

think there cannot, when the facts of the case are properly inquired into, be two opinions on that point. At the same time I make no allegation against that gentleman personally, and I would be sorry to offer any hindrance to his taking his seat this evening. Nevertheless, I feel that honorable members owe it to themselves to enter a protest against his doing so in the ordinary way—as a regularly elected honorable member would do. That protest has now been entered, and, inasmuch as the facts connected with the West Bourke election are about to be placed before the regular and proper tribunal, no more, I think, need be said on the subject on the present occasion.

Mr. W. M. Clark and Mr. Deakin were then introduced and sworn.

MEMBERS' PLACES.

Mr. BOWMAN said he desired to bring a particular matter under the notice of the Speaker. He had no doubt many honorable members sitting with him on the cross Ministerial benches would remember that when, last session, the seat formerly occupied there by the honorable member for Maldon became vacant from the fact that the honorable member crossed the floor, he (Mr. Bowman) put his card on it, in order to secure it for himself. He subsequently, however, found the seat taken by the honorable member for the Avoca (Mr. Davies), who kept possession of it throughout last session. Shortly before Parliament was opened that day he (Mr. Bowman) again affixed his card to the seat, but only to afterwards find it removed, and an envelope bearing the honorable member for the Avoca's name placed in its stead. He had put up with a great deal of language on the subject from the honorable member for the Avoca, which he would not have borne from any one else, because he did not consider anything the honorable member said worth notice; but matters had now gone so far that he would be glad if the Speaker would state what was the rule of Parliament on the subject.

The SPEAKER.—The practice of the House of Commons is that no honorable member can secure a seat for more than one evening. In our House, however, a more liberal system has prevailed; and I think it may be desirable to make a standing order that an honorable member putting his card on a particular seat should entitle him to retain it during the

session. But no such order is in existence, and I have no power to direct that a seat may be so retained.

ELECTIONS COMMITTEE.

The SPEAKER laid on the table his warrant appointing Mr. Bell, Mr. Grant, Mr. Lyell, Mr. MacBain, Dr. Madden, Mr. Munro, and Mr. Nimmo, as the Committee of Elections and Qualifications.

PUBLIC HEALTH LAWS AMENDMENT BILL.

Mr. BERRY, without notice, moved for leave to introduce a Bill to amend the laws relating to public health.

Sir B. O'LOGHLEN seconded the motion, which was agreed to.

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

DESPATCHES.

Mr. BERRY presented, by command of the Governor, despatches received by His Excellency from the Secretary of State for the Colonies, announcing the death of Her Royal Highness the Princess Alice, acknowledging the receipt of a despatch from His Excellency Sir George Bowen with respect to the event, and relating to the part taken by the British colonies in the Paris Exhibition.

THE GOVERNOR'S SPEECH.

ADDRESS IN REPLY.

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

The speech having been read,

Mr. DEAKIN moved—

“That this House do now resolve that a respectful address be presented to His Excellency the Governor expressive of our loyalty to our Most Gracious Sovereign. Thanking his Excellency for having called us together for the purpose of obtaining our advice and assistance at a juncture of public affairs of serious importance to the future of this country. Expressing our regret that the marked depression of trade which extends throughout the whole world has also been felt here, although in a less degree than elsewhere. Thanking His Excellency for informing us that indications of a beneficial change are fortunately now apparent, and concurring with His Excellency in the opinion that the break up early this year of the long-continued drought, the consequent promise of a prosperous season for agriculturists and graziers, and the improved prospects of many of the mining districts, will doubtless tend to create a more confident feeling in all the great interests of the colony. Thanking His Excellency for informing

us that, in accordance with the provisions of the Act passed last session, His Excellency appointed a commission to carry out the International Exhibition of 1880; and thanking His Excellency for informing us that, not only from the Imperial Government, but also from foreign countries, the warmest expressions of sympathy and co-operation have been received. Thanking His Excellency for informing us that, moved by his advisers, he has officially communicated with His Royal Highness the Prince of Wales, in order to ascertain if he would consent to open the Exhibition in 1880. Expressing our regret that His Royal Highness will be unable to do so; and expressing our satisfaction that His Excellency has reason to believe that he will visit this colony at some time during the period for which the Exhibition will be open, unless unforeseen grave reasons of State interfere to prevent him. Thanking His Excellency for informing us that, to further the objects of our great undertaking, Her Majesty has been graciously pleased to appoint a commission, with the Prince of Wales as president. Thanking His Excellency for informing us that the neighbouring colony of New South Wales will open their Exhibition this year, and assuring His Excellency that we shall sanction the prompt measures for the representation of Victoria already taken by His Excellency's advisers. Thanking His Excellency for informing us that important commissions, appointed by His Excellency's predecessor, have been prosecuting their labours throughout the recess, and that His Excellency trusts shortly to receive their reports, which will in due course be submitted to us. Thanking His Excellency for informing us that a contract for the conveyance of mails fortnightly between Melbourne and Point de Galle in connexion with the Imperial Indian service, has been entered into with the Peninsular and Oriental Company, particulars of which will be duly laid before us. Thanking His Excellency for informing us that on the outbreak of the Zulu war it was in the power of His Excellency's advisers to accede promptly to a request on the part of the Imperial Government, for their consent to a transfer of the cable intended to duplicate telegraphic connexion with Europe, in order to place South Africa in communication with England at the earliest possible moment. Expressing our regret that the serious losses that various interests have sustained during the past year have affected adversely the revenue of the country, and consequently that additional taxation will be necessary. Thanking His Excellency for informing us that a portion of the loan which we authorized has been floated at a price which, under the then existing circumstances, constituted it a marked financial success. Thanking His Excellency for informing us of the important determination we arrived at last session of authorizing commissioners to proceed to London, to open up personal communication with the Imperial Government on the subject of the existing defects in the Constitution Act, has been carried out; that interviews were had with the Prime Minister and the Secretary of State for the Colonies; and that the result, it is hoped, will be satisfactory to us and beneficial in the future progress of necessary legislation. Thanking His Excellency for informing us that the Estimates for the current financial year will be laid before us without

