of the English Law Commissioners, and moved that the report be printed up to the 60th page.—Agreed to

INSOLVENT BILL.

IN COMMITTEE.

Clauses 77 to 80 were passed as printed.

Clause 81—“The Court, after adjudication, may order Treasurer or agent of the insolvent to deliver up all moneys”

Mr HALL looked upon the payment to any other person than the insolvent as an unsafe principle.

Mr AYERS thought they might limit the usefulness of the measure by such a restriction. The object of the clause was to provide for the payment of the money to some other person or Banking Company in the absence of the Official Assignee.

Mr FORSTER thought the retention of the clause would not do any great harm, and it might do great good.

The clause was passed as read.

Clause 82—Passed as printed

Clause 83—"Execution for extra-colonial debts void in certain cases."

Mr. AYERS said he should oppose the clause in the absence of any explanation from the Chief Secretary.

Mr. FORSTER wished to know what was the limit allowed to an extension without it being made void.

The CHIEF SECRETARY—Two months.

Mr FORSTER would object, as he thought it would be hardly creditable to pass a clause which might deprive deserving English creditors of their property in certain cases.

Mr HALL would certainly vote for the total expungement of the clause in its present shape.

The CHIEF SECRETARY would have no objection to postpone the clause, but he was inclined to think more favourably of it than other hon members.

The clause was passed as printed.

Clauses 85 to 87—Passed as printed

Clause 88—"Joint creditors entitled to prove under separate estates, for the purpose of voting in the choice of assignees."

Mr HALL objected to the word "shall" in the third line, which made it imperative on the creditor to prove his debt. He proposed that it be struck out.

The motion was negatived.

Clauses 89 to 96 were passed as printed.

Clause 97—"Court may order insolvent to join in conveyance"

Mr HALL wished to know if this were necessary.

The CHIEF SECRETARY said the order was left to the discretion of the Court.

Passed as printed.

Clause 98 to 113—Passed as printed.

Clause 114—Penalties on fraudulent insolvents.

Mr HALL thought this clause unnecessarily severe. He should also like to know what "time-bargains" meant.

The CHIEF SECRETARY was very glad to find that the hon. gentleman did not understand the term. He would inform him that it meant gambling on 'Change, or trading without capital.

Clauses 114 to 125 were passed as printed.

Clause 126—"Power of Court over debts proved by affidavit"

Mr FORSTER wished that the clause should be so amended that it would be in the power of a creditor to prove his debt by proxy.

The CHIEF SECRETARY could not see how it could be accomplished.

Mr AYERS suggested that very often the subordinates of the creditor were in a much better position to prove the debt than the principal.

The clause was postponed.

Clauses 123 to 141 were passed as printed;

Clause 142—"Certain extra-colonial creditors excluded."

Mr AYERS opposed this clause, as he did not see

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why extra-colonial creditors should be treated otherwise than other creditors.

Clause postponed.

Clauses 143 to 163—Passed as printed.

Clause 164—"Estate to vest in Official Assignee, either alone or jointly with any other."

Mr HALL objected to joint vestment. It was inconvenient that the Trade Assignees should be joined with the Official Assignee.

Passed as printed.

Clause 165 to 194—Passed as printed.

Clause 195—"Fraudulent insolvents liable to penal servitude"

Mr. AYERS thought the penalty too severe.

Captain BAGOT agreed with Mr Ayers, and proposed an amendment, which was agreed to.

Clauses 196 to 215—Passed as printed.

Schedule A—"Messenger's Fees."

Mr AYERS suggested that the "commission for selling" should be reduced.

The CHIEF SECRETARY explained that the scale of messenger's fees was very much reduced already.

The clause was amended by inserting the words "not exceeding" per centum 55.

The schedules having been passed, with trifling amendments, the Chairman reported progress, and the Committee obtained leave to sit again on Tuesday next.

Adjourned to Tuesday next at 2 o'clock.

MESSAGES FROM THE GOVERNOR.

Message No 6 was received from his Excellency the Governor in answer to message No. 6 from the Legislative Council, that the question of the suggested annual meeting of Parliament in May was a matter which would have the best attention of the Government. Message No 7 was also received with reference to the annexation of territory.

The House adjourned till Tuesday next.

HOUSE OF ASSEMBLY.

THURSDAY JANUARY 7.

DISTILLATION.

Dr. Wark gave notice of motion for leave to introduce a Bill to allow the vinegrowers to distil from their own produce.

PARLIAMENTARY REPORTS

Mr Blyth gave notice of motion for an address to his Excellency on the subject of Parliamentary reports.

PETITION REFLECTING ON MR. BAGOT

Mr. Blyth gave notice of motion for expunging the petition of Messrs Gwynne, Stow, Fenn, and Andrews, reflecting on Mr Bagot, one of its members, from the records of the House.

COUNT OUT.

Mr Bagot moved an addition to the standing orders, which was adopted, requiring a record to be kept of the names of members present whenever the House was counted out.

EMIGRATION ACCOUNTS

The Commissioner of Crown Lands laid on the table

certain papers connected with the Emigration accounts, which were ordered to be printed.

CIVIL SERVICE BILL

Mr HUGHES moved the House into Committee on the Civil Service Bill, which had been brought forward in an earlier part of the session, but which had not been proceeded with on account of the introduction of the hon. the Treasurer's Bill, which had now been rejected.

The TREASURER dissented altogether from the principle of the Bill, because he believed it would lead to great injustice, and he should therefore oppose it as a whole.

Mr HUGHES, in reply, said that this Bill simply embodied clauses which appeared in the hon. the Treasurer's late Bill. It was intended to provide for those who had already retired from the service, and to prevent any more from being placed on the Superannuation fund.

The motion was negatived by a majority of 12 to 4.

ELECTORAL LAW AMENDMENT BILL.

IN COMMITTEE

Schedules I and II were adopted.

Dr WARK then moved the recommittal of a clause, with the view of having Kensington and East Torrens, at present one electoral district, divided into two districts.

Mr MILDRD supported the recommittal of the clause on the grounds stated.

The COMMISSIONER of PUBLIC WORKS thought he must oppose. If it were done in this case it must be done in others. Many other districts would require to be divided.

Mr BLYTH had not heard of any desire on the part of the constituency of East Torrens to have such a division of the district, and hoped the motion would be withdrawn.

Mr BURFORD supported the recommittal of the clause.

Mr GARD had received no communication and heard no desire expressed for any such alteration, although one of the members of the district.

Motion negatived.

The 7th to the 10th and 17th clauses were recommitted, and passed with a few verbal and other alterations.

A long discussion ensued on the motion of Mr Townsend, in which Messrs Bagot, Milne, Neales, Marks, Blyth, and Benney took part, and which issued in it being provided that immediately before taking the votes, the Returning Officer, or Deputy Returning Officer, shall cause the ballot box to be opened in the presence of scrutineers.

The House resumed, the Chairman reported progress, and obtained leave to sit again next day.

CIRCUIT COURTS BILL.

IN COMMITTEE

The ATTORNEY-GENERAL explained the alterations made in the Bill in deference to the wishes of the House. Provision had been made for the appointment of Juries of twelve in criminal cases, and in civil cases, where parties were dissatisfied with Juries of four, they could

have Juries of twelve by paying their expenses. The allowance to Jurors to be 7s per-day.

Clause—Passed as printed.

Clause 2—Read, and discussion ensued.

In reply to a question,

The ATTORNEY-GENERAL said, with regard to the number of Circuit Courts to be held, one would be at the Burra, another probably to the south, and another to the south-east.

Mr BAKEWELL would like to know the places at which the criminal cases were to be tried.

Mr BAGO would like to see the places fixed, because as the clause now stood, the Judges would have the power to appoint from time to time where the Courts were to be held. Still, he looked upon the Bill as of so much importance, that he would not in any way embarrass the Government on it.

Mr MARKS called attention to Burra and Clare. He would have Circuit Courts at both places.

Mr BURFORD would raise his voice against this Bill altogether. He would have it all expunged except the first clause, which provided for the appointment of a third Judge, and that he thought they should have.

Mr BLYTH disagreed with the hon. member for the city, Mr. Burford. What objections there were to the Bill had been met by the Attorney-General. They were not to have juries of four, but juries of twelve, and witness's expenses were to be paid. As yet, it was impossible to fix the places for the holding of the Courts.

Mr TORRENS agreed with the last speaker in many respects. The time would come in which they should require Circuit Courts in many places, but at present the Burra would be sufficient.

Mr HAY did not see the necessity for a third Judge. It would contribute to the health of the present Judges to travel about. But if Circuit Courts were to be established, there were other places in which they should be held besides the Burra.

Mr DUFFIELD should support the Bill on the principle on which Mr. Burford opposed it. He thought the country ought to pay the expenses of witnesses, just as it ought to bear the other costs of trial.

Mr. NEALES thought, with Mr. Torrens, that one Circuit Court was enough for the present. Although inclined to trust the present Government as to the appointment of Judges, he should not like to trust all Governments, and he would not therefore leave these appointments to any Government.

The ATTORNEY-GENERAL felt himself justified in asking that House for the expenses to be incurred under this Bill, because they would more than counterbalance the payment of another Judge, and the whole costs of these Courts. Almost every person who had had an opportunity of witnessing the expenses to which persons were now put—how very burdensome and oppressive they were—and how much they needed to be lightened—much approved of the principle of this Bill.

Mr. BONNY should oppose any amendment on the clause. If established in one place, Courts should be established in another as they were required. A third Judge was much wanted, and should be appointed.

Clause passed as printed.

Mr TORRENS then moved that the following stand

next after the second, and form a separate clause of itself — "The title and emoluments of the Chief Justice shall be held by the Judge who shall have had his commission for the longest period" He could not shut his ears to what was talked of all through the town. That the Bench was not what it should be, was not only the opinion of professional men, but of many others. The position of the Attorney-General, as a practitioner in the Supreme Court, was believed to be injurious to other practitioners. He did not himself say that his position at Attorney-General influenced the Judges, but that feeling was going abroad. He moved that the words he had introduced stand as the 3rd clause of the Bill.

The ATTORNEY-GENERAL felt it his duty to oppose the introduction of that clause, and while he did so, must say, there were undoubtedly many grave objections to it. The power of making these appointments, as he had before said, should be vested exclusively in the Executive, and here it was so. As regarded a person's not accepting office as Attorney-General without the opportunity of becoming Chief Secretary, he might say, that a person accepting office as Attorney General would never accept a puisne Judgeship, and have then to work his way up. He might be thought to speak on this matter personally to himself. But he should say, that neither emoluments nor position would ever induce any Attorney-General to accept a puisne Judgeship in this colony. By this clause, a man placed at the head of his profession would be exposed to the bar of exclusion, under the pretence of leaving open to all others the highest post, the highest honours, it had to award. This was a matter which had been fully discussed on a previous occasion, and it was absolutely necessary to the successful working of Responsible Government.

Mr BAGOT opposed the introduction of the clause. If they wished to devise any means for rendering the Judges liable to the charge of corruption, that would be the plan of looking forward for promotion, and it would have this other bad effect, that there would be improper competition among the gentlemen at the bar.

Mr. BLYTH ridiculed Mr. Torrens' plan, by which any gentleman, however old, however incompetent, however deficient in legal acquirements, if made a puisne Judge must, if he outlived others on the Bench, become Chief Justice.

Mr BAKEWELL denied that there was any rule by which the Attorney-General should be made Chief Justice. It was the duty of the Executive to look round, and see where the best man was to be found, and if the Attorney-General was the best man, there was no rule against it.

The proposed clause was rejected.

The remaining clauses were then passed, the House resumed, and the third reading of the Bill was made an order of the day for the day following.

ASSESSMENT ON STOCK.

Mr. NEALES moved—

"That it is the opinion of this House that any further delay in placing a reasonable assessment on stock running on the waste lands of this province is unjust to the agricultural and other tax-paying interests of the colony."

He was only asking now what this Ministry had promised to carry out. No one would deny that the interest, known as the squatting interest, did not pay their fair proportion to the State as compared to the agricultural and commercial interests.

Mr. MARKS said every interest in the colony was

taxed except the squatting interest, and why should they go free? In New South Wales and Victoria there was an assessment, and in Victoria it was excessive. In this colony the squatters held 24,000 square miles of land, and all they paid for it was £13,000 a year.

The ATTORNEY-GENERAL said the Government quite agreed in principle with this motion, and if, when they took office, they had not had so much on their hands, they would probably have done something. But they would be prepared to meet the Legislature with some measure next session, and would take the sense of the House on it. He should not vote against the motion, but he hoped the hon. member would withdraw it.

Mr HAY was speaking in favour of an increase on the rent of the Crown Lands, in place of an assessment on stock, when the House was counted out.

Adjourned till 1 o'clock next day.

HOUSE OF ASSEMBLY.

FRIDAY, JANUARY 8.

PREPARATION OF BILLS.

Mr. Blyth gave notice that on Tuesday next he would move for the return of all monies paid for the preparation of Bills introduced into that House.

MESSRS. SMITH AND FREW

Mr Burford gave notice that on Tuesday next he would move for the appointment of a select committee to enquire into the petition of Messrs. Smith and Frew.

THE NORTHERN LINE.

The Commissioner of Public Works stated, in reply to Mr Duffield, that the irregularity in the departure and arrival of the trains on the Northern line which had recently occurred had arisen from the bursting of the tubes of the engines, but he was glad to say the matter would soon be remedied, as tubes to supply the places of those which were defective had been received.

PRIVILEGE.

Mr BLYTH said it would be in the recollection of all hon. members that a petition was presented by the hon. member for the city, Mr Torrens, a day or two ago, reflecting upon a person in that House. At the time he took exception to that petition, and after having studied it carefully since, he found no reason to regret the part he had taken. The hon. gentleman quoted from "May" in support of his position, and concluded by moving that the orders of this House for receiving and reading the petition of Messrs. Gwynne, Fenn, Stow, and Andrews, presented to this House on the 6th instant, be read and discharged, and all reference to such petition in the votes and proceedings of this House be expunged therefrom.

Dr WARK considered the quotations from "May" were certainly most conclusive and indisputable. Freedom of debate was one of their constitutional privileges, and it was the last privilege which should be surrendered. He cordially seconded the motion.

Mr. MARKS supported the motion. He denounced the reference to Mr Mann as a stab in the dark, and hoped every member would join in rejecting the petition and expunging all reference to it from the records of the House.

The ATTORNEY-GENERAL would, before making any remark on the subject, ask the Speaker whether the

petition was not primarily irregular, and therefore not competent to be presented to this House.

The SPEAKER said it was His attention had not been called to it, or he certainly should not have allowed it to be presented.

The ATTORNEY-GENERAL was decidedly in favour of the motion. The petition was totally at variance with the Privileges of Parliament. They would all see what a very inconvenient course it would be if any one in the gallery of the House, or any one admitted to the seats provided for the friends of the Speaker, were to listen to the debates and then be at liberty to go and found a petition on them. It would tend to a perfect exclusion of any one who did so. If such a course were allowed it would be an abandonment of the recognised freedom of debate. No one could suppose that they shrank from their actions being commented upon, but they must repudiate the idea of their freedom of debate being combatted. There was no doubt of the propriety of their actions being open to public criticism, either privately or through the columns of the newspapers. Complaints did appear, both editorially and otherwise; but if they felt that the parties making those complaints were in the right, they would certainly not deter them from expressing their opinions. The House was a sanctuary, and a member of it could only be called to account by any member of that House. He was induced to make these remarks in justice to the member who had been referred to in the petition, in justice to the House, and in justice to Mr Mann.

Mr HAY would support the motion, but he must say that he was surprised that the hon member for Light had never contradicted the words imputed to him. He hoped the hon member would inform them whether the report was correct or not.

Mr BURFORD hoped the hon. member for Light would not answer the question. It was very well for the hon member to express himself thus with the view of advancing the interest of his newspaper, but the newspaper reports were so frequently faulty that no dependence could be placed upon them.

Mr BAGOT did not feel called upon to answer Mr Hay's question as to the correctness of the report or not. He took much higher ground, and stood upon the privileges of the House. If any one asked him privately, he would be very glad to answer him.

The motion was put and carried unanimously.

ELECTORAL LAW BILL.

IN COMMITTEE.

Schedule I, being a schedule of fees, was amended by the words "not exceeding £10" being inserted in reference to the payment to clerks of District Councils and Town Clerks for services performed under clause 7, Schedule K.

The COMMISSIONER of PUBLIC WORKS proposed that the fee for the "hiring or erection of booths" stand as originally in the Bill "as per voucher."

Mr. BLYTH would prefer that it should be so much per booth, not exceeding £3 3s.

The COMMISSIONER of PUBLIC WORKS thought that they should not be tied up in that manner to a specific amount.

Mr DUFFIELD thought that £3 3s. was quite adequate.

Dr WARK objected to the indefinite term of "so much per voucher."

Mr. MILNE would propose that it should be a sum not exceeding £10.

The SPEAKER put Mr. Blyth's amendment, as being the smallest amount, and declared it negatived.

Mr. TORRENS thought it would place the Executive in a very inconvenient position if an adequate amount were not voted.

Mr BLYTH stated his experience as one of the Returning Officers, and said he had only paid 30s for a booth.

Mr DUFFIELD said that wherever Government money was concerned it was considered fair plunder. He considered £3 3s quite sufficient for the purpose, but would propose, as an amendment, that the words "not exceeding £4 4s" should be inserted.

Mr. BAGOT did not think £4 4s was sufficient, nor did he think the system of vouchers a satisfactory one.

The SPEAKER put the amendment that the sum be £4 4s, and declared it negatived.

Captain HART moved, as an amendment, that the sum be £6 6s.

Mr DUFFIELD said if that amendment were put he should feel it his duty to move another amendment that the sum be £5.