delay; and, while a strict economy has been observed in their preparation, adequate provision has been made for the requirements of the public service. Thanking His Excellency for informing us that an amending Land Tax Bill will be submitted to us, the object of which will be to carry out the intention of Parliament in passing the principal Act. Thanking His Excellency for informing us that his advisers will at the earliest possible moment again submit for our consideration a measure dealing with the paramount question of Constitutional Reform; that its object will be to secure a final adjustment of the legislative functions of both Houses of Parliament, and thus terminate the frequent recurrence of dead-locks and protracted legislative delays which in the past have proved so disastrous to the prosperity of the colony. Thanking His Excellency for informing us that a Bill to amend in various important points the Electoral Act will be presented to us; that one amendment proposed will be the abolition of plural voting; and that provision will also be made for the subdivision of existing polling districts, so that there may be but one polling-place in each district. Concurring with His Excellency in the opinion expressed that the existing state of the mining laws is generally regarded as unsatisfactory; and thanking His Excellency for informing us that a Bill dealing with the subject will be submitted for our consideration. Thanking His Excellency for informing us that a Bill to amend the Local Government Act and to deal with the question of the endowment of local bodies has been prepared and will be laid before us. Thanking His Excellency for informing us that the Closed Roads Commission have earnestly pursued their labours during the recess, but that he has not yet received their report; and that His Excellency's advisers will, on receipt of the views of the commission, deal promptly with this important question. Thanking His Excellency for informing us that, in the opinion of His Excellency's advisers, the circumstances of the colony warrant the establishment of a system of Government life assurances and annuities similar to that established in England in connexion with the Post-office department; that the system has been found to be productive of beneficial results, both in a social and economic point of view; that it is found to be a special benefit to the working classes, who readily avail themselves of the facilities for making some provision against death or the infirmities of age when they have the security of a Government guarantee; and that a Bill will accordingly be laid before us giving effect to these views, which will, it is believed, prove most acceptable to a large portion of the community. Thanking His Excellency for informing us that, during the recess, several lines of railway have been opened; that some more are rapidly approaching completion; and that our attention will be called again this session to the authorizing of a portion of the great national scheme that was prominently brought before us last session. Thanking His Excellency for informing us that a measure will be also submitted to us for the amendment of the law relating to public health, in the preparation of which advantage has been taken of all the most recent sanitary legislation in other countries. Thanking His Excellency for informing us that, as the

present State Forests Act has not met with approval, a Forests Bill dealing with the regulation and preservation of the forests in the colony has been prepared for submission to us. Thanking His Excellency for informing us that there will also be laid before us a Judicature Bill, an Amending Licensing Bill, and other measures of less moment than these, if the settlement of the question of constitutional reform does not absorb our attention to the exclusion of all other matters of legislation except those of the most urgent nature. And, in conclusion, expressing our trust that our labours will, under the blessing of Divine Providence, conduce to the further happiness and prosperity of the people of Victoria."

I think (remarked Mr. Deakin) the circumstances under which I am called upon to address the House to-night are quite sufficient to daunt a much older member and one of more prolonged experience in politics than I possess. However, leaving for a time that subject, and endeavouring to address myself as best I may to the motion which it has been my duty to propose, I shall make a few remarks upon it, trusting that those who listen to me will consider the very painful position in which I have been placed this afternoon. The assembling of Parliament this session has taken place with more éclat than usual, owing to the opening of the very magnificent hall which has been erected in connexion with these buildings, and I think the thanks of honorable members are due to the Minister of Public Works for having had the hall completed in time for the opening of Parliament. I am only sorry that, unfortunately, the state of affairs in Victoria at present does not possess features calling for admiration or congratulation. I regret there exists a distress which is unfortunately not confined to our own shores, but exists also, in an equal or greater degree, in the other colonies, and even in the old world. From every side we hear complaints of the scarcity of money and employment, and we find that in New Zealand, Sydney, and Adelaide, as well as in Melbourne, there are large numbers of persons seeking for work and unable to obtain it. There, as here, we find that the Government has grappled with the question to some extent, and endeavoured to provide employment for those who, often through no fault of their own, have been thrown out of work. This course, if undertaken under certain conditions, will commend itself to the minds of all. It has commended itself to the mind of no less an authority than Mr. John Stuart Mill, who considers it is highly desirable that the

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certainty of subsistence should be provided for the unemployed who are able-bodied, provided always that the remuneration received by them from the Government shall not be of the same character as it would be if the Government had employed them simply for its own convenience instead of for theirs. Not only does this distress exist in general, but we find traces of it in the revenue of this colony. We find that, unfortunately, there is a deficit to be met by increased taxation. This decrease, however, is not in all respects to be regretted. On the contrary, in some respects it was to be anticipated, and in others almost to be desired. A portion of the large falling off which has taken place in the returns from the Customs was only to be expected when a Tariff was imposed, not for revenue but for protective purposes. If that Tariff is to have any effect at all it must be by discouraging importations, and consequently lessening the revenue returns in that respect. Among the items of Customs which exhibit a falling off is that of spirits. In this item it cannot be said that local production has supplied the want shown by the deficiency in the returns, for we find, on referring to the Excise returns, that the local production has not increased, and consequently the falling off must have been caused by a decrease in local consumption. That is a result, however, which we must all desire. We may look upon it as the natural outcome of that temperance movement which is every day becoming stronger and stronger in our midst, and which is spreading itself in every quarter of the globe. Against those losses we have to place what we may term certain gains. We have to consider that, largely owing to the presence of the embassy in England, we have obtained a postal contract more advantageous to the colony than any under which we have hitherto received and despatched our mails. We have also floated the loan, authorized last session, in a manner "which," to quote the language of the Governor's speech, "constituted it a marked financial success." From those two causes alone I think there is sufficient reason for endorsing and commending the action of this House last session in sending two delegates to the Imperial Government; for though they may have been sent for other purposes also, they have, in the matters I have mentioned, accomplished practical work which will be of benefit to the

country. Glancing through the list of measures proposed to be introduced this session, I find among the first an amendment of the Electoral Act, and it is indicated that one chief amendment will be the abolition of plural voting. I am sure that abolition will commend itself to the majority of the electors, and I am also sure that it will commend itself to the majority in the present Assembly. It is no more than simple justice, the principle of universal suffrage once having been admitted, that it should be carried out and not be allowed to be interfered with by the system of plural voting, which renders universal suffrage partial, and gives the representation, not to intelligence and education, but simply to the amount of property a man possesses in this country. This amendment of the Electoral Act necessitates another, namely, a subdivision of existing polling districts so that there may be but one polling-place in each district. That is a reform which, if we only judge from what took place at a recent election, is greatly to be desired. It might be held—indeed I am sure the majority desire—that when these amendments in the Electoral Act have been considered others should also be brought forward. We need a total revision of the electoral boundaries of the constituencies of this colony. Probably the time may not yet be ripe for such a revision, but we know that the electorates, as at present constituted, were simply hacked out for party purposes. It is time there should be some much more equitable division of electorates in accordance with population and natural interests; the sooner that is done the sooner we shall have a correct representation of the country in this House. I observe also that a measure is to be introduced for the amendment of the Local Government Act. In this direction also recent experience has proved that reforms are very necessary. In the first place, it is quite clear that there should be some alteration in the manner of dealing with the accounts of local bodies, which need a much closer and more severe inspection than they have hitherto obtained. Another thing needed is that the officers employed by municipal bodies should be men of proved qualifications, and that they should not combine in themselves several offices, some of which give them the receipt of funds, while others allow them the disposal of those funds. That is a very undesirable

abuse which is permitted by the present Act, and I trust a remedy will be provided in the measure which is to be introduced. Another important proposal, and one which so far as this colony is concerned involves the adoption of a somewhat novel principle, is the proposition to provide for the establishment of a system of Government life assurances and annuities. Since, however, we have the experience of the mother country to guide us—where an Act of this kind has proved a great success—we may at least be tempted to try the experiment, even if we do not consider as a very good argument for such a scheme the natural and laudable desire of the State to encourage a spirit of economy and saving among the working classes. Were the State simply to enter the field as an assurance office on a large scale, this proposal would not be by any means justified; but when the State, offering at all events a lower, and perhaps a considerably lower, rate of interest than private companies, simply guarantees absolute security to the investors, it cannot be said that it will come into competition with private companies in any way that they can object to. It will not come into competition with them, but it will be a great boon to a large class who will not put their faith in private companies—those persons who, while knowing that the gains from private companies are larger, remember that there are risks also, and who require absolute security although they obtain a smaller profit. It will be necessary, therefore, for the Government to see first that their system of life assurances and annuities does not compete with assurance societies, and in the next place that the measure must be made self-supporting from the profits obtained from the re-investment of the money received, and must not entail any cost to the State. In fact, as Mr. Gladstone said in the House of Commons, with regard to the Act at present existing in England, the only requisite in such a case is to show that what the State proposes it can do with safety, and that what it proposes it can do likewise with justice. Passing from this subject, we find an amendment promised of the mining law, which is much required, and of the forest law, which is also believed to be necessary. As a member of the legal fraternity, I may be allowed to express my pleasure at seeing a Judicature Bill included in the measures which are to be