Mr Duffield's amendment was carried, and the schedule passed as amended.

Clause 13 was recommitted and amended by inserting the words in the 38th line, after the word Governor, "at such reasonable remuneration as he may deem fit." Clause passed as amended.

The House resumed, the report was brought up and adopted, and the third reading was made an order of the day for Tuesday next.

REAL PROPERTY BILL.

IN COMMITTEE.

Preamble postponed.

Clauses 1 and 3 were struck out.

In clause 4 the words "division of the Act" and "division 1" in the margin were struck out.

Clause 10—"Distribution of no descendant's but wife, father, brothers, and sisters."

Mr. GLYDE called attention to the fact that if a bachelor died leaving a widowed mother, there would be no provision for her according to this clause.

Mr. BLYTH concurred in the suggestion, and said it was a serious omission.

The ATTORNEY-GENERAL proposed to supply the omission in the 14th clause, when considered, by inserting after the word descendant "or widow of any father."

Mr MILNE would like to know what the operation of the Act would be in the case of illegitimacy.

The ATTORNEY-GENERAL said in that case there would be no father or mother. (A laugh.)

Mr BAGOT wished to know if a stepmother was included in the word mother.

The ATTORNEY-GENERAL said yes, she would be.

Mr. BLYTH would object to the stepmother receiving

any division; it should be confined to the mother alone.

Mr. DUFFIELD said they should not enter too particularly into the details of the Bill, or they might defeat its object.

Dr WARK supported the proposed amendment of the Attorney General. It did not harmonise with his feelings that stepmothers should be sneered at.

Mr. BAGOT opposed the principle of stepmothers receiving any share of the property. There were instances in which it would not be just or politic. The stepmother could not be the next of kin in the meaning of the law.

Mr. MILNE put the case of an infant, whose father was dead, dying before coming of age or being in a position to judge aright.

Mr. COLE was much surprised at the remarks of the hon member Mr. Bagot, as he remembered how differently he had expressed himself in spirit in the recent discussion on the marriage with the deceased wife's sister.

Mr. HAY supported the motion of the Attorney-General.

Dr WARK had heard nothing from the hon member for Light, but the prejudices entertained by his countrymen. He was very much disappointed that the hon member should not have taken a higher and a nobler stand.

Mr. BAGOT was afraid the hon member himself was prejudiced. What he had said in reference to the marriage of a deceased wife's sister could not be interpreted in the way it had been by a previous speaker.

Mr. BLYTH hoped the Attorney-General would not take the Bill out of Committee until they had an opportunity of discussing the matter more fully.

Mr. MACDERMOTT supported the views of the hon member for Light, on the principle that the nearest of kin should only participate in the property of a deceased person.

Mr. TORRENS must confess that he held the same views. It was very difficult to meet all cases, but generally the principle might be affirmed.

The ATTORNEY-GENERAL would withdraw his amendment after the views so generally expressed by the House.

The clause was passed as printed, —

Mr. TORRENS said there was a portion of the Bill that he did not concur in, and that was that in certain cases of intestacy landed property would have to be minutely subdivided. Such divisions would be interminable and eventuate in introducing the system of the Irish Cottiers.

The ATTORNEY-GENERAL agreed to some extent with the remarks of the honorable Mr. Torrens, but he explained that the administrator had the absolute power given to him to sell if necessary. It would be most inexpedient that the property should be thrown into the market, if the holders of it were willing to divide it amongst them. He would therefore object to the clause which Mr. Torrens proposed to introduce, as he thought it was not necessary.

Mr. TORRENS thought there was very great weight in

the argument of the Attorney-General, and deemed it sufficiently satisfactory to withdraw his amendment.

Clause 83 was struck out.

The following amendments were made in clause 35 "Limitation of action," 1st July, 1860. In the second line, after the word "which" the words "an entry of" were inserted. In the fourth line after the word "any," the words "land or rent, or," were inserted. And in the last line the words "said last mentioned Act" were struck out, and the words "Act of the Imperial Parliament," &c, inserted.

The 86th clause was struck out. The words "division 6," in the margin, struck out.

In the 87th clause, interpretation clause, the 3rd, 7th, 8th, and 9th paragraphs were struck out.

Preamble passed.

The 10th clause was reconsidered, and in the marginal definition of the clause, after the word "father," the words "or if his father be dead, then mother," were inserted, and in the 5th line of the clause, after the word "father," the words "or mother, if any;" were inserted.

The House resumed, the report was adopted, and the third reading was made an order of the day for Tuesday next.

DISTILLATION.

Dr Wark rose, pursuant to a notice of motion standing in his name, to ask leave to introduce a Bill to permit vinegrowers to distil from their lees and other refuse wines. The reason for asking this measure to be introduced was, that the Government had said they were not in a position to introduce a measure of that nature at present but in the meantime vinegrowers were suffering.—Mr Cole rose to a point of order. He had understood the Speaker to rule on a former occasion that it was not competent for a member to introduce any measure to the House that did not concern the particular district which he represented.—The Speaker said that he certainly never said anything of the kind.—The Bill was read a first time, and the second reading was made an order of the day for Wednesday next.

PARLIAMENTARY REPORTS.

Mr. BLYTH rose to introduce the motion of which he had given notice on the previous day, with regard to reports of the proceedings of that House. But before he did that, he would ask leave of the House to amend his motion, and it would then stand thus—

"That an address be presented to his Excellency the Governor-in-Chief, requesting him to cause such steps to be taken as may be necessary for the purpose of obtaining a full and accurate report of the debates in Parliament."

Leave to amend was granted.

Mr. BLYTH moved the House into Committee on the motion so amended. Hon members had very frequently to complain, from the Speaker downwards, of the very short and incorrect reports, which appeared in the newspapers of what took place in that House. He believed a very moderate sum would be required, compared with what had been previously asked, and if that were so, he had no doubt of it meeting with the cordial support of that House.

Mr. MILNE asked whether the Government were prepared to give the House any information as to what would be the probable cost. That would greatly influence his vote.

The TREASURER said a tender had been sent in some time ago, but the tender was for so very large an amount—in fact, was so much beyond what the Govern-

ment could entertain, that all thoughts of it had been abandoned. He might state that that tender was for £3,000 and more. If the motion were carried, the Government would seek to carry out the wishes of the House.

Mr. BAGOT said before the question was put, he might state that he had made enquiries as to the mode in which arrangements were made for reporting the Parliamentary debates in the other colonies. Reporters were appointed by the House, and they had to report the debates of the House, whenever they were required to do so. He did not think it necessary to adopt that plan here. But some arrangement might be made with one or other of the newspaper proprietors, whereby the object sought might be obtained.

Mr. TOWNSEND heartily supported the views of the hon member for Lught. They ought to have full and accurate reports of their proceedings, and it was the bounden duty of the Government to provide them. They might secure such reports of their proceedings in the newspapers, if they could. But it was no part of the duty of newspaper proprietors to provide them.

Mr. GLYDE thought the gentleman who introduced the motion should be prepared to state what the expense would be likely to be.

Mr. MILNE suggested the addition to the motion of "provided the sum named do not exceed" so much.

Mr. MACDERMOTT objected to any sum being named. If they said £3,000, it would probably all be required. The better way, he thought, was to leave it in the hands of the Government.

The ATTORNEY-GENERAL said if it were left with the Government they would make all necessary enquiry, and provided they could get the work done for such a sum as they thought moderate, they would, before the next session, enter into an arrangement for carrying out the views of the House.

Mr. NEALPS said if any arrangements were concluded, he should like to see an epitomised report of their proceedings from the date of the new constitution. Several attempts had been made at home to get rid of Hansard's Parliamentary Debates, but they had all failed. And if they had a similar publication here, those who wanted to shirk what they had said on former occasions, might, to use a vulgar phrase, "shut up," when it was quoted against them.

Motion carried unanimously.

House adjourned till Tuesday at 1 o'clock.

LEGISLATIVE COUNCIL.

TUESDAY, JANUARY 12.

FEDERATION.

The President announced that in conformity with the resolution of the House he had prepared an address to his Excellency the Governor on the Federation Question, which he read, and in which the appointment of the hon. George Hall, as delegate, was announced.

CEREAL EXPORTS.

The Chief Secretary stated, in answer to a question which had been put to him by Mr. Forster on a previous day, viz., on what data they took the value of cereal and other produce exported from the colony? that they took the declared value by the exporter as the basis of their returns.

WASTE LANDS AND IMMIGRATION REGULATIONS.

The Chief Secretary laid on the table a copy of the Waste Land and Immigration Regulations.

MESSAGES FROM THE HOUSE OF ASSEMBLY.

Messages, No. 59 and 60, were received from the House of Assembly, enclosing the Electoral Law Bill and the Circuit Courts Bill as passed by that House.

ELECTORAL LAW AMENDMENT BILL.

This Bill was read a first time, and the second reading was made an order of the day for Thursday next.

CIRCUIT COURTS BILL.

This Bill was read a first time, and the second reading was made an order of the day for Tuesday next.

CLARE MAGISTRACY.

Mr. Baker wished to ask the Chief Secretary with reference to the appointment of Mr C H Webb to the magistracy in the North, if the hon gentleman had any objection to lay upon the table of the House any correspondence between the magistracy of the North, through Mr. McDonald, with reference to the appointment in question.—The Chief Secretary would take an opportunity of complying with the honourable gentleman's request, and would state that he had received a petition signed by 200 persons in the district, stating their full confidence and satisfaction in the appointment of Mr Webb.—Mr Baker hoped the Chief Secretary would include that petition in his return. As to the petition being signed by 200 persons, he would undertake to get 200 signatures to any petition that he might choose to get up.—The Chief Secretary would comply with the hon gentleman's request.

STIRLING ESTATE BILL.

Read a third time and passed, and directed to be forwarded to the House of Assembly.

REAL PROPERTY BILL.

Mr FORSTER, before putting the first clause of the Bill, would state that on the second reading of the Bill it was the desire of hon members that the Report of the English Commissioners should be printed and placed in their hands. That Report had been printed, but nevertheless he would not object to the further consideration of the Bill being deferred, if hon members thought that sufficient time had not been allowed to them.

Mr MORPHETT hoped the hon. gentleman would defer it to that day week.

Mr BAKER would make the consideration of the Bill in Committee an order of the day for that day week, as the report had only just been laid on the table. He was prepared to say, after having carefully gone through the Bill, that it was utterly impossible for that Committee to modify the Bill so as to make it useful to the community. A great many of the clauses were diametrically opposed to the spirit of the Constitution Act.

Mr. FORSTER asked the President whether the hon. member was in order in addressing the House on the present occasion.

The PRESIDENT said the hon. gentleman was quite in order in showing why he advocated the postponement of the Bill.

Mr BAKER at great length pointed out what he considered the absurdities of the Bill, and remarked that the Constitution Act declared that all money bills should be introduced to the House of Assembly by an address to his Excellency the Governor. This en-

closure, although in a strict sense a Money Bill, had been introduced by a private member, and was opposed by the Government. It could not, therefore, be said that it had received the assent of his Excellency the Governor. In conclusion he moved that the Chairman report progress, and ask leave to sit again that day week.

Mr FORSTER thought that many of the objections which had been raised to the Bill might be remedied in Committee.

Mr BAKER asked whether the operation of this Act would have the effect of repealing the Registry Act.

Mr FORSTER presumed that if the compulsory clauses were taken out it would do so. He stated further that it was his intention, to save time and discussion, to expunge the clauses which proposed compulsory registration.

Mr BAKER—And any other portions of the Bill referring to compulsory registration?

Mr FORSTER said that could be determined on in Committee.

The CHAIRMAN, in accordance with the wish of the House reported progress, but the Committee had leave given to them to sit again on Tuesday next.

CORPORATION ACT AMENDMENT BILL.

Mr GWYNNE said, in moving the second reading, that he was not aware that the conduct of the Bill was to be entrusted to him. The objects of the Bill were twofold. It was sought by this measure to compel absentee proprietors to contribute their fair share towards the revenue of the city. Another principle of the Bill was that which enabled parties who were dissatisfied with the decisions of the lower Courts to take the case to the Supreme Court.

Mr DAVENPORT contended that the principle of assessing land otherwise than by its value was highly unjust. It resulted eventually in a principle of total confiscation. He was prepared to contradict a statement which had been made that there were purchasers or tenants for the South Australian Company's town lands. Such a system of assessment as that proposed was tantamount to a deduction from the capital value, and it was a principle of injustice which could not be readily overlooked.

Mr MORPHETT thought Mr Davenport took a wrong view of the intent of the Bill. It did not follow that it should be a high assessment, and that was the only thing that need be guarded against.

Dr EVERARD considered the 3rd clause, providing for the removal of the cause to the Supreme Court, as a most arbitrary one, and would, therefore vote against it.

Mr GWYNNE said, the Bill was not applicable to the property of absentees only, but was a general rule for assessment; and it was only fair that those who were absent should pay as much as those who were resident.

The Bill was read a second time and committed in Committee.

Section 1—Mode of assessing unoccupied lands

Several amendments in the wording of the clause were suggested by Mr Gwynne, and after some discussion, the Chairman reported the Bill, the report was adopted, and the third reading was made an order of the day for the next day.

The House adjourned to next day at 2 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, JANUARY 12

PARLIAMENTARY DEBATES

The Speaker informed the House that he had waited upon his Excellency, and presented the address with regard to providing full and accurate reports of the proceedings of Parliament.

VICTORIA ELECTION.

The Speaker acknowledged a letter from the Chief Secretary, informing the House of his Excellency's receipt of a return to the writ for the election of a member for this district in place of Mr. Leake resigned. G. C. Hawker, Esq., had been duly elected.

NEW IMMIGRATION REGULATIONS.

The Commissioner of Crown Lands laid on the table a copy of the New Immigration Regulations, which was ordered to be printed.

PARLIAMENTARY DEBATES.

The Speaker, in reply to Mr. Cole, stated that the papers relating to printing a Colonial Hansard had not been printed, but they should be placed on the table of the House at the next meeting.

ROYAL COMMISSIONER'S REPORT.

The Attorney-General laid on the table a copy of the Report of the Land Title Commissioners—Ordered to be printed.

CIRCUIT COURTS BILL.

The ATTORNEY-GENERAL moved the third reading of this Bill.

Mr. MILDRED asked for the recommittal of its first clause.

The ATTORNEY-GENERAL had not understood that anything of the kind was intended with respect to this Bill. If it were such an amendment as he could agree to, he would do so, but if it were not so, but interfered with the principle of the Bill, he should oppose it.

Mr MILDRED wanted the first clause to be recommitted, for the purpose of introducing a few words to define the duties of the new Judge to be appointed under it. If they had what he still maintained would be a fourth Judge, they would have to give him £1,000 or £2,000 a-year. He moved the insertion, after the words "third Judge of the Supreme Court," of these words, "who shall also be Judge of the Court of Insolvency."

Mr BLYTH hoped the House would not agree to anything of the sort. This Bill had been under the consideration of the House twice before. The Bill was for the appointment of a third Judge, and he thought such an appointment absolutely necessary.

Mr BURFORD understood with the hon member for Noarlunga that the Attorney-General would allow of the recommittal of the clause. He was opposed to this Bill *in toto*, but as his voice was so unavailing, when the Bill was before the House on former occasions, he had only to take the next step open to him, and that was to go with the hon member who moved for the recommittal of this clause.

Mr NPALES denied that this Bill was for the appointment of a fourth Judge. It was only for a third Judge. Perhaps it would have been better for the Judge in the Insolvent Court to have remained the Commissioner in Insolvency, but the Bill had gone up to the other House in that form, and there was no recalling it.

The ATTORNEY-GENERAL could only say, that his

own opinion was so decidedly opposed to the proposition of the hon. member for Noarlunga, that he should consider it, if adopted, as fatal to the Bill altogether. They would in fact, if his proposition were acceded to, be stultifying their whole proceedings with regard to the Insolventy Bill, and he therefore trusted that the House would not agree to the hon. member's motion.

Mr. BAGOT should decidedly vote against it. Some time since the Insolventy Bill was before them, that Bill had passed, and had gone up to the other House, and from what they had seen and heard, it was likely to pass that House. But whether it did or not was not now the question for their consideration. He thought the title of Judge of the Insolventy Court unfortunate, and that Commissioner would have been better.

Mr. HAY could not agree with the hon. member, Mr. Neales, as to what he had said about a fourth Judge. A Judge of Insolventy was to be appointed, and that would make a fourth Judge. That was more than was required for a population of 100,000 people. Better, in his judgment, have no Bill at all, than have it with the prospect of such an increase of expense.

Mr. DUFFIELD should not oppose the passing of this Bill, but as a third Judge would be appointed under it, he hoped more than one Circuit Court would be established. It was a piece of monstrous injustice that the people from the country should have to come into town for every petty cause they had to try.

Motion for recommittal negatived, and the Bill read a third time.

On the motion that the Bill do pass, Mr. MILDRED moved the previous question.

Motion negatived, and Bill passed.

ELFCTORAL LAW BILL.

The Commissioner of Public Works moved the third reading of this Bill—Read a third time, and passed without remark.

REAL PROPERTY CONSOLIDATION BILL

The ATTORNEY-GENERAL moved the third reading of this Bill.

Mr. BAKWELL was unfortunately prevented from attending when this Bill was in Committee, and when any objections he had to it could have been much better considered than on its third reading. But he would point out now, although his opposition might not be successful, some of his objections to it. The Bill proposed to vest the real estate of an intestate in the administrator for distribution among his relations. Again, under this Bill, a special creditor, that was a creditor whose debt was secured by a covenant or bond, would have a right to the payment of his debt in full out of the real estate, while the simple contract creditor went unpaid. As to the limitation clause, under which a person by six years' possession would acquire the same right as he would under the English Act by twenty years' possession, he, Mr. Bakewell, must observe, apart from the important alterations in the law which would be thus effected, that, by the Imperial Act, the rights of persons, who were infants, married women, lunatics, and beyond the seas, were reserved, and that such persons had ten years allowed them after the removal of their disabilities. On the whole, he considered the Bill imperfect, and he could not, much as he approved of the object of the Bill, do less than vote against its third reading.