brought forward this session if possible. A Judicature Act, not merely from a professional but from a public point of view, will be a great boon, as it will in all probability decrease the expense of litigation, and it will certainly decrease the uncertainty of the law which is at present so much objected to. The partial codification which has been attempted in England and the codification in India, and other codes, show that the present task is not impossible. The work will call for the greatest discrimination and research, but, when accomplished, it will more than repay all the trouble that could possibly be expended on it. The address also includes reference to an Amending Licensing Act, and this is a matter in which the necessity of amendment is admitted on all sides. While the Government should carefully guard against over-legislation, and against endeavouring rather to force than lead the people, yet it is a perfectly legitimate object, and in my opinion within the functions of Government, to seek as far as lies within its power to discourage intemperance, and to remove the opportunities of becoming intemperate. Of course, action in this matter will only be taken after due deliberation, and with the greatest caution. The other matters in the address, and indeed I suppose also those I have referred to, are not likely to occupy much of the attention of the House this session. It is very questionable whether it is desirable that they should do so. We cannot expect, with a question so momentous as that of constitutional reform before us, that there should be any opportunity for the country to judge on those measures, and it is questionable whether it is not undesirable to introduce them to the House prior to a general election. Putting those questions aside, however, we may congratulate ourselves on the fact that, owing to the embassy to England, the general question of constitutional reform is now considerably nearer settlement than it was before. Of course the question whether that embassy has been a success is a matter of dispute between different men and different parties; but I imagine that all must admit that it was a success in one respect at least. It seems to us now, or should do so, more clear than ever that we could not have advanced in this reform question without taking the opinion of the English Government. We were bound to ask that opinion

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whether it proved favorable or not. Unless the Chamber which has hitherto always proved obstructive were to yield to the just demands of this House and the country we were compelled, before taking any other course, to ask the opinion of the British Government. We were not forced to take that opinion, but as a matter of courtesy, and also as indicating our sense of the political age and experience of the mother country, the course taken was no less an act of courtesy than it was a necessary step in the settlement of constitutional reform. No matter what might have resulted—if even, as was prophesied by some conservatives, Mr. Berry and Professor Pearson had been received with studied indignity—I should still maintain that the embassy was called for, and that, inasmuch as it obtained an opinion, it was a success. Now that the opinion of the English Government has been obtained we can push the reform question forward with more certainty of obtaining finality than we have yet possessed. We know that if there had been an appeal to the constituencies before the mission was sent to England and the attitude of the Home Government was known, another dissolution might still have been necessary, and therefore the embassy was made to save delay, expense, and anxiety, between the sessions, and exactly, as it appears to me, at the right moment. Apart from that question, however, if we look at the despatch of Sir Michael Hicks-Beach itself, I think we have a right to consider that the sentiments expressed are such as must materially assist this House and the country generally in arriving at a settlement of the constitutional question. It was not to be anticipated that the Secretary of State would give us any very decisive encouragement towards a radical reform. That would not accord either with his office or his desires. Seeing that we were already on the way of reform it would be natural that he should speak from a purely moderate stand-point, with a desire rather to check and restrain us than to encourage us forward. But while there is that moderation in the despatch there is also a distinct expression of opinion—a reflection on the Council on the one hand, and a want of reflection on the Assembly on the other hand, which must commend itself to every unprejudiced mind. Then even overlooking the despatch and even overlooking the necessary success of the embassy in one sense—

since it was a condition precedent to further action on this question—we have to remember also the great influence which that mission has most undoubtedly exercised upon the public mind generally in England, and upon the minds of English statesmen in particular. We know that the fact of the existence of the colony of Victoria has not only been borne in upon their minds, but many circumstances regarding which they had hitherto but a most misty knowledge have been made unmistakably clear and plain to them. They have been made acquainted at all events with the other side of the case, which they had never heard before. By means both direct and indirect their attention has also been called to the Constitution of this colony, and the consequences of that attention cannot but be advantageous to the party of reform. The party of reform have no need to shirk inquiry in any respect; on the contrary, they would rather encourage it. The better the circumstances of this colony are known—the conditions under which the people live, the qualities of our people, and the character of our past legislation—the better the objects of the liberal party are understood, the more certainty there is for the objects of that party gaining a hold on the statesmen of Great Britain. They will see that we are asking for no unreasonable chimera; but simply for something which they themselves are gaining, though perhaps in a slightly different manner. They will see that we are walking in the same path as themselves, although we may in some things have gone slightly before them, as we live under more favorable conditions for reform. They cannot but recognise that the progress of the liberal party here means simply the progress of constitutional government according to the modern idea—that idea which is reflected not in one country, one university, or one magazine, but throughout the whole of Europe. From every side there is a consensus of opinion that the great progress of this age tends more and more towards intrusting the people with political rights and liberties. They will see that what we are endeavouring to do away with—in one sense—is not a Chamber, nor the rights of any part of the community, nor anything we should hold sacred; but that we are simply seeking to be freed from an absolute veto on useful legislation; that we are