The ATTORNEY-GENERAL expressed his very great

regret that the hon. member for Barossa should not have favoured them with these suggestions at an earlier period. He should have considered calmly with that hon. gentleman any points he had to raise, and if they had commended themselves to his judgment as improvements, he should have gladly adopted them. But he objected to the raising of these difficulties when there was so little time for considering them, and especially to raising objections to the Bill as it then stood, without pointing out in what way its defects were to be remedied. He was not prepared, he must say, to postpone the third reading of the Bill on any such grounds as those now stated.

The Bill was then read a third time, and, on the motion "that this Bill do pass," Mr. HUGHES said he felt it his duty to oppose it. He objected to the 1st clause of the Bill, so also to the clause relating to dower, and to that which made provision for giving a man a title on the grounds of six years' possession. He hoped the Bill would be allowed to stand over till the next session.

Mr. BLYTH objected to this discussion as very irregular. He had objected to a former discussion, and so he did to this. It was the duty of every hon. member to be in his place when Bills were under consideration, and not to come and rip them up on their third reading when their objections would be of no use.

Mr. BAKWELL had before stated that he was prevented from attending when this Bill was in Committee from other and previous engagements. They all had other engagements, and many of these were quite as important as those of their attendance in that House. The Bill now before them was one of the most important that had come into the House during the session, and it would have been far better to have gone on with the Bill as it was, than that whole portions of it should have been struck out.

Mr. NEALES quite agreed that six years' possession should give a man a title to his land. As to the proposal made by the hon. member for the Port, Mr. Hughes, to have considered this Bill, and that of Mr. Torrens's side by side, it would have been impossible. He looked upon this Bill as a good Bill, but he believed the other Bill to be as gross a fraud as was ever practised upon any country.

Mr. BURFORD reminded hon. members that Mr. Torrens had said that he had taken advantage of certain clauses of the Attorney-General's Bill, had, in fact, taken, or transferred them, and made them parts of his own Bill.

The ATTORNEY-GENERAL would say a few words, and only a few, with reference to the course he had taken with this Bill in Committee. He had formerly announced his intention with regard to it. He had said he would only proceed with the first and last parts of it, because the decision of that House had been so expressed with regard to another Bill, that he could not go on with those portions of it that had been struck out. He occupied a different position as Minister of the Crown to what he should have occupied as a private or independent member of that House. As a private member he should have had regard only to what was for the public interests, and he might then have urged the acceptance of his Bill on the House as a whole. But as a member of the Government he had no right to do anything—would not be justified in bringing anything forward—but such measures as the temper of the House would allow him to carry. Although he had never witnessed such a spectacle as that of hon. members voting for the third reading of a Bill which not one of them had before them—for there

was only one copy of the Bill in the House, and that in the hands of the Speaker, and wet from the printer—a Bill, too, very different from what many of them had seen—yet, inasmuch as it had been carried by a decided majority, he felt it his duty to defer to that expression of opinion, and those were his reasons for not attempting to force his Bill through the House in the form in which it was originally brought in. He had only to consider whether he should withdraw the Bill altogether, or go on with it as he had now done, and he had come to the conclusion that, to leave the law with regard to the property of persons dying intestate in the state in which it then was, would be a dereliction of duty, and he therefore felt it incumbent on him to proceed with that part of the Bill which related to a matter which had been neglected, and not insist on that part which had been rendered unnecessary, or which might be found impracticable. Allusion had been made to his absence from the House on some occasions, and he admitted that such was the case. No one felt more than he did the proverbial difficulty of being in two places at once. But, when unavoidably absent himself, he did not come to complain, or to object to what had been done in his absence, but to acquiesce. He felt it his duty not to complain of the House proceeding to a decision during his absence, but he looked upon such decisions as final, unless there were good grounds for disturbing such decisions.

The motion that the Bill do now pass was then put, and carried.

ADJOURNMENT OF THE HOUSE

The Attorney General moved, before the notices of motion were called on, that the House at its rising do adjourn to Wednesday next, the 20th instant, at 2 o'clock. Motion for adjournment agreed to.

PREPARATION OF BILLS

Mr Blyth then moved, that there be laid on the table of this House a return of all sums paid or payable, and to whom, during the year 1857, for preparing, or in any way relating to the preparation of any Bills introduced into either House of Parliament during the year, and the sum so paid or payable in respect of each Bill, also, a return of all the printing expenses of each public Bill brought before the House within the same year, also, of all fees paid or payable, and to whom, for the preparation, &c., of each Bill, either prior to or during its progress through either House.—Agreed to.

MESSRS FREW AND SMITH'S PETITION.

Mr. Burford moved the appointment of a select committee to consider and report upon the matter of the petition of Messrs Smith and Frew.—Mr Hay seconded the motion, which was carried, and the Committee appointed were—Messrs Burford, Blyth, Bonney, Hughes, Hay, Mildred, and Milne.

SELICK'S HILL.

The Commissioner of Public Works stated, in reply to Mr Mildred, that the road over Sellick's Hill was not in progress, and that the cause of the delay was the difficult nature of the ground. The matter was, however, under the consideration of the Road Board.

WILLUNGA.

The Commissioner of Public Works stated, in reply to Mr Mildred, that the road from Willunga to Port Willunga had not yet been surveyed.

PARLIAMENTARY PRINTING

The Treasurer stated, in reply to Mr. Mildred, that the Government Printer could not furnish such a statement as that which was desired, as he was not enabled to keep the different kinds of work separate and give the relative cost of each.

AA

DISTILLATION BILL.

The second reading of Dr. Wark's Distillation Bill was made an order of the day for Wednesday next.

The House then adjourned till the 20th instant, at 2 o'clock.

LEGISLATIVE COUNCIL.

WEDNESDAY, JANUARY 13.

ELECTORAL LAW BILL.

Captain Bagot gave notice that he would move, contingent upon the consideration of the Electoral Law Bill in Committee, that clauses from 7 to 20 be struck out and others substituted.

ADELAIDE BUILDING BILL.

This Bill passed through Committee with trifling amendments. An additional clause introduced by Captain Bagot was carried, giving effect to the Act "from and after the passing thereof"—The report was adopted, and the third reading made an order of the day for the following day.

CORPORATION AMENDMENT BILL.

This Bill was read a third time and passed.

BARNETT'S PATENT BILL.

Mr FORSTER moved the second reading of Barnett's Patent Bill, which had been carefully considered by Select Committees of both Houses, who had found the preamble proved. The Bill designed to make great improvements in the construction of reaping machines.

Captain BAGOT said the Bill comprised eight different improvements, so that it was almost impossible for others to bring out anything good, which should not clash with the present patent. It would end, he considered, in litigation. They could not well object to this patent, but he would qualify it by a clause, providing that the patentee should be obliged to construct not less than two machines for each patent, within two years from the passing of the Bill.

Major O'HALLORAN, as one of the Committee, agreed to some extent with the suggestion of Captain Bagot. If the hon gentleman would modify his suggestion, he would be glad to support him in his amendment.

The PRESIDENT remarked that, according to the Patent Law of England, if a person applied for a patent for eight improvements or inventions, and only seven of them were accomplished, then the whole patent would be void.

Captain SCOTT thought it would be a great injustice if patents were given to persons for improvements so indefinitely described, and which they were not compelled to prove as being accomplished.

Dr DAVIES agreed to the amendment of Captain Bagot, otherwise it would be a great objection to the Bill.

Captain BAGOT was so sensible of the importance of the amendment, that unless it were agreed to, he would move that the Bill be read again that day six months.

Mr. FORSTER agreed to the amendment, which was carried.

The next three clauses were passed as printed.

The PRESIDENT suggested that a clause should be inserted stating when the Bill would come into operation.

Mr FORSTER adopted the suggestion of the President, and a clause was inserted to the effect that the Bill should come into operation on and after the passing thereof

The preamble was passed, the House resumed, the report was adopted, and the third reading was made an order of the day for the following day

INSOLVENT BILL.

At the suggestion of the Chief Secretary, the order of the day for the Insolvent Bill was discharged, and the further consideration of the Bill was made an order of the day for the following day.

The House adjourned till next day.

LEGISLATIVE COUNCIL.

THURSDAY, JANUARY 14

ELECTORAL LAW AMENDMENT BILL.

The CHIEF SECRETARY, having moved the third reading of this Bill,

Captain BACOT brought forward his contingent notice of motion for the substitution of clauses for those standing as 7 to 20 inclusive, and for the amendments in some of the subsequent clauses. The notice was as follows —

And be it enacted, that registration of persons entitled to vote at the election of members to sit in either of the Chambers of the Colonial Parliament shall be made and done at the ordinary sitting of the Local Courts of full jurisdiction held in the several districts of the province, in the following manner —

i Every person desiring to register his right to vote shall give notice thereof to the Clerk of the Court of the District within which he resides, at least one week prior to any of the usual days appointed for the sitting of the Local Court

ii The Clerk shall make a list of all persons who shall have given notice as aforesaid, and shall publish the same for at least three days immediately before that appointed for the sitting of the Court, by posting said list on the door of the Court, House, or such other place as may be appointed for that purpose.

iii On the Court being opened for dispatch of business on the appointed day, it shall first proceed to register applicants that give satisfactory proof of their right to vote in that district

iv The Registry Book shall be in form set forth in Schedule C, and shall be in the custody of the Clerk of the Court. No entry shall be made therein at any time except in open Court, and each entry shall be confirmed by the signature of the Presiding Justice.

v At the time of registering, the Clerk shall prepare a certificate on parchment for each person registered, to be in form of Schedule D, for those entitled to vote for the Legislative Council, and in form of Schedule E, for the House of Assembly, which certificate shall be signed by the presiding Justice and countersigned by the Clerk. This certificate to be given to the person registered and named therein upon payment of one shilling to the Clerk as remuneration for furnishing it. The said certificate to be preserved by the person receiving it, and to be produced at all future elections in proof of his right to vote

Section 31 — That in clause 31, all the words from "say" in the thirtieth line to the word "and" in the fortieth line be struck out, and that the following be inserted — "Every elector tendering to vote at any election for members of the Legislative Council or House of Assembly, as the case may be, shall hand

the before-named certificate to the Returning Officer or his deputy, who shall inspect the same, or enquire into the identity of the person from whom received with that named therein, and, if required so to do, by or on the part of any candidate, shall ask all or any of the questions hereinafter set forth, and, being satisfied therewith, shall endorse upon the back of said certificate the then present date, and sign his name or initials thereunto, and shall enter the name and residence of the person so tendering to vote on the roll or poll-list"

Section 32 — Strike out all the words after "A B" in the nineteenth line, and insert the words "in this certificate"

Section 33 — Strike out all the words after the word "convicted" in the forty-fourth line, and insert "at the Local Court of the district in which the offence has been committed, shall forfeit and pay the sum of Ten Pounds sterling, and, in case of non-payment, may be imprisoned, either with or without hard labour, for a period not exceeding two calendar months, the said penalty, with full costs of suit, may be recovered by any person suing for the same, for his own use and benefit."

Section 60 to be struck out

Schedules C D E F G H be struck out

Schedules C D E be inserted

He had much experience at home as Returning Officer, and in other ways as connected with elections, and he thought the clauses proposed to be struck out faulty in many respects. If the clauses he proposed, in substitution of clauses 7 to 20, were carried, registration might be conducted just as it was in the old country. Any man voting twice could be easily detected, and he should in all such cases be subject to a heavy penalty, which would go to whatever party chose to sue him for it. If this system were adopted, the difficulties would be so few as to be almost a nullity

The House then went into Committee on the Bill.

Clauses 1 to 6 passed as printed.

On the reading of the 7th clause.

Mr. FORSTER submitted to the Chief Secretary, whether it might not be better to reserve this and the following clauses referred to in the amendments until the House had had more time to consider them.

Captain HALL concurred in that view.

The CHIEF SECRETARY thought the amendments proposed not at all applicable to the state of things in this country

Clauses 7 to 20 inclusive reserved.

Clause 29 passed with a few slight verbal alterations

Clauses 30 to 33 postponed.

On clause 34 being read,

Mr. GUYER called the attention of the Government to a new scheme for taking the votes without reference to the ballot-box. He hoped the clause would be deferred until the Chief Secretary had had an opportunity of examining and reporting upon it.

Clause deferred for this purpose

Clause 34 to 50 passed as printed.

Clause 66 postponed

Clause 64 was amended by inserting after the word day, "or any of the days aforesaid"

Clause 62 and 63 passed as printed.

Schedule H Postponed
 Schedule B. Passed as printed
 Schedules C to K inclusive were postponed.

The President reported progress, and leave was given to the Committee to sit again at the next meeting of the Council.

ADBLAIDE BUILDING BILL.

Read a third time and passed

BARNETT'S PATENT BILL.

Read a third time and passed.

INSOLVENT BILL

IN COMMITTEE

Clause 16—Adjudication and public sitting to be advertised

Major O'HALLORAN moved that the advertisements be inserted in two weekly and two daily newspapers, instead of only one

The alteration was agreed to.

Clause 6 recommitted—Creation of Court of Insolvency, and appointment of Judge

Captain HALL did not think that the appointment of Judge, as declared in this clause, was within the power or province of that Council, and it was an appointment for which they had never heard a precedent. He moved that in the 20th line the word "Judge" be struck out, and the word "Commissioner" inserted instead

The CHIEF SECRETARY had no intention of pressing this portion of the clause, if the sense of the House were against it

Mr FORSTER supported the amendment, and called attention to clause 17, in which another appointment appeared, namely, that of Mr Thrupp. He totally disagreed with the principle of the House making these specific appointments. It was a responsibility which should rest with the Executive alone.

Dr EVERARD should feel it his duty to support the amendment

Captain HALL proposed to strike out the word "Judge" in each instance in which it occurred, and substitute the word "Commissioner" for it.

Mr GWYNNE supported the amendment. He objected to the title of Judge, independently of which, a clause of the Constitution Act provided that such appointments should vest in the Executive

Captain Hall's amendment was then put and carried

Captain HALL moved that after the word "practitioners," the words "of seven years' standing" be inserted

Captain FREELING thought there might be some persons of six years' standing in the profession who would be more competent to fill the office than those of eight years.

Mr. AYERS would not confine the appointment even to the roll of practitioners of the Supreme Court

Captain BAGOT expressed himself in favour of the appointment being confined to the practitioners of the Supreme Court. It was only fair that men who had devoted themselves to the profession should have a preference

Mr. AYERS contended there were many gentlemen

who arrived from England, who, although not practitioners of the Supreme Court, were yet competent by legal education for the office

Mr GWYNNE thought it would be a more liberal view not to confine the appointment to the practitioners of the Court, but to leave it open to the most competent persons

The clause was passed without the last amendment, and in subsequent clauses the word Commissioner was substituted for Judge.

Clause 16—"Appointment of Registrar"

Mr GWYNNE moved that this clause be struck out. It was one of those appointments which were unnecessary and expensive.

Mr ANGAS had never heard of the appointment of such an officer in connection with an Insolvent Court, and would support the motion for the expungement of the clause.

Mr BAGOT thought it was a very needless appointment.

Clause struck out

Clause 17, recommitted—"Confirmation of the appointment of Leonard Wm Thrupp, as Official Assignee"

Captain HALL moved that the name of Leonard Wm. Thrupp be struck out.

Captain BAGOT said they must not allow their private feelings to influence them. The law said that the appointment rested with the Government, and they had no right to interfere.

Clause passed as amended.

Clauses 18 and 45 were recommitted, and passed with trifling amendments.

Clause 32—"Appointment of messenger to the Court and proceeding for his dismissal without any formal proof of his misconduct or inefficiency"

Mr GWYNNE said, in answer to an objection to this form of dismissal, that there were many reasons why the messenger should be dismissed without formal complaint, which would be better understood than explained

Clause passed as printed.

Clause 28 recommitted and amended by the words "or being in prison for any other cause" being inserted after the word "debt" in the 25th line.

Clause 29 passed with some amendments.

Clause 33 recommitted, "Filing a petition for an arrangement between a debtor and his creditor"

Mr GWYNNE moved the clause be struck out. It offered facilities for fraud, and although copied from an English Act, he did not consider it advisable that it should be introduced into this colony.

Mr AYERS supported the striking out of the clause. When honest men were unfortunate they found no difficulty in arranging their affairs.

Clause struck out

Mr GWYNNE moved, that the clauses 157 to 175 inclusive be struck out

The CHIEF SECRETARY called the hon gentleman's attention to the fact that the Official Assignee was in favour of the principle conveyed in these clauses

Capt. HALL thought it was altogether too sweeping

an alteration in the Bill for them to agree to without enquiry

Postponed

Clause 47, "Summary jurisdiction where estate is under £200"

Mr Gwynne moved that this clause be struck out

The clause enacted that if the assets of the insolvent were not more than £200 the Commissioner of Insolvency could dismiss the case in a summary manner. His experience showed him that cases in which there were small assets required the greater scrutiny and enquiry—the most strict investigation. The clause would stimulate fraudulent actions, and was unheard of in this or any other place

Mr Ayers said if the clause referred to the dealing of persons to the extent of £200, it would be a different matter.