trying to throw off that “old man of the sea,” who has strangled useful legislation in the past, and will continue to do so in the future if allowed. We are simply demanding that the will of the people when plainly expressed upon a definitely understood subject shall become the law of the land—not with haste, or with any uncertainty as to what is endorsed, but definitely and exactly, in accordance with their desires. Statesmen in England, I feel sure—at all events if we gauge their intelligence by the articles which they contribute to popular reviews—will hear with something approaching to surprise that there actually exists a party in this colony opposed to constitutional reform under any circumstances; a party which seems to think constitutional reform is a different kind of thing to any other reform, and that the Constitution must be held sacred simply because it is the Constitution. Yet the statesmen of England will be able, after a very little reflection, to understand how that party has erred. They will know that the British Constitution has come down to them, unwritten, indefinite, and consequently somewhat mysterious—hallowed by the recollections of centuries and rendered sacred by association with great names and great deeds;—that it is, in fact, in a sense, the British people itself, and therefore an object of reverence and respect which must be handled with the greatest care. But here we have no such Constitution as that. Our Constitution is very exactly defined. There is nothing mysterious about it whatever. It cannot possibly awaken any sensations of romance. It is a brand-new Constitution. We have in our own time seen the makers of it, and how they made it. We know its founders and we know their frailties. We know what they intended to effect and what they have failed to accomplish. Our Constitution Act is one simple Statute among others. It is something which was simply intended to accomplish a certain end, and we regard it with no more romance than we do the latest American invention for peeling potatoes or shelling peas. It is said, however, by some conservatives, that although constitutional reform should take place, the English model must be followed, and that in England reform is gradual; that the progress of the English Constitution takes place almost as imperceptibly and insensibly as the budding of a leaf or the opening of a flower. Why

not, they say, be content with such gradual progress here? The answer is that the condition of things is different. Gradual progress is a necessity in England, because of the character of the social fabric and the fineness and delicacy with which it is put together. In England they have to consider constantly a state of things which has not been created within any recent time, but which has been handed down from generation to generation. They have, therefore, to proceed with the greatest care, just as when a building has once been erected any alteration of it is a matter of extreme difficulty, and in altering it we have to take great care of that which is already built. In dealing with the British Constitution there has to be a constant care for what already exists and cannot be abruptly changed, and hence in England legislation is a series of compromises—

“Broadening slowly down
From precedent to precedent.”

But here the state of things is quite different. Our building is not completed; nay, it is hardly begun. We have simply laid the foundations, and to alter the plan of a building when only the foundations are laid involves no trouble or destruction. We can here proceed making the most radical reforms, which it would be utterly impossible to make when the country becomes older, and which are utterly impossible in England now. The statesmen of Great Britain are nation moulders; here we are simply nation makers, because we are not moulding a nation which is already made, but building up one which is yet to come. For all these reasons, the analogy sought to be drawn by the conservative party against constitutional reform from the experience of the British Constitution appears to me to fail utterly. Reform of the Constitution is perfectly natural here—nay, it is inevitable in all communities and nations at times. Each nation has a social organism growing and expanding like any other organism, and the structure which fits it to-day will not fit it to-morrow. We have to look forward, not to this reform alone, but to a series of reforms. In England there was a constitutional reform not only in 1688, but again in 1832; and again, in 1867, the franchise was extended, and, to a certain extent, changed. So, in this and every other nation, we may expect to see a constant demand for constitutional

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reform. And not only is reform natural, but experience has shown that in this colony it is absolutely necessary. We might be sure it would become necessary in a country where there are two Chambers to which are intrusted the powers of the State, the one representing the whole, and the other only a part of the people. Under such a system a conflict between the two Chambers is almost certain, and when that conflict occurs it is sure to lead to widespread discontent. Such has been the case here. We have found, after a prolonged experience, that our Constitution is unworkable, and that, if we are to accomplish any useful legislation at all, it must be altered. That alteration can be made in a way which would be impossible in Great Britain, but which is yet perfectly suited to our conditions here. What we want is simply self-government and constitutional government—nothing more and nothing less. A learned judge and leading politician of a neighbouring colony has recently reminded us that the fundamental principle of constitutional government is that the majority must rule; and nothing more has ever been demanded by the liberal party in this colony. That the majority should rule is admitted in theory in our present Constitution. The majority of voters at the ballot-box returns the member, and, according to the theory, the majority of the members who are returned by the electors carries the measure into law; because it is said that when a Bill comes before the Legislative Council with the unmistakable endorsement of the people, the Council will yield. Such is the theory, but unfortunately the practice does not agree with it. We have seen matters arrive at such a stage that Bills passed by this Assembly, and unquestionably assented to by the majority of the country, have been sent to another Chamber and have been thrown out. We have moreover found, under our present Constitution, that we scarcely ever have an opportunity of putting a single issue fairly before the people. We know that every time it is sought by the liberal party to put an important measure to the constituencies, our opponents instantly rise and introduce as many side issues as possible in order to vitiate the result. We may see that process beginning to take place already in anticipation of this question of constitutional reform going to the country. This plan serves a twofold purpose. When a number

of issues are raised in contradistinction to the broad issue placed before the country, it is almost impossible to obtain a clear and unanimous verdict, because some constituencies will insist on considering local matters and others on considering side issues, so that only in a number of electorates will the one great question be fairly discussed and a verdict given on it at the ballot-box. This result, again, gives another source of strength to the obstructive element, because, when a majority has been returned, the other Chamber retorts that there were any number of side issues before the country, and that the majority was not returned on the great question, but on some of the other questions. So though in theory under our Constitution the majority rules, as a matter of fact, owing to the difficulty of putting a question fairly before the country, and owing again to the great difficulty of carrying a question into law when it has been fairly assented to, the majority does not rule, but the minority, at present, in its name. Now all that is aimed at by the liberal party in this colony is to amend that state of things, and to make our government perfectly constitutional so as to enable the majority to rule. And what objections can there possibly be raised to such a proposal? Of course we are told that if the majority is allowed to rule, the consequence will simply be confiscation, spoliation, and bloodshed. We are told that if the majority is allowed to rule, property will cease and communism will be introduced. We are told that if the majority is allowed to rule, the horrors of the French Revolution will be upon us.

Mr. SERVICE.—Where are we told that?

Mr. DEAKIN.—We are told that continually in the press which represents, to some extent at all events, the party seated on the opposite benches. We have been told it continually by implication when not directly—and oftentimes to a certain degree directly—by orators speaking in the name of the opposition benches. And, indeed, those cries might have some weight with us if they were not worn out, and had not been used before every reform in this country and all others; if they were not simply the cant of conservatism. We have simply to look back upon so necessary, so just, and so beneficial a reform as that of the English Reform Bill of 1832 to recall the

same cries. That was a measure which was demanded by the exigencies of the times, and the denial of which was little short of iniquity; in fact, we can scarcely understand now how it was opposed. Yet we have only to look back on that measure, which was of the least revolutionary character, and to read the speeches of the Opposition of the day—men who have made names, and who were authorities in their time—to find that, very much like other people in another place here, they did not argue against the Bill at all, but upon what would take place if the Bill were carried; and the French Revolution was referred to above all things. Those cries have been used against every reform, and the persistency with which they have been used has worn them completely threadbare, so that now when they are used here we are prepared to meet them with equanimity, as our ancestors did when they carried the reforms which now contribute so much to the glory of the English nation. But if there is a country on the face of the earth where the majority might be allowed to rule without fear—even dismissing the fact of plurality of voting and taking the majority of the country—surely it is Victoria. When we consider the superior class of colonists which this country was so fortunate as to obtain to populate it; when we consider that nine-tenths of those communists and blood-thirsty persons are property-holders; when we consider that those persons are not only a superior class themselves, but have actually passed a measure for the special purpose of educating the whole of the rising generation, so that they will be enabled by means of the press or literature to learn all that it is possible to know concerning constitutional government and political matters generally; when we have provided this means of rendering all men equal by education—surely we should not be afraid to take another step and make them all equal in the power of using that education when they have got it. Surely opposition to the principle that the majority, and especially an educated majority, should rule is something strange. It must be remembered also that the majority here have been educated in politics to a certain extent by having been intrusted with universal suffrage, so that they are by so much the more prepared for the exercise of that power. It was proposed last session that

the final settlement of certain questions—I should like to see the principle applied to all questions—should be intrusted directly to the people. Could we not expect an equitable and wise verdict from a majority such as that? What is to prevent it? Is there something—we know there is nothing in this colony at least—in the mere fact of the possession of property which renders a man essentially superior to his neighbours? As has been pointed out in a recent article in an English magazine by an Australian writer, no class exists here as there does in Great Britain; there is no separate aristocracy of culture and refinement, but one level of intelligence and education, varied very slightly by opportunity or accident; and in such a state of things, what is there to make the verdict of the majority, when taken directly, worse than when taken indirectly? If it were taken directly, it is said, this majority of communists would be carried away by the excitement of the moment; they would not understand the question, and would pass a hasty verdict which they would afterwards repent. How comes it, then, that in an ordinary dissolution of this House the people are not so carried away? I may be told they have been on some occasions. Possibly so, but if we are open to as much danger at present, what objection can there be to a new reform which cannot be worse than the present system? Then there would not only be ample delay, but there would be the same opportunities as at present for the country to be educated on any question if the question were sent to the people direct, instead of sending to them men who spoke on the question. There would be the delay provided by law, during which there would inevitably be as full discussion and agitation of the question by each side as if there was a dissolution of the House, and then, when the question did come before the people for decision, there would be this advantage—that the people would pronounce upon it absolutely on its merits, without considering local, or personal, or party interests in the slightest degree whatever. In fact, to exercise the suffrage properly, at present, is a most difficult feat, for a candidate may come forward who says he will support five or six proposals, and will oppose five or six others; yet, the elector has to vote with regard to all those questions in a lump. Again, it is said that the introduction of such a reform

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as the plebiscitum—which was included in the last Reform Bill, although it may not be introduced in the next Bill—would be destructive of representative government. Well, what if representative government is destroyed, if we can get something better? Why should the interests of the agents be considered superior to those of the principals? Why, if the principals can decide a question themselves, should they not be allowed to do so? Herbert Spencer—a writer who in Europe is considered to be something of an authority—says that the highest form of representative government is that in which the right of the constituents to instruct their delegates is fully admitted—which makes the nation a deliberative body and its Legislative Assembly the executive—and thus carries self-government to its fullest extent compatible with the existence of a ruling power. If that is the opinion of one of the greatest thinkers of the day surely we need not be afraid here. But as far as has yet been proposed in this colony a reference of questions directly to the people by means of the plebiscitum is not destructive of self-government, simply because it does not interfere with self-government at all. The people would never be asked directly whether they assented to or dissented from measures so long as the two Chambers could settle the matter for themselves. It would be only when the business of the country came to a stand-still, when those elected to transact business could not transact it, that the people themselves would step in and say whether the measure in dispute should be passed into law. Even then the Assembly and the Council would be deprived of no power. If they could pass a measure without an appeal to the people they would remain just as absolute as they are at present, and even if they did appeal to the people their discussion of a measure would not be limited. They are the educators of the people, and while they occupy that position they cannot be said to sink any lower in letting the people vote for themselves than in sitting here and voting for them. For those reasons the proposal of last session might easily be defended. We are not, however, at present concerned with that proposal. We are simply concerned now with the question that we desire to obtain constitutional government in this country—in other words, government by the majority. If we can obtain the verdict of the majority directly