Capt. Hall thought there might be some virtue in the clause if the word "liabilities" were inserted in the place of "assets"

Clause postponed

Clause 48, "Providing for advertisements in one weekly and one daily newspaper"

Dr. Davies proposed that the word "two" be substituted for "one"

Clause postponed

Clause 75 "Goods in the possession, order, or disposal of the insolvent to be deemed property"

Capt. Hall thought this clause would involve the forfeiture of the goods of consignors in the hands of an insolvent at the time of his insolvency, although he had been informed that it would not bear the interpretation he had put upon it, but still it would be more satisfactory to him, and much safer to mercantile men generally, if an amendment were agreed to.

Capt. Bagot cordially seconded the addition to the clause. He knew that it had been a great cause of anxiety to many engaged in mercantile pursuits.

The Chief Secretary said the language of the clause was precisely similar to that used in the English Act in operation since the time of James the First. If any, the present clause was the most lenient.

Mr Gwynne thought the alteration would do great harm. The clause had a stereotype meaning which every lawyer understood—for which reason he need not give an interpretation to it. The goods which were in the hands of an agent, as an agent, would not under this clause pass to his creditors, as they were not in his possession as owner.

Capt. Hall wanted the clause made as plain as possible. He did not arrive at the same conclusion as the hon. Mr. Gwynne, that the goods of consignors were safe, and he thought the clause should be made so distinct that every one that ran might read.

Mr Gwynne was confident that if the addition to the clause were made it would bring about a state of uncertainty very unsatisfactory to the consignor.

The amendment was put and negatived by a majority of 1

Clause passed as printed.

Clause 83, "Executions for extra colonial debts void in certain cases"

On the motion of Mr. Ayers this clause was struck out.

The House resumed, and the Chairman reported progress

Leave was given to the Committee to sit again on Tuesday next

The House adjourned till the following day.

LEGISLATIVE COUNCIL.

FRIDAY, JANUARY 15

ELECTION LAW AMENDMENT BILL.

The House went into Committee for the further consideration of this Bill, when,

The Chief Secretary moved the 7th clause, remarking that the Hon. Capt. Bagot had suggested that this and the subsequent clauses up to clause 20 should be struck out with the view of substituting others, but, however suitable the hon. member's clauses might be at home they were not, he considered, at all applicable to the colony.

Capt. Bagot withdrew his opposition, and the clause was passed as printed.

On the reading of the 8th clause,

Dr. Davies objected to what he thought compulsory in the mode of registration under it

Capt. Bagot said all that was required of the person on whom the notice was served, was, that he should forward the names of those persons claiming to be on the registry list, under a penalty of 20s, and he did not see any great arbitrariness in that.

The Chief Secretary put it to Dr. Davies to say, whether this ought not to be done on the grounds of public policy, just as in the case of Census Acts for statistical purposes.

Dr. Davies withdrew his opposition, and the clause was passed as printed.

The other reserved clauses were gone through, and the third reading of the Bill was made an order of the day for Tuesday next.

INSOLVENT BILL.

This Bill passed through Committee. A number of verbal amendments were made, and the 142nd clause debarring extra colonial creditors in certain cases was struck out. The third reading was made an order of the day for Tuesday next, till which day the House adjourned.

LEGISLATIVE COUNCIL.

TUESDAY, JANUARY 19.

TORRENS' REAL PROPERTY BILL.

Major O'Halloran presented a petition signed by 326 persons, in favour of the Real Property Bill of Mr. Torrens.—The petition was received and read.

DISTRICT COUNCILS ACT.

Mr. Baker presented a petition from the ratepayers in the Hundred of Yatala, praying for the repeal of clause 8 in the Amended District Councils Act.—The petition was received, read, and ordered to be printed.

THE CRIMEAN WAR.

Major O'Halloran gave notice that he would move on the following day, that an address be presented to his Excellency the Governor-in-Chief, respectfully requesting that he will be pleased, on behalf of this province, to petition Her Most Gracious Majesty to reserve some portion of the trophies taken by the British troops during the late Crimean war, as a gift to her loyal and devoted subjects of South Australia.

THE AGENT GENERAL

Mr Forster gave notice that he would, on the following day, put a number of questions to the Chief Secretary, in reference to the appointment of an Agent-General in England for this colony

INCORPORATION OF INSTITUTIONS BILL.

Captain Bagot gave notice that, on Tuesday next, he would move for leave to introduce a Bill intituled an Act to provide for the Incorporation of Institutions or Associations formed for the promotion of religious, charitable, educational, scientific, and other useful objects

REGISTRAR-GENERAL.

Mr. Baker asked the Chief Secretary who held the appointment of Registrar-General at the present moment?—The Chief Secretary stated, that Mr Torrens had resigned the appointment, and, that, probably, the next *Gazette* would contain the notification of it, as well as the appointment of Mr Andrews to fill the vacancy.

PARLIAMENTARY REPORTS

Mr Baker gave notice that, on the following day, he would call the attention of the Council to an entry in the votes and proceedings of the House of Assembly on Friday, the 8th January instant, by which it appears that the House of Assembly on that day passed a resolution, "That an address be presented to his Excellency the Governor-in-Chief, requesting him to cause such steps to be taken as may be necessary for the purpose of obtaining a full and accurate report of the debates of both Houses of Parliament," and to move that a message be sent from this Council to the House of Assembly, requesting that House to rescind or modify such resolution, so far as it affects the rights and privileges of this Council, it being the undoubted privilege of each House of Legislature to decide whether or not any parts of its debates should be published. Also, on the same day, that there be laid on the table of this Council the return of all the costs and expenses attending the reporting and printing of the speeches of the members of the House of Assembly on the Privilege Question, as directed by that House, distinguishing the costs and expenses of reporting from those of printing, and stating the names of the reporters, and the sums paid to each

CIRCUIT COURTS BILL.

The Chief Secretary stated that he was not prepared to go on with the Circuit Courts Bill, and he would, with the permission of the House, make it an order of the day for Thursday next.—Agreed to.

ELECTORAL LAW AMENDMENT BILL.

Read a third time and passed

INSOLVENT BILL

Mr BAKER asked Mr Gwynne before the Bill passed its third reading, whether the English Act entitled an Act for securing advances on goods—was in force here.

Mr. GWYNNE thought the Factors Act, which was the one referred to by the hon gentleman, was not in force in this colony. Why, he did not understand, and, he confessed, it was somewhat remarkable.

Mr BAKER said that in England the Insolvency Court was a branch of the Supreme Court.

The CHIEF SECRETARY stated that the reason the Insolvent Court was made distinct was, that appeals might be made by reference to a superior Court.

Mr. BAKER asked whether it would not be desirable

to defer the Bill, in order to allow the Factors Act to be introduced.

The CHIEF SECRETARY said the Bill would not take effect till the 1st of March next There was, therefore, in the interim, plenty of time to consider the matter without postponing the third reading.

The Bill was eventually, with the consent of the Chief Secretary, postponed, and made an order of the day for Thursday next

REAL PROPERTY BILL.

IN COMMITTEE.

Mr. BAKER asked the Chief Secretary whether in case this Bill passed the Legislative Council, the Government would recommend his Excellency the Governor to give his assent to the measure

The CHIEF SECRETARY thought the legal officer of the Crown would feel great difficulty in recommending his Excellency the Governor to give his assent, as some of its provisions were not in conformity with the Constitution Act.

Mr FORSTER asked the Chief Secretary whether if the clauses in the Bill, which were said to be in contravention of the Constitution Act, were amended or withdrawn, the Government would then be in a position to advise his Excellency the Governor to give his assent to the measure.

The CHIEF SECRETARY explained that he referred to that portion of it which appropriated a portion of the revenues of the province.

Clause 1, "Repeal of previous Acts."

Mr. BAKER would like to know, before this clause was passed, what Acts it was intended to repeal The hon. gentleman pointed out objections in connection with the provisions of the Bill before them, and said he should feel bound to record his vote against the clause, unless it was intimated what laws would be repealed.

Mr FORSTER said the hon Mr. Baker had taken exception to the clause, firstly, because it did not state what Acts would be repealed, and secondly, that it would affect the laws relating to the rights of married women. As to the latter objection, he did not think that the clause in question would do anything of the kind. The hon. gentleman had referred to schedule N in support of his position, but he understood the schedule to imply far different. He understood from it that any person applying for property to be brought under the operation of the Act must be the individual owner. The powers of the Registrar-General were not judicial, but confined to his functions as a Registrar.

Mr. BAKER explained that what he referred to was the transmission of property by death, bankruptcy, or marriage, as mentioned in the 41st clause.

Mr FORSTER said it was not contemplated that property would be brought under the operation of the Act by persons in whom it did not vest. The enactments of this province were full of such laws as that before them in which the Acts to be repealed were not specified.

Mr. BAKER would call the attention of the House to a resolution which was passed in that House at the commencement of the present session, condemnatory of legislation by reference, and still that principle was now advocated by those who then most warmly condemned it in the non-specification of the Acts which were likely to be repealed.

Mr FORSTER asked whether a debate on the general principles of the Bill was in order

The PRESIDENT ruled that it was Mr Baker had a right to show by argument why he objected to the clause

Mr BAKER—It had been said that the identity of the principles of the Bill before them with the report of the English Law Commissioners was perfect, but he could not see it, and he believed if hon members read the report carefully they would come to the same conclusion The mover of the Bill had stated that he was prepared to surrender the compulsory clauses Now, when the Bill was at first introduced the compulsory clauses were in it, but the report of the Commissioners was not at hand, nor did it now, when produced, recommend compulsory registration That was a convincing proof that the measure had not been, as was said, framed after its model The hon gentleman proceeded at some length, and stated that if it were attempted to retain the clause in its present shape he should feel it his duty to vote against it, and he would even go further, and move that the whole Bill be referred to a commission of enquiry.

Mr. GWYNNE had always understood jurisprudence, to be a science, and those who attempted to practice it should of course bring a certain amount of experience to bear upon it He considered that the clause was worse than unnecessary, it was vicious.

Mr. MORPHETT addressed himself to the clause before them, which he considered was a most mischievous one He could not see the effect it would have, and even the introducer of the Bill was unable, to give them any information on the point The retaining of this clause he considered would involve increased legal expenses.

Captain BAGOT supported the clause, as well as the principle of the Bill generally, it was, he thought, designed to place property in a safe and secure position There was one principle in the Bill with which he did not concur—that was, the compulsory clauses, but they all knew that these were to be surrendered.

Mr. DAVENPORT supported the principles of the Bill generally

Mr FORSTER having briefly replied to the objections which had been raised to the clause,

The motion for its retention was carried by a majority of 9 to 5

Clauses 2 to 11 were passed with slight amendments.

The Chairman reported progress, and the Committee obtained leave to sit again on the following day.

The House then adjourned till the following day at 2 o'clock.

LEGISLATIVE COUNCIL.

WEDNESDAY, JANUARY 20.

INSOLVENT BILL.

This Bill was read a third time and passed.

FACTORS ACT

The Chief Secretary stated, in reply to Mr. Baker, that the Factors Act was not in operation in this province, but that the Government would consider the propriety of introducing it. If it were introduced it would not necessitate any alteration in the provisions of the Insolvent Act.

THE CRIMEA.

Major O'Halloran said that he had recently been obliged by a gentleman with a copy of the correspondence which had passed between the Under-Secretary of State for War and Mr De Salis with respect to the reservation of a certain portion of the Russian trophies of war for distribution in the Australian colonies, and the perusal of that correspondence had induced him to move, that an address be presented to his Excellency the Governor-in-Chief, requesting that he will be pleased, on behalf of this province, to petition her Most Gracious Majesty to reserve some portion of the trophies taken by the British troops during the late Crimean war as a gift to her loyal and devoted subjects of South Australia.—Agreed to.

THE AGENT-GENERAL

The Chief Secretary stated, in reply to questions of which Mr Forster had given notice, that no Agent-General had yet been appointed, but the Government had resolved, after the present immigration regulations were completed, to give the appointment to Mr G. S. Walters, now in England. The amount of money likely to pass through his hands in the year would, he thought, be about £100,000 He would be required to keep a special banking account, and he would be called upon to give security to the amount of £10,000 The gentleman whom it was proposed to appoint, was well known in this colony as a man of strict integrity and honesty, and when he was residing here he had conducted one of the largest private businesses which had been established in the colony

REAL PROPERTY LAW CONSOLIDATION BILL.

Upon the motion of the Chief Secretary the second reading of this Bill was postponed for a week.

REAL PROPERTY BILL

The House went into Committee upon this Bill.

Clause 12 was passed as printed.

Clause 13—"Lands granted on or subsequent to the day on which this Act comes into operation to be under the provisions of this Act"

The CHIEF SECRETARY called the attention of the hon mover of the Bill to the fact that he had pledged himself to surrender the compulsory clauses Clause 13 was certainly compulsory

Mr FORSTER had no intention, when he agreed to surrender the compulsory clauses, of applying the principle to those lands which hereafter might be acquired by grant from the Crown.

The CHIEF SECRETARY said the hon mover had made no reservation whatever

Mr. FORSTER would press the clause, but it was quite competent for the Chief Secretary to move its recommittal on a future day.

Clauses 13 to 17 were passed as printed

Mr FORSTER expressed his great regret that they had not the advantage of the attendance of those gentlemen who opposed the Bill, but if they wished to shirk their duty he would not follow their example, but would go through each clause with the greatest care

Clauses 18 to 30 were passed with trifling amendments

Clause 31—"Instruments not effectual until entry in registry book or in registration abstract"

Captain SCOTT did not understand this clause. Was he right in believing that a person, after having ob-

tained his certificate, could not lodge it as security for advances?

Mr FORSTER said the hon gentleman could not have understood the principles of the Bill, or he would perceive that one great principle was, that the fee simple should not rest in the mortgagee, and that a mortgagee would consequently not be able to bring property on which he had made advances under the operation of the Act

Clause passed.

Clause 32—"Instruments not to be registered unless in accordance with prescribed forms" Also, "After the 1st January, 1864, lands cannot be dealt with unless first brought under the Act"

Mr FORSTER called the attention of the House to the fact that the latter part of this clause was the compulsory principle, which he consented to do away with. He moved that all the words in the clause after the word "thereof" be struck out

Clause passed as amended.

Clause 33 was passed as printed.

Clause 34—"Per Centage Assurance Fund"

Captain SCOTT would like to know why a person who preferred taking a land grant to a certificate should be put to the expense of contributing a farthing in the pound to the Assurance Fund, as provided in this clause.

Mr FORSTER said that one of the principles of the Bill was to give a warranty of title. The rate of a farthing in the pound was to be levied for providing an assurance fund.

The CHIEF SECRETARY called the attention of the last speaker to the fact that the clause did not explain who was to pay the farthing in the pound

Dr DAVIES remarked that the marginal note was not consistent with the clause itself

Clause postponed

Clause 35—"Assurance Fund" to be vested in Government security"

Captain SCOTT said this clause was open to the same objection as the last; it did not say who was to receive the money

Mr FORSTER said the previous clause said it was to be paid to the Registrar-General, and the two clauses were to be taken together

Clauses 36 to 48 inclusive were passed as printed.

Clause 49—"Lease, when recorded, to be valid Covenants valid, whether expressed or implied. Lease invalid if executed without consent of mortgagee"

Mr FORSTER proposed to amend the clause by striking out the words "or being for a period exceeding three years"

Passed as amended

Clauses 50 to 64 inclusive were passed with some trifling verbal amendments

Clause 65—"Covenant to insure leases," third paragraph struck out

Clause 66 was passed as printed

The 67th clause was postponed with the view of introducing an amended insurance covenant

Clauses 68 to 75 inclusive were passed as printed

Clause 76—"Equitable mortgage by deposit of deed no lien upon land"

The CHIEF SECRETARY desired that this clause might be expunged, as it would be very injurious to the mer-

cantile community generally, and was in opposition to the recommendation of the Commissioners

Mr FORSTER thought the clause lay too deeply at the root of the Bill for him to consent to its expungement, but for that he should have been glad to meet the views of the Chief Secretary, as he had laid such stress upon them. But it must be remembered that the Bill struck at the root of secret dealing in land, otherwise they could not pretend to give assurances or warranties of title.

The CHIEF SECRETARY—Could a Bill of sale be registered after the insolvency of the person granting it?

Mr FORSTER said no, decidedly not. But insolvencies did not generally come like thunderclaps. It would be a sufficient assurance for any one who thought himself in danger of losing his money to go and register his claim.

Captain SCOTT wished the clause postponed as it involved a very important principle. If the clause were passed, it would be very disastrous to the trading community.

The CHIEF SECRETARY feeling the thorough importance of providing for equitable mortgages, would place his vote on record against the clause, and test the feeling of the House.

Captain BAGOT was inclined to take the same view. There would be no difficulty he thought in the way; nor would it open any road to fraud the obtaining advances on certificates

Mr FORSTER, at the suggestion of the Chief Secretary, consented to the postponement of the clause.

Clauses 77 to 83 inclusive, passed with trifling amendments

Clause 84—"The notice of revocation order to be published," was struck out.

Clauses 85 to 93 inclusive, passed with slight verbal amendments.

Clauses 94 and 95—"Persons registered in error may re-transfer land in lieu of paying damages, also entry in Registry Book may be cancelled in case of fraud, but without prejudice to purchaser for *bona fide* valuable consideration."

Captain SCOTT supposed the case of any one getting possession of property fraudulently, getting his name entered on the Registry as the owner selling the property and then "bolting," such property then being transferred through various hands, and the real owner then appearing. In that case who was to compensate for the losses incurred?

Mr FORSTER said if a person were fraudulently possessed of property, or sold property fraudulently, then the real owner would have his remedy against such fraudulent person, if he failed in recovering, then his remedy would be against the Registrar, who would pay him the simple value of the property at the time of the transfer, without any award for subsequent improvements in the shape of buildings, &c.