it is well, and if indirectly still it is well ; all that we desire is that the verdict of the majority, however obtained, shall decide. A measure for the reform of the Constitution, I consider, is a practical measure in the highest sense of the word. An attempt has recently been made to argue that this reform question is a theoretical question altogether, and one which, if not quite unworthy of the attention of the people's representatives, should be relegated at all events to a time when we have no other serious questions to consider ; the real business of this and the other Chamber, it is said, is to pass laws with reference to houses, roads, and bridges, and we should leave reform alone. That argument totally misrepresents the question. We simply desire reform because we find practical legislation impossible without it, and the reform question is the most practical of all questions, because by its means practical legislation will become possible. The argument, perhaps greater than all others, in favour of at all events placing political power in the hands of the majority to a greater extent than they at present possess, and giving them a larger measure of political rights and liberty, is the fact that whenever citizens have been so trusted it has been proved over and over again in the world's history that the people take a higher stand. We know that the political intelligence and education of Englishmen, which laid the foundation of the greatness of that nation—we know that its literature, arms, and art—all took their root in the political equality and freedom which co-exist under the British Constitution. In the same way we have every reason to believe that if we extend the rights and privileges at present intrusted to the people of this colony—limited by them of their own accord—there cannot but result a beneficial influence on the people. They will be knit closer and closer together ; they will feel the ties of citizenship the more ; there will be a greater tendency to sink the lower and mercenary matters ; and with the feeling of a united harmonious nation they will go forward and accomplish much more than they could otherwise do. Indeed with the great examples we have before us in history, with our boundless wealth and the opportunities of the illimitable future, it would be strange if young Victoria did not look forward to be something more than a

mere aggregation of individuals gathered by accident or avarice—if we did not seek to establish a great people moved by large national aspirations, governed by wide national sympathies, and actuated by proudly loyal devotion to the State. And now, Mr. Speaker, before I sit down, I will ask the attention of the House for one or two moments while I refer to a personal matter. Previous to my admission as a member this evening, difficulties were raised by gentlemen on the opposition benches to my taking my seat. I was naturally pained at that, and regretted it inasmuch as the proceeding was entirely uncalled for. In view of the circumstances under which I was elected, I could not possibly consent to retain my seat without taking the opinion of the electors of West Bourke on the matter ; and I have simply to explain the reasons which led me to hold the position up to the present moment. As soon as the unfortunate accident at Newham—the omission to supply a sufficient number of ballot-papers, and the closing of the poll before the proper time—became known, I waited upon the acting head of the Government and expressed my desire to resign. He very kindly and courteously pointed out to me that such action, in his opinion, would be unwise, or at all events premature, as the matter was not settled. Moreover, it was at that time uncertain whether I would be forced to resign or not, and I did not desire to take any credit for action which afterwards might be forced upon me. Consequently I waited. The matter remained in suspense several days—in fact for a week or two it was uncertain what was the exact position I held. At the expiration of that time I again waited on the Attorney-General and expressed a still more earnest desire than ever to resign. He again received me with the utmost kindness, and pointed out one difficulty which lay in the way of my resigning—namely, that it was very doubtful whether I was a member of the House before I was sworn in, and therefore it was very questionable whether I had the power to resign. As this state of the case presented itself, I felt in a very awkward dilemma. At first I thought of announcing my intention of resigning as soon as it was in my power legally and indubitably to do so. However, I felt that to do this would be to involve me and whoever might oppose me in an election contest extending over four

months instead of two or three weeks. Exhausted both in person and purse by the election, I was not very desirous to contest the district again very soon, and being anxious to meet the expenses of the next election entirely from my own resources, I was compelled to remain silent. I think I need not describe my sentiments at the occasional reference to my supposed conduct made since in various quarters and based on the supposition that I would retain my seat. That is a thing of the past. I came to the House this afternoon unaware that any reference whatever would be made to my election. I was informed that Mr. Harper had not presented a petition, and apparently everything was secure if I chose to retain the seat. But in accordance with the determination which I had arrived at, I came with my resignation in my pocket. I was simply waiting to make my speech in moving the address, and to explain the reason for my silence and delay, before handing the resignation to the Speaker, as I shall do in a few moments. I have considered myself in honour bound, while I held the seat, not to use the powers intrusted to my charge in any sense with the view of preparing for the coming election which must now take place. It was to prevent any suspicion in that regard that I refrained from mentioning my intention to any individual in this House or out of it. I have been especially careful of my actions, as a representative out of session, not in any way to endeavour to influence the judgment of the constituency unjustly towards me when I should present myself to them again. Of course it seems hard, that with an election so recent and another looming so immediately in the future, I should be called upon to contest the seat. It is a personal misfortune, but that should not lead me to be unjust. If I am the representative of the majority of the electors of West Bourke, I shall be again returned. If I am not their representative, I have no right to be here. I cannot say I feel certain of the result, but, at all events, I do not fear it.

“He either fears his fate too much,
Or his deserts are small,
That dares not put it to the touch
To gain or lose it all.”