The CHIEF SECRETARY called the attention of the hon mover to the fact that there was no provision for the payment of the increased value of the property thus fraudulently conveyed

Mr FORSTER admitted that was a fact, but such a contingency was so unlikely to happen that it was not thought necessary to provide for it.

Clause 96 passed as printed.

Clause 97—"Damages may be recovered by distress, or persons may be attached" In the sixteenth line the words "warrant under his hand addressed" were substituted by the word "address" In the seventeenth line the word "direct" was substituted by the words "requisition for." In the nineteenth line the words "shall obey such warrant" were substituted by the words "upon a receipt of such requisition, and of a warrant under the hand of the Governor, countersigned by the Chief Secretary of the said province, to pay such amount" In the twentieth line the word "amount" was substituted by the word "same"

Clauses 98 and 99 passed as printed.

Clause 100—The words "Real Property" Commissioners were substituted by the words "Lands Titles" Commissioners

Clauses 101 to 113 inclusive, were passed with trifling amendments.

Clause 114—"Certified copies of existing public maps, and duplicates of future public maps to be deposited."

Captain FREELING proposed an amendment in this clause, for various reasons The system proposed would entail great expense The hon gentleman suggested that the duplicate maps should be kept in the office of the Registrar in case of fire or other accident.

Mr FORSTER would rather that the clause should be postponed if that would meet the views of the hon. the Surveyor-General As to the maps, they were only intended as auxiliary, upon which system he had laid some stress.

Clause postponed.

Clauses 115 to 123 were verbally amended

Mr FORSTER proposed to insert a new clause—"That this Act take effect from the 1st July, 1858."

The clause was agreed to and passed

The House resumed, the Chairman reported progress, and the Committee obtained leave to sit again on the following day.

HOUSE OF ASSEMBLY.

WEDNESDAY, JANUARY 20.

ENCOUNTER BAY ELECTION.

The Speaker notified the return of Mr Strangways for the district of Encounter Bay The hon member was introduced, and took the usual oaths and his seat.

COURT OF DISPUTED RETURNS.

The Speaker brought up the report of the Court for the Trial of Disputed Returns, which declared the return of Wm. Townsend, Esq, for the District of Onkaparinga, a good and valid one.

JOHN FINLAY DUFF

Mr Bakewell presented a petition from John Finlay Duff, Esq, praying for compensation in connection with a certain vessel dispatched from Port Adelaide to the eastward—Received and read

MESSAGES FROM THE COUNCIL.

Messages were received from the Legislative Council, enclosing copies of Corporation Amendment Bill, Adelaide Building Bill, Barnett's Patent Bill, and the Electoral Law Amendment Bill, with certain amendments, in which the concurrence of the House of Assembly was desired—Ordered to be taken into consideration on the following day on the motion of the hon the Attorney-General.

SALE OF BONDS.

Mr. Duffield would ask to-morrow for any corres-

pondence received by the last mail with regard to the sale of bonds in England, to be laid on the table of the House.

CAPTAIN DUFF.

Mr. Bakewell should ask to-morrow, whether the matter of Captain Duff's petition had been under the consideration of Government, and whether the Government would be prepared to give any such compensation as that prayed for in his petition.

EMIGRATION AGENT

Mr. Duffield would ask now, or if desired, he would give notice of the question for to-morrow, whether Mr. Matthew Moorhouse was appointed Emigration Agent, and if so, whether he would receive the salary of that office, in addition to the pension on which he had retired?—The Attorney-General said Mr Moorhouse would not receive a salary as Emigration Agent, and his pension from the Superannuation Fund at the same time He was no longer a retired officer, when he had accepted another appointment

FREW AND SMITH'S PETITION.

Mr. Burford brought up the report of the Select Committee, with minutes of evidence on this case, and wished them to be printed, in which Messrs Hay and Wark concurred, but to which Mr. Bonney objected—Motion for printing withdrawn.

PARLIAMENTARY REPORTING.

Mr Cole asked for the reading of the tender sent in some time ago for providing parliamentary reports—The Speaker advised the hon member to move that the papers referred to be printed—Motion for printing made and agreed to

EMIGRATION REPORTS.

The Attorney-General laid on the table an account of the money spent on emigration by the Emigration Commissioners in 1857, which was ordered to be printed.

CONSTITUTION ACT AMENDMENT BILL.

Mr FINNIS moved the second reading of this Bill. At this late period of the session, it might be urged; and that perhaps justly, that there would not be time for this, and if that was the opinion of the House generally, he should not persist in forcing it upon their attention. He hoped hon members otherwise favourable to the measure, but wishing for more time for consideration, would not move any amendment on his motion, and thereby defeat the Bill, merely on account of the lateness of the period at which it was introduced. The Constitution Act, as it now stood, was the result of a compromise It was passed by the concessions of two parties, neither of which had their own way—no dominancy being given to radicalism on the one hand, or conservatism on the other—and hence they had a hybrid constitution—one not homogeneous in the provisions it contained—and one which must, therefore, some time or other, issue in a dead lock The object of the new Bill was to bring a large accession of power to bear on the Upper House According to the present constitution of the Legislative Council, that body was elected by a limited constituency—he might say by a property constituency—and while thus only deriving a limited power, they exercised, as it were, an unlimited control—by reason, first, of their being returned by the whole colony as one constituency, and, secondly, by reason of the length of the period at which the members retired,—so that the House, whatever might be said to the contrary, had really a permanent existence. He did not wish to deprive the Council of any power, but only to have that power subjected to legitimate control He had provided in this Bill, that, at the end of six years, the Legislative Council should cease

to exist, and that a general election of the Legislative Council should be made contemporaneously with every second general election of the House of Assembly. But it might happen that the Legislative Council would cease to be efficient before the six years had elapsed, or they might adopt an obstructive course, and, in that case, he had provided that the power of dissolution should be given to the Governor, and that the dissolution of one House should always be accompanied by the dissolution of the other. His proposal then went to increase the power of the Legislative Council, but to substitute for its present illegitimate control, a more legitimate one, by the extension of the suffrage. Both Houses being chosen by the same constituencies, they would then be alike accountable, and this would put the members of the Legislative Council in a better position than that in which they stood at present. The question as to whether there should be two houses or only one house, was not to be discussed. He did not think Parliament would sanction anything of the kind. He had not heard anything of the kind in the British Parliament, and there was no use in applying to the Home Government for it. The concurrent powers of the two Houses might be objected to, but there was this safety in it, that there would be time for reflection and deliberation, and, in thus declaring for two Houses, he was fortified in his opinion by the opinion of the whole civilized world. The first clause of the Bill gave the Governor the power to dissolve the Legislative Council as well as the House of Assembly. The second decided that the Legislative Council should be dissolved on the same day on which the House of Assembly was dissolved. The third fixed the duration of the Legislative Council at six years. The fifth clause provided for six electoral districts for the Legislative Council, each to return three members, but he was not altogether wedded to those numbers. The sixth clause related to the alteration of the suffrage of the Legislative Council, so as to make it the same as that of the Lower House. The last clause of the Bill had reference to the power of the purse. What he proposed by the clause was, to put this matter in a legal and constitutional shape, so that there might be no difference thereafter between the two Houses on this account—so that that might hereafter be a matter of law, which the Upper House was only now acceding to as a matter of convenience or compromise. If not a matter of law now, they should make it a matter of law, and if, as he held, it was a matter of law, they should place it beyond all doubt. The Upper House undoubtedly should have the power of rejection, but one House only should deal with money Bills. He did not wish the subject to be dropped, and he had thus come forward to redeem his pledge, and to give the grounds on which he sought to introduce the measure, but rather than there should be any amendment on his motion, he would withdraw it.

The ATTORNEY-GENERAL would, if he was in order, ask the hon. member not to proceed—

The SPEAKER—The motion of the hon. member is not yet seconded.

Mr MILDRED would second the motion.

The ATTORNEY-GENERAL urged upon the hon. member the expediency of withdrawing the Bill. Whilst he was prepared to admit that some change was needed with regard to the Upper House, he was not prepared to support the present measure in its entirety. He would not go into any discussion on the Bill, because that might interfere with it at a future time, when it might perhaps be brought forward with a greater chance of success.

Mr TORRENS could not include himself in the category

of those to whom the hon. member, Mr FINNISS, had referred as being favourable to the Bill, and yet wishing to postpone its further consideration to a future time. If not withdrawn, he should be obliged to move; that it be read that day six months. To give their support to this Bill, would be to aid in substituting a worse for a bad constitution. This measure must be introduced into the Upper House, if it were introduced at all, and the Cabinet would have to introduce it, he trusted that they would do so, and that when they did so, they would do it in such a way as to preclude the possibility of its rejection.

Mr LINDSAY hoped the hon. member would withdraw the Bill. During the recess he might put it in such a shape as that it would stand a better chance of success.

Mr FINNISS, in compliance with the wish of the House, withdrew the Bill.

DISTILLATION BILL.

Dr. WARK moved the second reading of this Bill.

Mr MILDRED seconded the motion, and would even have carried it further than to the distillation from grapes. He regretted the subject had not been taken up by Ministers according to their solemn pledge.

Mr KRICHAUFF opposed on statistical and other grounds.

Mr TORRENS went into a long argument to shew the general inutility of the measure, and blamed Ministers for not having taken the matter into their own hands.

Mr COLE argued against it on entirely different grounds, those of the inexpediency of putting further temptations in the way of people to an indulgence in the use of intoxicating drinks.

Mr BAKEWELL supported the second reading of the Bill, and showed how a similar measure had worked for years in New South Wales without any serious detriment to the revenues of the colony.

Messrs FINNISS and LINDSAY said a few words in support of the Bill, and Dr. WARK having briefly replied, the Bill was read a second time and committed.

The Bill with amendments was reported, and its third reading ordered for the next day.

House adjourned till 1 o'clock next day.

LEGISLATIVE COUNCIL.

THURSDAY, JANUARY 21

RUSSIAN TROPHIES.

The President announced that, in accordance with a resolution of that House, an address had been presented to the Governor with respect to the reservation, by petition to the Queen, of a portion of the trophies taken in the late Russian war, as a gift to South Australia.

MESSAGES FROM THE HOUSE OF ASSEMBLY.

No 62. Enclosing the Corporation Amendment Act, with the amendments as made by the Legislative Council. Agreed to.

No 63. Enclosing Adelaide Building Bill, with the amendments made by the Legislative Council. Agreed to.

No. 64. Enclosing Barnett's Patent Bill, with

the amendments made by the Legislative Council Agreed to.

No 65 Enclosing the Electoral Law Bill, with the amendments made by the Legislative Council Agreed to

No 66 Enclosing Distillation from Grapes Bill, as passed by the House of Assembly

COMMANDER OF THE FORCES

Mr Forster asked the Chief Secretary a question with respect to the necessity of a Commander of the Forces in this colony, and, also, whether it was intended to retain the troops at Guichen Bay—The Chief Secretary would answer the question at the next sitting of the Council.

PARLIAMENTARY DEBATES

Mr Baker obtained leave to renew the notices of motion standing in his name, which lapsed on the previous day on account of his non-attendance, with respect to the reporting of the debates, and to make them an order of the day for to-morrow

DISTILLATION FROM GRAFFS BILL

Read a first time.

INSTITUTION INCORPORATION BILL

Captain Bagot moved—"For leave to introduce a Bill intitled an Act to provide for the Incorporation of Institutions or Associations for the promotion of religious, charitable, educational, scientific, and other useful objects"—Leave was given, and the Bill was read a first time, and the second reading made an order of the day for Tuesday next

CIRCUIT COURTS BILL

The Chief Secretary proposed that the second reading of the Circuit Courts Bill be postponed until that day week—Mr Baker hoped the House would not agree to its postponement—Mr Forster thought he should be inclined to vote against the Bill whenever it was brought before them At any rate, he was decided on voting against the appointment of a third Judge—Mr Gwynne said the Bill had been postponed several times without any tangible reason having been given for it, and he did not see that there was any necessity for its further postponement—The Chief Secretary withdrew the Bill

REAL PROPERTY BILL.

IN COMMITTEE.

Clause 13—"Lands granted on or subsequent to the day on which this Act comes into operation, to be under the provisions of this Act"

The CHIEF SECRETARY moved the recommittal of this clause, in consequence of the pledge given by the mover of the Bill, that all the compulsory principles of the Bill should be withdrawn.

Mr Gwynne seconded the motion He was convinced that if the compulsory character of the Bill were withdrawn it would be less dangerous.

Mr BAKER certainly understood the hon mover of the Bill to pledge himself to withdraw all the compulsory clauses, but, by retaining this clause, he had departed from his pledge.

Captain BAGOT had given his adhesion to the principles of the Bill as pledged to be carried out, that was, without the compulsory element

Captain SCOTT could not understand why the compulsory principle should be made to apply to lands

hereafter acquired, and not to those already existing. The principle was an unpalatable one in all instances.

Mr DAVENPORT would adhere to the maintenance of the clause, as he thought it was essential to the principles of the Bill Expunge this clause and they might as well throw the Bill overboard altogether

Mr FORSTER had from the commencement, he solemnly declared, no intention of withdrawing the compulsory principle, so far as it regarded lands hereafter to be acquired by grant from the Crown His pledge had no reference but to titles already existing to property.

The clause was recommitted, and the CHIEF SECRETARY moved that it be struck out, which motion was carried by a majority of two.

Clause 34—"Per centage Assurance Fund?"

Mr Gwynne thought if persons were to have the option of bringing their land under the operation of the Act, or not, this clause would not stand It was incongruous with the principle which they had just affirmed.

Mr AYERS proposed an amendment which, he thought, might meet the objection, viz, that the four first lines of the clause, and the three first words in the fifth line be struck out

Mr BAKER pointed out that the clause was originally inconsistent How were they to determine the value of the land?

The clause was postponed

Clause 44—"Registration of transmission by will or intestacy"

Mr Gwynne wished to know what was the meaning of the words "or other testamentary instrument."

Mr FORSTER would state first, in answer to the hon. Mr Gwynne, that the "testamentary instrument," referred to the codicil of the will.

Mr Gwynne asked if it was required that the Registrar General should take action in opposition to the Will Act? He could hardly understand that any one would be so bold as to propose such an innovation.

Mr FORSTER would simply say that if the hon gentleman considered the operation of the clause in its present form injurious, he might move an amendment

Mr DAVENPORT moved that the words in question be struck out

Clause passed

Clause 67, postponed clause—"Abbreviated forms of words for expressing covenants in leases to be as effectual as if such covenants were set forth in words at length"

Mr FORSTER moved the introduction into this clause of the amended insurance covenant which had been struck out of a previous clause

Mr Gwynne moved that the clause be struck out bodily It was all jumbled together in such a way that no one of ordinary intelligence could understand it

Mr AYERS seconded the motion

Mr BAKER pointed out that the words apply and imply were used in the same sense He had taken the advice of a legal gentleman on the Bill, and he had on

looking at this clause, drawn his pen down it, and said "what does all this mean?"

Mr FORSTER could only attribute the raising of these objections to the fact that hon gentlemen had not thoroughly considered the Bill, for if they had, they would have found that the object was to economize the expense of preparing leases, and to make conveyances far cheaper.

Clause passed.

Clause 76, "Equitable mortgage by deposit of deed no lien upon land" Postponed clause

Mr GWYNNE moved that this clause be struck out, because it would otherwise do away with a very inexpensive trade of temporary advances of money on the deposit of title deeds. Equitable mortgages had been in operation from time immemorial, and it would be very injurious that they should now be dispensed with.

Mr. BAKER seconded the motion. From his own experience, he knew very well the advantage of equitable mortgages. The method of depositing deeds in lieu of advances had been the means at some time or other, he might say, of saving every mercantile community in the world, and the doing away with it would bring about ruin and bankruptcy.

Mr FORSTER said if he thought that the clause would give less facilities than at present existed for obtaining advances as an equitable mortgage, he would be the last person to press the clause, but he believed otherwise, he believed the clause would give even greater facilities.

Mr GWYNNE pointed out that by clause 36 advances could be obtained on bills of sale, which offered fifty times the security

Mr AYERS supported the expungement of the clause

Capt. SCOTT said if he understood the Bill, the title deeds were given up, and a certificate given instead, which could not be deposited in lieu of advances.

The clause was struck out

Clause 114, "Certified copies of existing public maps and duplicates of future public maps to be deposited."

Mr BAKER wished to know what effect this clause would have upon land which had been sold where roads had been marked off in the map, but did not appear on the land grant

Mr FORSTER said it was intended to give legal effect to the maps, but they were only to be auxiliaries to documents.

Mr BAKER moved an amendment in furtherance of his views. He objected to the clause having a retrospective effect

Mr GWYNNE conceived that it would be a difficult matter to so make the duplicate maps that they should be without error

Capt SCOTT proposed an amendment, that the duplicate maps should only be used when the originals were destroyed

Capt BAGOT considered the Land Grant should be accepted as primary evidence in all cases.

Mr. AYERS repeated an amendment already made by Capt Scott, that the duplicate maps should only be used contingent upon the destruction of the original.

Mr. FORSTER said he had already introduced a proviso to that effect.

Mr GWYNNE asked which map would be considered the original. The same authority which made one original, might make one hundred. He suggested that four or five copies should be made, and each of them be considered as the original.

Capt FREELING proposed certain amendments in the clause which, with others subsequently made, were supported to meet the innumerable objections raised

Clause passed as amended

The whole of the schedules were passed with one or two amendments.

The Chairman reported progress, stating that all the clauses, with one exception, had been agreed to

The Committee had leave given to sit again on the following day, and the House adjourned till the next day at 2 o'clock.

HOUSE OF ASSEMBLY:

THURSDAY, JANUARY 21.

FREW AND SMITH'S PETITION.

Mr Burford gave notice he would move on the following day that the report of the Select Committee on Messrs Frew and Smith's petition be taken into consideration by the House.

CIRCUIT COURTS—AGENT-GENERAL

Mr Strangways gave notice that on the following day he would put questions to the Attorney-General relative to the Circuit Courts Bill and the Agent-General.

REAL PROPERTY BILL.

Mr Torrens gave notice that on the following day he would ask the Attorney General whether the Governor would be advised to assent to the Real Property Bill.

PRIVILEGE.

Mr. TORRENS felt it his painful duty to bring under its notice the conduct of an hon. member of that House, involving what he believed to be a gross breach of privilege. The hon John Baker, a member of the other House, had said that a member of that House had said that other words had been introduced into the Real Property Bill before its third reading than those authorized by that House. Mr Baker had given his authority for this statement, and Mr Fenn was his authority. The hon member referred to as having made this statement was the hon member for the city, Mr Neales. He hoped the hon member would be able to explain that he had some grounds for what he had stated.

Mr NEALES said if a simple denial of his having used the words that were imputed to him was all that was necessary, he would give that in the most flat and positive manner.

The ATTORNEY-GENERAL pointed out that there would be great difficulty in such cases as these if one member were to be allowed to get up and accuse another member on mere hearsay evidence. The question had been founded upon something said out of the House, and with which he did not see very clearly what the House had to do.

Mr. TORRENS felt in what he had done that he was acting in accordance with the rules of the House of

Commons However, he was perfectly satisfied with the statement the hon member had made.

The SPEAKER reported a conversation which had taken place between himself and others on this subject, and as to his being asked how he could allow such a thing to be done, he had disavowed all knowledge of such a thing, and had said that, if done, his attention should have been called to it in the House.

Mr NEALES did not care to satisfy the party who had accused him further, but he would hand in a letter, which he hoped would satisfy both the Speaker and the House.

Mr TORRENS—I told the hon member I was perfectly satisfied (Laughter)

The SPEAKER desired the letter to be returned to Mr. Neales.

Mr NEALES then, with the permission of the House, would read the letter himself. (Hear, hear, and laughter.) [He read the letter, which entirely exonerated him, amidst roars of laughter from all sides of the House.]

CORPORATION ACT AMENDMENT BILL—ADFLAIDE BUILDING BILL—BARNET'S PATENT BILL—ELECTORAL LAW BILL

The amendments made by the Legislative Council in these Bills were agreed to

DISILLATION BILL.

Read a third time and passed.

COLONIAL FEDERATION.

The Commissioner of Public Works moved that the report of the Select Committee on Federation, and the names of the Delegates appointed by this House, be forwarded to his Excellency the Governor-in-Chief for his information—It was a mere matter of form, and the House at once agreed to it.

CIVIL SERVICE REPAYMENTS.

Mr. BLYTH moved—

“That it is the opinion of this House that facilities should be offered to all persons in the employ of Government who have been contributors under the Act No 21 of 1854, to withdraw their claims under the said Act, and that the several amounts contributed by any or all of those who have not forfeited their claims be repaid to the parties who have so contributed, with interest thereon at the rate of 10 per cent, upon the receipt by the Treasurer of a notice in writing of the desire of the contributors to be so repaid.”

What was sought by this motion was to correct the abuses of an Act, which was founded in error, which had led to much discussion in that House and to many unpleasant remarks out of doors

Mr BURFORD had received several intimations of the same kind as those now alluded to, and nothing, he was sure, would please the parties better than to have the money paid returned, without any further claim on the fund.

The ATTORNEY-GENERAL should offer no opposition on the part of the Government. The present system was unjust to those who had not retired on the fund, inasmuch as it was financially impossible for them to derive any benefit from it. What was now proposed the Government would have done, but they were desirous of having the sanction of the House. He should, however, like to see the phraseology a little altered, so as to include all who had not retired on the fund, al-

though they might by non-payment or otherwise have forfeited their claim. The money had been taken in mistake, and without any advantage to be derived from the contribution, and it was therefore only just to all parties concerned that it should be returned.

The motion was agreed to, with this modification, that it should apply to all persons who had not been dismissed, or were not placed on the retired list.

INSOLVENT BILL

A message from the Legislative Council, enclosing the Insolvent Bill, with certain amendments, was read, and the amendments were ordered to be considered in Committee next day.

SURVEY OF PORT NOARLUNGA

Mr LINDSAY moved—

“That as the line of railway from Willunga to Port Willunga will probably be surveyed, in accordance with an address from this House, during the approaching recess, an address be presented to his Excellency the Governor-in-Chief, requesting that the engineer officers of the Government may be instructed to examine also the country between Willunga and Port Onkaparinga, and to report upon the respective merits of the two lines, so that immediate action may be taken in the matter upon the reassembling of Parliament.”

His object in this motion was the saving of expense, by getting the Government party now out to make the survey referred to

Mr YOUNG seconded the motion, and earnestly besought the Government to aid in carrying out the object sought.

Mr DUFFIELD hoped, before the House broke up, the Government would be prepared with some general system of surveys, so that they might get rid of those piecemeal and patchwork attempts at surveying particular lines.

The House went into Committee on the motion, which was carried.

COLONIAL BONDS.

Mr Duffield moved, that a copy of any correspondence received from the Colonial Agent in England by the last mails, respecting the sale of South Australian Government Bonds, be laid upon the table of the House—The Attorney-General said the papers called for should be laid on the table of the House as soon as they were copied

CAPTAIN DUFF'S PETITION.

The Attorney-General stated, in reply to Mr Bakewell, that Captain Duff's petition had been under the consideration of Government, but no decision had been come to upon it. When that was the case, the House should be informed of it

The House then adjourned till 2 o'clock next day.

LEGISLATIVE COUNCIL.

FRIDAY, JANUARY 22.

PARLIAMENTARY REPORTS.

Mr BAKER rose, pursuant to notice, to call the attention of the Council to an entry in the Votes and Proceedings of the House of Assembly, on Friday, the 8th January instant, by which it appears that the House of Assembly on that day passed a resolution, “That an Address be presented to his Excellency the Governor-in-Chief, requesting him to cause such steps to be taken as may be necessary for the purpose of obtaining a full and accurate report of the debates of both Houses

of Parliament," and to move—That a message be sent from this Council to the House of Assembly, requesting that House to rescind or modify such resolution, so far as it affects the rights and privileges of this Council, at being the undoubted privilege of each House of Legislature to decide whether or not any part of its debates should be published. It was the undoubted right of that House to say what portions of their proceedings should be published, without interference from the House of Assembly, but the resolution passed by the House of Assembly had reference to the reporting of the debates, not only of the House of Assembly, but of that House, thereby invading their freedom of action. It was only necessary for them, however, to call the attention of the members of the House of Assembly, by message, to the fact, to ensure a modification of the resolution.

Mr FORSTER fully concurred with the remarks of the hon Mr Baker, so far as they regarded the matter as one of privilege, but he suggested that the resolution should be so altered as not to express more than a just remonstrance.

Mr. BAKER would have been happy to adopt the suggestion of the hon member, but he thought the resolution would be effectual as it stood. He regretted that the Assembly should have taken a course so irregular, and likely to lead to unpleasantness and disagreement.

The motion was put and carried, and the result ordered to be forwarded by message to the House of Assembly.

Mr. BAKER rose to move the second resolution, standing in his name, as follows.—

"That there be laid on the table of this Council a return of all the costs and expenses attending the reporting and printing of the speeches of the members of the House of Assembly on the Privilege Question, as directed by that House, distinguishing the costs and expenses of reporting from those of printing, and stating the names of the reporters, and the sums paid to each."

The hon. gentleman enlarged upon the inconvenience which would arise from the reporting of that which was not heard, while those whose interest it was, as he implied, to provide such reports, could shelter themselves under the authority of the House from the consequence of their slanders.

The motion was carried.

DISTILLATION FROM GRAPES BILL.

Dr DAVIES moved the postponement of the second reading of this Bill until Tuesday next, as it had been only in the hands of members for a few minutes.

Dr EVERARD was sorry that the Government had not introduced, as they had proposed to do, a more liberal measure, but as they had neglected to do that, and they were somewhat diffident, he thought they should avail themselves of the Bill before them, which could not in any way tend to diminish the revenue from imported spirits.

Captain BAGOT thought Dr. Davies had shown no just grounds for not going on with the second reading of the Bill.

Mr. MORPHETT supported the second reading of the Bill, the principles of which had been so long before the House, and were so simple that he could see no reason for a postponement.

Mr. FORSTER said it had not been customary to press the second reading of a Bill the day after it had been

printed. He should be glad to afford the vine growers every opportunity to do the best they could with their produce.

Mr. BAKER hoped the hon member in charge of the Bill would press it through Committee. He had read the Bill twice during the short time it had been in his hands, and thoroughly understood it.

Captain HALL should not oppose the second reading, but he trusted the hon member in charge of the Bill would not press it through Committee.

Mr. GWYNNE quite agreed with Mr Forster, that it would be a very inconvenient precedent to allow a Bill to pass through Committee the day after it had been introduced, but this was a Bill which every man had reflected upon, and every man who understood it must, he was convinced, vote in favour of it.

Dr EVERARD said they did not know how soon they might be turned to the right-about-face; and, he would be glad, therefore, that the House should, after the second reading of the Bill, go into Committee on it if it were only *pro forma*.

The Bill was read a second time and passed through Committee, the third reading being made an order of the day for Tuesday.

ASSOCIATION INCORPORATION BILL.

Captain BAGOT moved the second reading of this Bill which is intended to obviate the difficulties and lessen the expense attached to the management of associations by means of trust deeds. The Bill was read a second time, its further consideration being made an order of the day for the following Tuesday.

RÉAL PROPERTY BILL.

The House having gone into Committee upon this Bill,

Mr. FORSTER called the attention of hon members to clause 13 of the Bill, as struck out on a former occasion, which provided for the compulsory operation of the Act on all lands alienated from the Crown after the 1st July, 1858. If hon. members had considered the effect of striking out this clause, they must have seen that it would make the Bill perfectly useless.

Mr. BAKER submitted that the clause had been already disposed of, and that the hon gentlemen was therefore out of order.

Mr. FORSTER proposed the following clause for the one struck out—"All lands alienated from the Crown, within the said province, from and after the 1st day of July, 1858, shall be subject to the provisions of this Act." He had reason to believe that some hon. members were not aware of the effect which the striking out of the former clause would have or they would not have consented to its expungement. No objection with anything like argument had been offered against it. Even the Attorney-General had expressed himself in favour of it.

The CHIEF SECRETARY stated that the Attorney-General had made no objection, provided that the clauses with respect to trusts and Settlements were struck out.

Mr. FORSTER, in reply to the remarks of Mr Morphett, did not wish to take the Council by surprise. The clause was the same as that which had been struck out.

Mr. BAKER said it was not the clause they objected to but the effect it would have upon the remainder of the

Bill If the hon gentleman would agree to a proviso so as to not render it compulsory, then he should not object to it

Mr FORSTER would not insert the proviso suggested by the hon member, as he thought it would materially affect the working of the Bill It could not be said, in a strictly legal sense, that this clause was compulsory

Mr MORPHETT should certainly vote against the clause unless the honourable mover of the Bill agreed to insert the proviso proposed by Mr Baker.

Mr. FORSTER would inform hon members that the clause he proposed to insert would not have the effect of depriving land owners of their certificates Land grants would be still issued under the operation of the Act

Mr BAKER said they would be prohibited from dealing with their property unless they brought it under the Act They could not deal with their property unless they gave up their land grant for that which they might not like half so well

Mr AYERS proposed that the words "not without the consent of the proprietor" should be added to the clause.

Capt FREFRING said they would have a land grant all the same, as they would be made out in duplicate

Mr BAKER thought the matter should be left an open one Let them see first if the promoters of the Bill would bring their property under its operation. The Bill was the production of a clique, who sought to pass this measure for popularity sake, without knowing what effect it would have upon the property in the colony The Bill contained money clauses, many of which had been altered by the honourable mover of the Bill himself in defiance of the Constitution Act But, notwithstanding this, he still appeared determined to pass the Bill.

Mr. DAVENPORT said if it were a valid objection to a law that it was compulsory, he was afraid there would be endless objections to every law which existed

Mr. FORSTER said with respect to the money clauses, he might say that no objection had been raised to them when the Bill was passing through Committee, not even by the hon Mr Baker

Mr BAKER declared that he was not present at the time

Mr MORPHETT said Mr Forster asserted that no objections had been made to the money clauses, but he had made repeated objections to them, he might inform that hon member, in fact, the Bill should never have been in the Legislative Council at all—it had no business there, for there could be no other opinion but that it was a money Bill, and that it should have been introduced by his Excellency the Governor

The motion for the clause to be inserted was then put, and carried on a division by a majority of 1

Mr. AYERS moved that the words "by the desire of the proprietor" should be added to the clause.

A division was again called for, and the amendment was lost by a majority of 1, the division being the same as the last.

Mr BAKER moved that the Chairman report progress, which was negatived.

The clause was then put to "stand as read," and

another division was called for, which resulted in it being carried by a majority of 1

Clause 34—"Per Centage Assurance Fund"

This clause, which had been postponed, was amended by the introduction of a provision for assessing lands upon their annual value The clause was passed as amended

The Bill was then reported, the report was adopted and the third reading was made an order of the day for Tuesday next

The PRESIDENT stated, in answer to Mr Baker, that it would be quite competent for him to move the recommitment of the Bill any time before the second reading

Adjourned to Tuesday next, at 2 o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, JANUARY 22

THE WATERWORKS COMMISSION.

Mr Townsend gave notice of motion for the production of papers relating to the Waterworks Commission, and particularly with regard to the construction of the reservoir at the Dry Creek

PAYMENT TO GOVERNMENT OFFICERS.

The Attorney-General stated, in reply to Mr. Mildred, that in all cases in which it was part of the arrangement that the salary paid to the officers of Government should be accompanied by fees, means would be taken to discontinue the payment of fees. The Harbour-Master did not receive any additional pay when engaged in surveying or visiting the harbours or coasts at a distance from Adelaide. The trustees of the harbour were paid out of a fund placed at their disposal by the authority of an Act of Council. The remuneration was only a guinea a sitting, which could not be deemed unreasonable, as the public had no right to expect that important public duties should be rendered to the colony without some remuneration. The salaries of officers in the Government service would be paid according to the rates laid down in the Appropriation and other Acts authorizing the same. The Government did not intend to suspend the operation of the Act No 21 of 1854, with regard to any persons who did not wish to withdraw their contributions towards the Superannuation Fund, in fact, they had no power to do so

PARLIAMENTARY REPORTING.

The Speaker laid on the table a message from the Legislative Council on the subject of Parliamentary reporting, in which the Council requested the Assembly to rescind or modify a part of their former resolution on the subject so far as it affected the rights and privileges of the Council.

MESSRS SMITH AND FREW'S PETITION.

Mr BURFORD moved the House into Committee on the following motion—

"That the report on the petition of Messrs Smith and Frew be taken into consideration, and that an address be presented to his Excellency the Governor-in-Chief, requesting that he will be pleased to give directions that the compensation be paid to the petitioners, in accordance with the report of the Select Committee"

Mr. HUGHES seconded the motion, and the House went into Committee

Mr BURFORD said this claim for compensation arose out of an error of Government, and the Government, he thought, ought to make up the loss.

Mr HAY supported Mr Burford's view of the matter. The Government ought to deal with the petitioners as they had done with Mr Finnis.

Dr WARK said Messrs Frew and Smith had been actuated in what they had done by motives for the public good. Between £200 and £300 had been paid to Mr Finnis for deficiency of acreage in his case, and, award, he was quite sure, that would not have been granted to others.

Mr BONNEY supported the motion on this ground—not because Mr Finnis was blameworthy—but because this claim arose out of an error on the part of the Government, and the Government, therefore, should, he thought, reimburse both parties for any expenses they might have been put to.

Mr HUGHES objected to the payment of any compensation. The case should have been taken up by the District Council, and have been decided by our ordinary legal tribunals.

Mr MILDRED maintained that this claim had arisen out of an untoward, an unskilful, and unscientific act on the part of the Government, and the compensation claimed should therefore be paid.

Mr TORRENS thought there was something rotten in the state of Denmark in reference to the law charges referred to in connection with this claim. The costs between attorney and client wanted looking after, and he hoped they shortly would be so.

Mr DUFFIELD had intended to have voted for compensation, but from what he had heard since he came to that House, he should vote against it. What Messrs Smith and Frew complained of was brought before the District Council, and the District Council should have taken it up, but they had no money to do so. If that principle were acted upon, District Councils would be encouraged throughout the country to throw what was a part of their duty on private individuals.

Mr MILDRED objected to that line of argument. What was right was right. An error had been committed by the Government. That error had been the occasion of unnecessary expense to Messrs Smith and Frew, and their claim to compensation was therefore as of right established.

Mr TOWNSEND should support the motion, because a wrong had been committed by the Government, and the petitioners had a right to look to them to redress it.

The ATTORNEY-GENERAL stated the Government did not pay the costs referred to to Mr Finnis without having them taxed. Mr Finnis accepted the amount awarded, and that amount was paid. The real case with regard to the petition before them was this—Messrs Smith and Frew had incurred certain expenses for the assertion of the rights of the public, and these had been paid. But they had incurred other expenses, not of this nature, which the Court thought they should not be paid. If, after this explanation, however, that House thought they should be paid, no opposition would be offered to it by the Government.

Messrs Bonney, Torrens, and Lindsay spoke further in favour of the claim, and Mr Bagot against it, and the motion for an address was carried as it stood.