It appears to me that if there is anything under a democracy more sacred than another, it is the ballot-box. The ballot-box is, as it were, the fountain-head of

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the authority of Parliament—I may say, of the State—and if it be suffered to become impure, the consequences must necessarily be disastrous. This action, I desire to state, comes entirely from me; the Government have nothing to do in the matter. Were it at all advisable or necessary at this stage, I would take much pleasure in answering the arguments brought forward by the honorable member for Ararat this evening, as to the action of the Government. However, it is sufficient to say that that action was endorsed by Mr. Higinbotham, and after very careful study—study that a person in my position is naturally forced into—I felt that no other course was open to the Government. If they had permitted an adjournment of the polling, my election would have been rendered illegal and invalid, and, as Mr. Higinbotham says, the Governor in Council has no power to override an election. The Attorney-General was placed in a position that made him a target for the arrows of the Opposition, and he was unjustly attacked by those who had not considered the law of the case. For his sake, I would have been glad to have spoken out, and stated my intentions. However, to have done so would have involved me in serious difficulty, and therefore I was compelled to wait until the present opportunity. When I first presented myself to the electors of West Bourke, I was very young to political life, and I was, to some extent, a passive instrument in the hands of my friends. In fact the way in which I was invited to stand was very curious. Through my ardent desire to induce another gentleman, a great friend—a man of much greater age, experience, and standing than myself—to come forward, I became acquainted with a gentleman who, on the appeal to my friend failing, invited me to stand. I must say that some of my friends acted towards me with great but misdirected kindness. I express the hope that during the coming contest not only will there be a sufficiency of ballot-papers, but I ask, as a personal favour, that no Minister will enter the district, as was done before, and that no reference will be made to a railway; in short, that there shall be no spot upon which any finger can rest. The honour of a seat in this House came to me unsolicited, and it shall leave me at least unsullied. If I am returned again, I shall be proud of the position which I occupy

in the eyes of my constituents ; but, if I am not, I shall at least have the satisfaction of knowing that I can look back upon my brief political career without regret or shame.

The SPEAKER.—Do I understand the honorable member to say that it is his intention to resign his seat immediately ?

Mr. DEAKIN.—Immediately.

The SPEAKER.—I am sorry to say that the gallant and chivalrous course which the honorable member contemplates is not in accordance with parliamentary law. Until the period for petitioning is over, it will not be competent for him to resign.

Mr. W. M. CLARK.—Sir, I have much pleasure in seconding the motion for an address in reply to the Governor's speech. The speech indicates that during the session a large number of public measures will be submitted for our consideration, but I fear that the amount of practical legislation which will be the outcome of our deliberations will depend largely upon what may be accomplished in the direction of constitutional reform. We have been counselled to use moderation in dealing with that question, but, as far as I can ascertain, all that members of this House have been contending for is simply fair play and justice. While I think we should ask for no more than that, I submit we should be content with no less. I regret that His Excellency did not feel it necessary to call attention to the present condition of the unemployed, and recommend the matter to our immediate consideration. But for that omission I could take no exception whatever to the speech addressed to both Houses of Parliament to-day.

Mr. SERVICE.—Mr. Speaker, I do not think it out of place to do now that which it is usual to do, and which on the present occasion I do with unusual pleasure—that is to congratulate both sides of the House on the introduction of a new member who is so eminently qualified to adorn a Chamber of Legislation. I have had the pleasure of personal acquaintance with the honorable member for some considerable time, and I anticipated his entering the political arena with great pleasure. My only regret is that he should do so on the wrong side. One can hardly hear without somewhat of regret that the honorable gentleman proposes to take a certain course. Yet one cannot help feeling a great degree of pride that the course is one which will be alike honouring to

himself, to his constituency, and to this House. If there be one thing more calculated to secure his election than another, it is the course which the honorable gentleman has just indicated. There is not a member on either side but feels differently towards the honorable gentleman from what he felt when he entered the House this evening. Having made these remarks, I may be allowed to say that while I have listened with great interest to what may be called a philosophical dissertation upon constitutional reform and the right of the majority to rule, the honorable gentleman manifested, in the course of his speech, a little of that newness to political life which characterizes all honorable members when they address this House for the first time. The honorable gentleman addressed himself to the general question without in any degree contributing towards the elucidation of the particular problem that we had under consideration last session, and are likely to have under consideration this session. I made only one interjection during the course of the honorable member's speech, and that was when he made a statement which I believe to be thoroughly wrong. I am quite sure the honorable member would not make any statement that he thought to be wrong, and therefore I now ask him to be kind enough to take up this challenge : produce in any newspaper supposed to represent what is called the conservative party a statement to the effect that the rule of the majority is equivalent to communism. And here I may say it is difficult to know of whom that party consists. It is very difficult to know who are comprised in the party termed "conservative," and the difficulty is increased by the action of a journal with which the honorable member for West Bourke (Mr. Deakin) is closely connected. I may just give one instance of the difficulty in which we are placed in knowing who are referred to under the title of the "conservative party." There appeared in the *Age* newspaper the other day a leader—I don't know whether the honorable member is the author of it—dealing with the expected deficit and proposed new taxation. After going over the proposed taxation in detail, the article referred to certain items of taxation which I proposed in 1875, and amongst others the proposal to put a penny per gallon on the poor man's beer. This journal, having pointed out