REAL ESTATE BILL

Mr Torrens asked the honourable and learned the Attorney-General whether in the event of the Real Property Law Amendment Bill, as now amended, being

passed by both Houses of Parliament, the responsible advisers of the Crown would recommend his Excellency the Governor-in-Chief to assent to the same?—The Attorney-General said the Government really had no desire to keep back from the House any matters upon which they desired information. He would say then, in answer to the question of the hon member for the city, that, so far as he was aware, he should not, that was, his Excellency's official advisers would not advise his Excellency to withhold his assent. He might have desired the Bill in question to have been a different one, but allowances must be made for the different views of hon members, and he must say that this was not such a Bill as to lead him to place himself in hostility to a majority of both branches of the Legislature.

House adjourned till Tuesday

LEGISLATIVE COUNCIL

TUESDAY, JANUARY 26

INSURRECTION IN INDIA.

Mr Morphett gave notice that he should move, on the following day, that an address be presented to her Majesty expressive of sympathy by that Council, in reference to the insurrection in India.

REAL AND LEASEHOLD PROPERTY

Mr Baker gave notice that he would, on the following day, move an address to his Excellency, requesting him to appoint a commission for the purpose of enquiring into the present state of real and leasehold property.

DISTILLATION BILL.

This Bill was read a third time and passed.

CRIMEAN TROPHIES.

A message was received from his Excellency the Governor, intimating that his Excellency had taken the necessary steps to carry out the wishes of the Council in reference to Crimean trophies.

ASSOCIATION INCORPORATION BILL.

On the motion of Mr Forster, the second reading of this Bill was postponed, in order that the Real Property Bill might be read a third time.

REAL PROPERTY BILL.

Mr BAKER, before the third reading of this Bill was put to the House, asked the President whether it was competent to enter a protest against the Bill. He thought that it was imperatively his duty to do this from the course which was taken by the hon member of the Bill in pressing it through its third reading, when the reprint of the Bill had only been laid upon the table a short time ago.

The PRESIDENT stated that he did not think it was competent for any member to enter a protest against the third reading of the Bill, though they might do so against its passing.

Mr BAKER said it was impossible for any man, whatever the scope of his intellect might be, to decide at once on such an important measure. He objected also to the Bill with reference to the powers which were invested in the Registrar-General. Again, the Bill provided for the appropriation of a portion of the revenue, which was not in accordance with the Constitution Act. Again, with reference to the alterations which had been made in the appropriation clause, such alterations were not sufficient to authorise the Governor to sign warrants for the payment of money under the

Act. Again, that if the Bill should pass, its provisions were so imperfect, and many of its clauses were so absurd, that it would have no operation. Again, the subject of the Bill was so extensive, and one which would so vitally affect landed property in the province that it was highly necessary that its principles should be good. He was sorry that the hon. mover of the Bill should determine upon passing it at any hazard, but he would ask that hon. gentleman whether he thought it would be right to press the Bill in this hasty manner through its third reading. It was quite clear that any opinions he might now express would be perfectly futile. Torrens's Bill would be passed in its integrity and in all its absurdity.

Dr. EVERARD said the hon. member who had just sat down had spoken about the absurdity of passing the measure in that hasty manner, as they had not had time to consider all the amendments, he would state, in reply to that hon. gentleman, that the reprint of the Bill had been placed before him at 11 o'clock that day, and while there he had every opportunity of reading it carefully and considering it.

Dr. DAVIES said that the Bill had been under consideration for some considerable time, so that they must all be acquainted with its principles.

Mr MORPHETT said that the Bill before them was one which had been some time before the Legislature, and had been carefully considered, and very much improved. It was at one time very objectionable, but it had been deprived of much of its evil; if not all of it—a great portion of it at least. If he should be unfortunate in a motion which he was now about to put, he should still sit down with the conviction that the Bill would not do so much evil as he had at first supposed. He would not found objections to the Bill on any specific clause, but would say that the Bill was in some of its essential principles in direct contravention to the Constitution Act, and he would therefore move that the Bill be read a third time that day six months.

Mr AYRES seconded the motion, and stated that his principal objection to the Bill was founded on its compulsory nature. They must all agree that the law of real property required reform. The only difference of opinion was as to the mode in which that reform should be carried out.

Mr DAVENPORT said that it was solely on account of the valuable principles of the Bill that he gave it his support. He was not bound to any man or any party. He denied that his support of the Bill had any connection with the fact of it having been introduced by Mr Torrens, but he supported the Bill solely on account of its intrinsic merits. If hon. members challenged the reasons why the Bill was made compulsory, he would ask, if striking out the compulsory clauses was not in fact drawing away the life and soul of the measure itself? Those who were in favour of withdrawing the compulsory clauses were, he considered, highly inconsistent, after having consented to the preamble of the Bill, which set forth that the inhabitants of the colony were subjected to losses, heavy costs, and much perplexity, by reason that the laws relating to the transfer and encumbrance of freehold and other interests in land were complex, cumbrous, and unsuited to the requirements of the inhabitants. It was, therefore, inexpedient to amend the said laws. There was no greater duty attaching to the Legislature than to pass a Bill to amend such a state of things as that which was stated to exist in the preamble. The principles of the Bill were most valuable, and the sooner they were called into force in this country the better. He readily admitted that there were what he conceived

to be faults in the Bill, but he was not prepared to oppose the measure merely because he did not consider it perfect. It had been admitted that the measure, though introduced by a private member, had not been objected to by the Ministry, and he thought it might be fairly assumed, it was not an unconstitutional measure.

Mr A SCOTT said the measure was such an important one that even he, a silent member, felt bound to make a few observations upon it. There were many important clauses in the Bill which he most cordially agreed with. The object of the Bill he strongly desired to be carried out, but there were so many imperfections in the Bill, and so many incongruities, that he could not support the measure as a whole. He would particularly refer to the 13th clause which appeared to him to be most arbitrary and most unjust, as it would compel the purchasers of all lands, from 1st July next, to come under the operation of the Bill whether they liked it or not. He felt bound to give the Bill his most unqualified opposition so long as the clause to which he had alluded formed a portion of it.

Mr FORSTER did not intend to offer many remarks in reply, the arguments which had been used against the Bill having been used on four or five different occasions, and he having as frequently replied to them. He should of course oppose the amendment that the Bill be read that day six months. He should have been glad if arguments had been brought forward against the measure instead of bare statements that it was not constitutional. He should have been glad if it had been shown that the Act would operate injuriously, but no such attempt had in fact been made. The hon. Mr Scott had stated his intention of giving his unqualified opposition to the Bill on account of the 13th clause, but he would remind the House that the 13th clause had been specially under the consideration of the Council, and in the first instance the clause was struck out, but subsequently the injurious effects of striking it out were seen, and it was restored.

The motion for the third reading of the Bill was carried by a majority of five, and the Bill was sent to the Legislative Assembly, requesting the concurrence of that body in the various amendments.

ASSOCIATION INCORPORATION BILL.

This Bill passed through Committee. Some verbal amendments were made, and the third reading was made an order of the day for the following day.

PROROGATION OF PARLIAMENT.

The Chief Secretary intimated that unless some unexpected impediment presented itself it was the intention of the Government to recommend his Excellency the Governor to prorogue the Parliament on the following day.

The House then adjourned till next day.

HOUSE OF ASSEMBLY.

TUESDAY, JANUARY 26.

PRIVILEGE

Mr Blyth gave notice that, on Friday, 2nd February, he would move, that the Legislative Council, by its vote on Friday, 22nd January, on the motion of the hon. Mr Baker, ordering "That there be laid on the table of this Council a return of all the costs and expenses attending the reporting and printing of the speeches of the members of the House of Assembly on the Privilege Question, as directed by that House, distinguishing the costs and expenses of reporting from those of printing, and stating the names of the reporters, and the sums paid to each," has infringed the privileges.

of the House of Assembly—it being the undoubted privilege of this House to direct what portions of its proceedings, if any, shall be published, and that any person furnishing the above returns will be guilty of a breach of the privileges of this House

THE COLONIAL AGENT

Mr. STRANGWAYS produced a great string of questions, which he wished to put to the Attorney-General with regard to the appointment of Mr. Walters to the office of Colonial Agent, amidst cries of "Oh, oh," and great laughter

Mr. BLYTH said, if the hon. member felt any dissatisfaction with the appointment, he had better give notice of motion to that effect

The SPEAKER concurred in that view.

The ATTORNEY GENERAL objected to the questions now read over being placed on the notice paper. They would imply—some of them at least—that something corrupt existed, although that was not stated. Now, if the hon. member thought there was anything corrupt in the appointment, let him give notice of motion to that effect, and not attack persons under the cover of questions and unfair insinuations.

The SPEAKER ruled that some of the questions could not be put. They referred to private matters with which the House had nothing whatever to do. Even those which might be put, would be much better put forward by motion. The questions he wished to put conveyed insinuations which attacked persons unfairly.

Mr. BLYTH moved that the series of questions do not appear in the notice paper.

The SPEAKER said they should not appear

NEW MEMBERS.

Mr. Strangways gave notice that, on the following day, he would move that this House is of opinion that whenever a writ shall be issued for the election of a member of this House, the Returning Officer to whom such writ shall be addressed should, immediately on the receipt of such writ, notify by advertisement to be inserted once in the *Government Gazette*, and twice in each of the weekly papers, the place or places, days and hours, at which the nomination and election will take place.

SUPREME COURT.

Mr. Strangways gave notice that, on the following day, he would ask the Attorney-General, as chief law officer of the Crown, whether there is any Act or any law in force within this province, which makes the Supreme Court an establishment under the direction of the Attorney-General as it appears on the Estimates

SUPERANNUATION FUND.

Mr. Bakewell gave notice that, on the following day, he would ask the honourable the Attorney-General whether the balance of the £10,000 voted by this House in aid of the contributions paid by the Government officers towards the Superannuation Fund, established under Act No. 21 of 1854, had been beneficially invested, and in what manner, for the purposes of the said fund. Also, that he would ask the honourable the Attorney-General whether the Executive has received, by petition or otherwise, any expression of opinion from the officers in the Public Service on the subject of the Superannuation Fund, and, if so, whether the Government would have any objection to lay the same on the table of the House.

HEADS OF DEPARTMENTS.

Mr. Strangways gave notice that he would move, on Wednesday, that there be laid on the table of this House a copy of a circular that has been sent from the Chief Secretary's office to heads of departments, requiring them, in preparing the pay-sheets and regulating the expenditure of their departments, to be guided by the Estimates alone, without reference to any existing Acts of the Legislature.

PARLIAMENTARY REPORTS

The Attorney-General stated, in reply to Mr. Blyth, that no steps had been taken in accordance with an address from that House to secure full and accurate reports of the debates of the House, but that letters would be sent that day, if they had not already been sent, to the proprietors of the two newspapers of the colony, to ascertain on what terms they would enter into a contract for the performance of what was required.

SUNDAY TRAFFIC

The Commissioner of Public Works stated, in reply to Mr. Hay, that he would enquire the reasons which had induced an additional number of trains to be run on the Gawler line on Sunday.

INSOLVENT BILL.

The House went into Committee for the purpose of considering the amendments made by the Legislative Council in this Bill, which principally consisted of the substitution of the word "Commissioner" for "Judge"

Mr. BAKEWELL said by whatever title the person holding this office was distinguished, he would be to all intents and purposes a Judge. He would have power to sentence a man to three years' imprisonment, and the gentleman to whom such power was confided, he thought, should be an independent Judge, but the Commissioner would, in point of fact, be subject to the influence and control of the Attorney-General. There was no man in the profession, or in the colony, for whom he had a greater respect than for the present Attorney-General, but another might be put in his place, and he would claim, by virtue of his office as Attorney-General, to have his voice heard in the Executive Council. The Commissioner, as Commissioner, would be responsible to the Attorney-General. The Attorney-General had moved the adoption of the amendment of the Legislative Council on this clause, and the same would apply to other clauses, in which the substitution of the same word "Commissioner" for "Judge" occurred. This he should not oppose. He did not intend to propose any amendment on the Attorney-General's motion, but he thought it right to call the attention of the House to it.

Mr. HAY thought the amendment of the Legislative Council a great improvement.

Mr. MILNE asked the hon. the Attorney-General, whether a Judge could be constitutionally appointed by the Government in this colony without referring to the Queen in Council for her approval.

The ATTORNEY-GENERAL said it was perfectly constitutional for the Government to appoint a Judge or any other officer, without any reference whatever to her Majesty. He did not say that the substitution of the word Commissioner for Judge was an improvement, it had, in fact, been a very serious question with him whether he should stand by the Bill or agree with these amendments. Had this occurred at an earlier part of the session, he must say, that he should probably have advised that they should not agree to that amendment, but to take that course, at that time, would, in his

opinion, be equivalent to throwing out the Bill, inasmuch as Parliament would probably be prorogued before the discussion, which would be required on the amendment, could take place. With these views, he looked to the House to support the proposition that the amendments of the Legislative Council be agreed to. In accepting the Bill in its present state, he looked upon the person holding this office as holding it during good behaviour, and as not to be deprived of it without a special charge of incompetence or malversation.

Dr. WARK thought the title of Judge should still be given to this officer, considering the arbitrary powers with which he was to be entrusted.

Mr. BLYTH had watched the Bill in all its stages, and thought it would be unwise to peril the Bill, because it had not all in it that they might have desired to have been there. He would simply state that it was a great mistake to substitute the word "Commissioner" for "Judge," but he would take the Bill as it was, and he believed it would be one of the most important Bills passed during the session.

Mr. BAGOT did not agree with the amendments sent down to them. Under the title of Commissioner the person holding that office would have the full powers of a Judge in the Insolvent Court, with no person at the head of the Court, and from this cause great difficulties would, he believed, rise in practice. The hon. gentleman moved the insertion of a proviso which is in the English Act, by which the Commissioner of Insolvency cannot be removed without an address from Parliament to the Crown.

The ATTORNEY-GENERAL did not wish the Bill to be sent back to the Legislative Council, as to do so would, he thought, imperil it. He most cordially approved of the principle of the amendment, still he did not agree in thinking with some hon. members that the Commissioner would hold office at the will of the Minister of the day or at the caprice of any person, but that he would hold office so long as he exercised its functions fairly. He did not, therefore, look upon the amendment as of so much importance as others attached to it, and, under all the circumstances, he did not think the House should agree to it.

Mr. NFALES thought the Bill so important in itself that they should not insert a proviso which would risk it altogether. He did not himself approve of some parts of the Bill, but as there was so much good in it he should not oppose the adoption of the Legislative Council's amendment.

Mr. TOWNSEND understood from the Attorney-General that the insertion of the proviso would imperil the Bill, and he therefore thought it would be unwise to risk it.

Mr. BURFORD would be almost as sorry to see this Bill fall as he should be grieved to see another Bill—the Real Property Bill—miscarry. He should therefore vote against the insertion of the suggested proviso.

Mr. STRANGWAYS attempted to address the House in a strain of bitter invective, partly against Ministers and partly against their supporters, but he was listened to with impatience, and resumed his seat amidst expressions of dissatisfaction.

Mr. LINDSAY had one objection to the Bill, it was too long. It contained more clauses than the whole of the French code of commerce. (Laughter.)

The ATTORNEY-GENERAL—What would it have been

if they had adopted the language of the hon. member's notice of motion? (Renewed laughter.)

Mr. BAGOT's amendment was negatived by a majority of 16 to 5.

The whole of the amendments were agreed to, the Bill was reported, and a message to that effect was sent to the other House.

GRAPES DISTILLATION BILL.

The consideration of the amendments made in this Bill by the Legislative Council was postponed till the next day.

WATERWORKS CONTRACTS

Mr. Townsend moved that there be laid on the table of this House copies of the specifications and contracts entered into by Messrs. Frost and Watson for constructing the upper reservoir weir, together with all correspondence on the subject passed between the Commissioner of Public Works and the Commissioner of the City Waterworks. His object was to settle the minds of the public with reference to this contract. There was much talk about it out of doors, and it was but an act of justice, both to the Commissioners and to the contractors, that the merits of the case should be made known.—The Attorney-General said there could be no objection to laying the correspondence on the table of the House.

The House then adjourned till 4 o'clock.

On the reassembling of the House,

The ATTORNEY GENERAL moved its further adjournment till 12 o'clock next day. This would give the House time to dispose of the two Bills, which would then be before them—the Grapes Distillation Bill and the Real Property Bill—and if nothing unforeseen then interposed, the Governor would be advised to come down to Parliament at 3 o'clock, and give his assent to the Bills passed, and the Parliament would then be prorogued.

Mr. TORRENS objected to this abrupt termination of the session.

Adjourned till 12 o'clock next day.

HOUSE OF ASSEMBLY,

WEDNESDAY, JANUARY 27

EAST TORRENS.

The Speaker announced the receipt of a communication from Mr. Bonney, resigning his seat in the Assembly as member for East Torrens. Upon the motion of Mr. Blyth, it was resolved that the resignation be accepted, and a writ issued to supply the vacancy.

EMIGRATION FROM BRISTOL.

Mr. Torrens presented a petition from the Chamber of Commerce of Bristol, in England, signed by the Chairman and Vice-Chairman of that body. The prayer of the petition was, that a Government depot might be established at Bristol, and that Bristol be one of the ports from which emigrants shall be forwarded to South Australia. The petition, which was read by the Clerk, was exceedingly voluminous, and boldly stated that the opposition of the Home Government to the prayer of the petition was frivolous and vexatious.

THE RAILWAY DEPARTMENT.

The Commissioner of Public Works, in reply to Mr. Hay, stated that he had made enquiries of the Railway Commissioners, and found that there had been an expressed wish on the part of the public that further

accommodation should be provided upon the Gawler line of railway on Sunday, although it was true that no memorial from the public had been presented. The Commissioners thought that one of the trains that started at 11 o'clock, might be dispensed with. Another question put by the hon member had reference to the number of hours which parties connected with the railway department were employed. The hon member appeared to labour under the impression that the servants connected with the railway were employed for fourteen hours per day, but such was not the case, no person being engaged for a greater period during the day than 12 hours.—Mr Hay—And that for seven days in the week.—The Commissioner of Public Works said that such was the case, but that arrangements had been made to make the work as little oppressive as possible.

DISTILLATION FROM GRAPES BILL.

Upon the motion of Dr Wark, the House resolved itself into Committee for the purpose of considering the amendments made by the Legislative Council in the Distillation from Grapes Bill. The hon member remarked that although he had no objections to the amendments which had been made, he was aware that other hon members had. He begged to move that the amendments be assented to:

Mr LINDSAY thought the alterations which had been made had certainly not improved the Bill, which was objectionable when it passed that House, but it was worse now. He regarded the measure merely as a temporary one. He particularly objected to those clauses which were of so indefinite a character relating to the extent of the vineyard. There was no possibility, however, of altering these provisions during the present session, and he, therefore, supposed that they must agree to them.

The amendments were then agreed to, and

On the motion of Dr WARK the report was adopted, and a message directed to be sent to the Legislative Council, intimating the acquiescence of the Assembly with the amendments.

REAL PROPERTY BILL

On the motion of Mr Torrens, the House went into Committee for the purpose of considering the amendments made by the Legislative Council in the above Bill. The hon gentleman explained the nature of the alterations which had been made, and stated that he did not consider they were of such a character as should induce the House to throw out the Bill.—The amendments were agreed to; the report adopted, and a message communicating this was sent to the Legislative Council.

CUSTOM-HOUSE OFFICER AT THE RIVER MURRAY.

Mr. TORRENS moved—

“That, in the opinion of this House, it is expedient that the Custom-house Officer to be appointed to the River Murray should be stationed at such point below the North-west Bend as may be deemed most convenient for the shipment of goods forwarded overland from the city of Adelaide.”

The object he had in view was to prevent a contingency that might arise, that the money placed on the Estimates for this purpose might not altogether be thrown away. He had heard that the officer was to be placed on the boundaries, and in that position he would be of no use whatever. To place the officer where he suggested, at Blanche Town, or even lower down, would be more convenient, both to the merchants and for the collection of the revenue.

Dr. WARK saw nothing to object to in the motion.

If the point referred to were chosen, there would be little fear of smuggling.

Mr MARKS did not approve of the station named in the motion. Why might not goods be sent up to the Burra, from the Burra beyond the North-west Bend, and on to Swan Hill? He was in favour of the officer being stationed at or near the boundaries of the province.

RAILWAY TO THE MURRAY.

Mr TORRENS moved—

“That, in the opinion of this House it is advisable that the Government of this colony should guarantee a dividend of six per cent per annum to any company that will construct a locomotive railway connecting the city of Adelaide with the River Murray, provided that the line proposed, and also the plans and specifications for the construction of such line, shall first be approved by the Government engineer, and conditioned that this Government shall have a right to purchase such railway at any time after the expiration of the tenth year, at such sum as, when added to all other receipts, may suffice to replace to such company the capital expended in the construction and working of such line, with a profit thereon at the rate of 10 per cent per annum, to be computed from the date of the opening of such line for through traffic.”

The Government had abandoned the system of capitalising their revenue and borrowing upon the strength of it. The Legislative Council was also indisposed to borrow money for such purposes, and it was better that they should have railways constructed by private companies, than not have them constructed at all.

Mr BURFORD had been opposed to those modes of constructing railways, but he had been so disgusted at the way in which the money was taken out of the general revenue for the Gawler Town Railway Extension, that he was now driven to the support of this motion.

Mr. BLYTH had enunciated the principle contained in this motion on the 10th of December last. That motion was negatived, and he put it to the Speaker to say, whether this motion was not so far identical that it could not be proceeded with during the present session.

The SPEAKER ruled that the motion could be entertained.

Mr. COLE asked, if they sanctioned this motion, whether they should allow any company so formed a monopoly of fares and rates? If so, he should feel bound to oppose the motion.

Mr. MILNE said that from the wording of this motion they bound themselves to pay 6 per cent on the cost continuously without any definite period being fixed upon. This, he regarded as an insupportable objection, to the motion, and he should therefore vote against it.

Mr HAY pointed out that Ministers were absent, and it was hardly fair to them to bring forward a motion of this kind in their absence. If not withdrawn he should oppose it.

Mr. DUFFIELD took exactly the same views with regard to forcing on this motion in the absence of Ministers. If the motion should be passed, however, he should either resist it altogether, or should move, that, instead of connecting the Murray with Adelaide it should be with Port Adelaide.

Mr. MARKS hoped the motion would be withdrawn.

Mr BURFORD dissented from the last speakers. If he thought they were doing any disrespect to Ministers, he would not proceed with it.

The SPEAKER intimated that it was 3 o'clock.

A motion was then put to the effect, that the motions on the notice paper be proceeded with, and was negatived.

BILLS OF THE SESSION

The Speaker read the following report in reference to the Bills introduced during the session —

I have to report that of forty public Bills initiated in this House during the session of 1857, 1858, twenty have passed both Houses of Parliament, of which seventeen have been assented to, and three reserved for the signification of her Majesty's pleasure thereon. Five have lapsed after the first reading.

Four have been rejected, and one withdrawn at the second reading.

Two have lapsed in Committee, one was denied further consideration in Committee.

One lapsed after recommittal, one rejected at third reading.

Four forwarded for the concurrence of the Legislative Council, not returned, and one ordered to lie on the table of the House, with the amendments made by the Legislative Council, disagreed to.

Of seven private Bills introduced upon petition into the House, two were reported by the Select Committee as not having preambles proved, and five have been assented to.

Of three public Bills brought from the Legislative Council one was received only, one lapsed in Committee, and one was returned to the Legislative Council with amendments, no further communication having been received in reference thereto.

ARRIVAL OF HIS EXCELLENCY THE GOVERNOR-IN-CHIEF.

At half past 3 o'clock a messenger from the Legislative Council approached and summoned the Speaker and the House of Assembly to meet his Excellency the Governor-in-Chief.

The Speaker and the House at once acted on this summons.

LEGISLATIVE COUNCIL.

WEDNESDAY, JANUARY 27

THE INDIAN WAR.

Mr. MORPHEIT moved—

“That an address be presented to her Majesty, expressive of the sympathy and feelings of this Council in reference to the insurrection in India, the consequent sufferings of our fellow countrymen there, and the high appreciation this Council entertains of the noble and gallant conduct of her Majesty's troops serving in that dependency.”

Amongst all classes in England there was but one opinion, one feeling, and that was, that stern and retributive justice should be asserted and visited on the fiends in human form, who had so disgraced mankind by their atrocities in India. The most distinguished members of the Peace Society in England were of this opinion. Even Lord Shaftesbury, than whom there was probably not a greater lover of peace in the world, said that all human nature called for retributive justice, which should in its strictest, and sternest sense be measured out to those wretches who had by their acts disgraced humanity. The whole sad history had so frequently been brought prominently forward by the local press, that no doubt every hon. member was well

acquainted with the subject. The hon. member concluded by moving the adoption of an appropriate address to her Majesty.

Captain BAGOT seconded the motion, which he felt assured would enlist the support of every member of that House, but, whilst adopting that mode of expressing their feeling publicly upon so momentous an occasion he trusted that South Australia would not rest satisfied with that. Such a war brought with it fearful calamities—sufferings unparalleled. The mother country had not shut her eyes to this, London or its inhabitants having come forward in an extraordinary manner with their purses to aid the sufferers, and such a course he hoped would be pursued here.

Major O'HALLORAN supported the motion. He had spent the best part of his life in India, and had fought with many of the regiments which had recently mutinied. He keenly felt the disgrace which they had heaped upon themselves, knowing how gallantly those regiments had formerly fought when under the command of British officers. Out of eighty-four cavalry and infantry regiments, he believed that only four or five were true to their colours, and only one of native infantry raised by Sir Charles Napier himself could be depended upon. He deeply sympathised with many old and dear friends who had been subjected to sad calamities by the late war. He should be glad if an addition could be made to the proposed motion intimating that South Australia was quite prepared to co-operate in raising a fund for the relief of those who had been such severe sufferers.

Mr FORSTER fully agreed with the motion, which, however, appeared to him to go no further than a mere expression of sympathy. He could not help remarking that sympathy of this kind was exceedingly cheap (Laughter). He could not contemplate a motion of the kind without remembering that the House had refused a more substantial expression of sympathy when the hon. Mr Baker, on first learning the position of affairs in India, proposed sending one hundred horses as a contribution to the Indian cavalry. He regretted that motion had not been assented to.

Mr BAKER said the hon. member was mistaken, as the motion was carried unanimously, but it was burked elsewhere.

Mr FORSTER had forgotten that circumstance, and only regretted that a substantial expression of sympathy had not been carried out. He should be glad indeed if some such addition could be made to the present motion.

Captain FREELING said it would be an honour to South Australia that she had been the first of the colonies to contribute towards the relief of the sufferers in India. There was scarcely a person who did not feel an individual loss in India, either from the operations of Sepoys as rebels, or from the gallant army which had endeavoured to quell and curb this horrid warfare. He hoped there would be some substantial sympathy worthy of South Australia.

Mr BAKER said that some time back he moved an address to his Excellency the Governor, praying that 100 horses might be despatched to India. It was with considerable satisfaction he reflected that he had brought that motion forward, and that it was carried without a single dissentient voice. Unfortunately from some cause the address when presented to his Excellency did not meet with the reception which had been expected, in fact, a report was presented to the Assembly which had the effect of thwarting the wishes of the Council. With what satisfaction would they

have passed the present vote if they could have reflected that the substantial mark of sympathy formerly determined upon, had been carried out. As a grant of public money had been refused, he hoped private individuals would show their sympathy by putting their hands in their pockets and contributing liberally towards the fund.

The address was then adopted, and on the motion of Mr Morphett, it was resolved that it be signed by the President, and handed to his Excellency the Governor for transmission to her Majesty, through the Secretary of State for the Colonies.

DISTILLATION BILL—REAL PROPERTY BILL

The PRESIDENT announced the receipt of messages from the Assembly, intimating that they had agreed to the amendments in the above Bills.

REAL AND LEASEHOLD PROPERTY

Mr BAKER moved that an address be presented to his Excellency, the Governor-in-Chief, requesting his Excellency to appoint a Commission, to consist of three legal and two non-professional gentlemen, or such other number of persons as his Excellency may deem fit, to inquire into the state of the law and practice affecting real and leasehold property in this province, so far as regards the making out, evidencing, or establishing of titles to, and the transferring of such property and to suggest whether any and what means can be adopted for the simplification of such titles and transfer, and the reduction of the expenses at present attendant thereon, and generally for facilitating the sale and transfer of real and leasehold property in this province. The motion related to matters which had excited much interest of late, and those who were in favour of such an alteration in the law, so that it might become a public benefit, could not but support the present motion. The Real Property Amendment Bill had been passed, and there were a variety of opinions as to what would be the effect of that Bill. What he proposed by the present motion was to appoint a Commission, to whom the whole question would be referred, and amongst other matters, of course the Bill which had just passed the House.

Mr. AYERS seconded the motion.

Mr DAVENPORT opposed the motion, though always in favour of enquiry where any good was likely to result. The motion had a direct analogy to a Bill which had only passed the House a few hours since, and under such circumstances that was certainly not the time to bring forward such a motion. The hon gentleman concluded by saying that he would support the motion if it only had reference to the reform of the law as it at present stood.

Mr. AYERS pointed out that it was left to his Excellency's discretion whether professional gentlemen should be appointed upon the Commission or not.

Capt BAGOT objected to the motion because he considered it interfered with the prerogative of his Excellency the Governor in pointing out the description of gentlemen he should appoint upon the Commission.

Captain FRIDLING opposed the motion, which he considered merely asked the House to undo what they had been doing for some weeks past. The effect of the motion would be to postpone for an indefinite period law reform. It struck at the root of the Bill which had just passed the House, and which he believed would be found of vast benefit to the whole community. The House would stultify itself were it to pass the present motion, and no one knew better than

the hon mover that if it were passed there would be an end to law reform for many years.

Mr FORSTER said that had this motion been introduced before the Bill relating to real property had passed the House, he should have supported it, but as it had not been brought forward till after that measure had passed, he must oppose it.

Mr BAKER said that at the first reading of the Bill referred to, he proposed a motion similar to the present, and it was opposed by the hon Mr. Forster.

Mr. FORSTER said he opposed it because a better plan had been hit upon, namely, to introduce a Bill upon the subject. He must object now to the motion being brought forward, but if the Bill which had just passed were found not to work well, or not to answer the expectations which had been formed of it, he would then consider whether it would not be desirable to support the hon. Mr Baker in such a motion as the present. At present he considered it altogether out of place, after the House had passed the Real Property Bill. He would heartily join in any proposition which would relieve property jeopardised by the existing law, or which would render saleable property now unsaleable. The hon. member was proceeding with his address, when the Clerk of the Council announced

THE ARRIVAL OF HIS EXCELLENCY,

who, with his suite immediately entered the Council Chamber, attended by the President, Speaker and members of the Legislative Assembly.

THE ROYAL ASSENT

was given to the following Bills —

Appropriation Bill, 1866-57.

Bill to amend the law relating to Savings' Banks

Bill to authorise the Construction of a railway from Gawler Town

Bill to authorise the raising of £73,000 for the Construction of a Railway between Adelaide and Gawler Town

Water Supply and Drainage Bill

Bill to regulate Elections of Members of Parliament

Bill to amend the Municipal Corporation Act.

Bill to amend the Law relating to Insolvent Debtors.

Real Property Bill

Distillation of Grapes Bill.

PRIVATE BILLS ASSIGNED TO.

To secure to Mr Barnett, for 14 years, a patent for a Reaping Machine

To extend the powers of Trustees under the Marriage Settlement of Edward Stirling

To secure to H. W. Peryman a patent for preventing fire and sparks from locomotive engines

To secure Wm Dinham a patent relating to the construction of railways and the wheels of carriages

RESERVED FOR THE SIGNIFICATION OF THE QUEEN'S PLEASURE.

A Bill to legalise a Marriage with a Deceased Wife's Sister

A Bill to Prevent the Introduction of Convicted Felons to the colony

A Bill relating to Aliens.

PROROGATION

ADDRESS OF HIS EXCELLENCY THE GOVERNOR-IN-CHIEF.

HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL AND GENTLEMEN OF THE HOUSE OF ASSEMBLY—

1. In closing the first Session of the first Parliament of South Australia, I congratulate the Legislature and

the people of this Province on the successful working of the principle of Responsible Government. Although we have experienced some of the difficulties necessarily incident to the introduction of an entirely new system, yet these have scarcely impeded the course of legislation, and have not prevented you from maturing a series of measures highly important in their provisions, and, I trust, useful in their tendency.

GENTLEMEN OF THE HOUSE OF ASSEMBLY—

2 I thank you for the supplies which you have voted for the Public Service, and I assure you that, in their expenditure, due regard shall be had to economy, so far as may be consistent with the attainment of the objects for which those supplies have been voted.

HONOURABLE GENTLEMEN AND GENTLEMEN—

3 I have received the resolution which you have separately adopted on the subject of the proposed Federation of the Australian Colonies, brought under your notice in a message from myself, and I trust that the action which you have taken on this important point may lead to the immediate adoption of measures calculated to remove the existing obstacles to combined action on the part of the colonies, whenever circumstances may permit or require it.

4 The Act which you have passed for contributing to the subsidy to the Ocean Mail Postal Service, has removed the difficulties which at one time obstructed our communication with Great Britain, and I hope when I again meet you to congratulate you on the completion of the arrangements for the Mail Steamers calling in their homeward route, at least, at Kangaroo Island—thus enabling us to enjoy, in some degree, the advantages of our geographical position.

5 Of the Acts which have been forwarded to me for my assent, I have reserved three for the signification of Her Majesty's pleasure, one for the amendment of the Marriage Law, in accordance with an address of the Legislative Council, a second relating to Aliens; and the third to convicts landing in South Australia from the adjacent Colonies. Those Acts might be held to

affect the royal prerogative, and therefore, I could not, in accordance with my instructions, give the Queen's assent to them. I hope, however, that such assent will not be withheld.

I trust the alterations which you have made in the Laws of the Colony, especially in those which relate to Real Property, may realise the expectations of their promoters, and I rely upon your wisdom and candour to remedy whatever defects further experience of their practical working may disclose.

6. At the same time, although I have been happy to comply with the obvious and generally expressed wish of the Parliament and the country in giving the Queen's assent to the Act "To simplify the laws relating to the transfer and encumbrance of freehold and other interests in land," I cannot but feel that a portion of that Act, viz, the 35th section, which contemplates a contingent appropriation of a portion of the Revenue of the Province, a provision which was not initiated by myself as Governor, is so far wholly inoperative, and will require, therefore, to be made effective by future legislation.

7 In conclusion, I most heartily congratulate you, honourable gentlemen and gentlemen, on the generally sound and prosperous condition of this province, notwithstanding the severe financial crisis which is now being felt in all the most important monetary centres of the world. We cannot hope altogether to escape the effects of this general disturbance, but, I trust, that, when we next meet, it will be found that the energy and prudence of the producing and mercantile classes of this province will have enabled us, under that Divine Providence which has hitherto so signally blest the industry and protected the growth of this community, to pass through the necessary period of trial with unimpaired resources and credit.

I now declare this Parliament to be prorogued until the first day of May next.

RICHARD GRAVES MACDONNELL,
Governor-in-Chief,

January 27th, 1858

FINIS.

ADELAIDE:

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