

questing the attendance of honorable members in the chamber of the Legislative Council.

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

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

#### PRESENTATION OF THE SPEAKER TO THE GOVERNOR.

The SPEAKER announced that he had that day presented himself to the Governor, and acquainted His Excellency that the House had elected him to fill the chair, whereupon His Excellency made the following reply:—

“Mr. Speaker,—I beg to congratulate you upon your election for the fifth time to the eminent position of Speaker of the Legislative Assembly of this great and loyal dependency of the British Crown. I am confident that the conduct of the deliberations of that Branch of the Legislature will derive valuable aid from your long experience of the law and practice of Parliament.”

#### PRIVILEGE.

Mr. BINDON, by leave of the House, moved, without notice—

“That leave be given to Mr. Ashton Warner, a clerk in the department of the Legislative Assembly, to attend to-morrow and give evidence before a Commissioner of the Supreme Court in an action *Moody v. Gray* and others, brought to recover a sum claimed for Parliamentary agency charges in the Bill authorizing the Inglewood and Sandhurst tramway.”

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

#### LAND AT SMEATON.

Mr. LEVEY intimated that, on a future day, he would ask whether the Government intended to fulfil their promise to the House that they would appoint a Board to investigate certain charges which had been made with reference to the valuation of land at Smeaton.

Mr. GRANT said he might inform the honorable member at once that the Board had been appointed, and that he hoped the investigation would take place in the course of a few days.

#### NEW MEMBERS.

Mr. Higinbotham and Mr. Foott took the oath and their seats—the former as member for Brighton, the latter as one of the members for Geelong West.

#### VOLUNTEER ACT AMENDMENT BILL.

Mr. VERDON obtained leave to introduce a bill to amend the law relating to the Volunteer force.

The bill was brought in and read a first time, and the second reading was made an order of the day for Tuesday, February 20.

#### THE GOVERNOR'S SPEECH.

##### ADDRESS IN REPLY.

The SPEAKER notified that, pursuant to the Governor's summons, the members of the House had attended in the Chamber of the Legislative Council that afternoon, when His Excellency delivered his speech on opening Parliament.

The speech having been read,  
Mr. BALFOUR moved—

“That this House do resolve that a respectful Address be presented to His Excellency the Governor, expressive of our loyalty to our Most Gracious Sovereign, and to thank His Excellency for having summoned Parliament thus early after the general election, in order that the questions upon which the country has pronounced may be considered and determined by the Legislature without delay.

“Assuring His Excellency that, with him, we trust that the appeal which has been made to the people will aid us in overcoming the great difficulties which have accrued from the differences between the Houses, and that by a wise and considerate exercise of the powers which we respectively possess, we may be able to legislate in accordance with the public will.

“Thanking His Excellency for informing us that the alterations in the Tariff which were sanctioned by the late Assembly will immediately be submitted to us.

“Informing His Excellency that the Estimates for the year will receive our best attention, as also a supplementary vote for increasing the endowment for main roads; and that we are glad to be informed that the £50,000 voted by the late Assembly for the erection of bridges, and the amount provided in aid of charitable institutions, will be held available for those purposes.

“Expressing our satisfaction, that, although the ordinary course of public business has been much disturbed by recent events, the most important measures of the late Parliament have been promptly and energetically administered by the Government, and that among these is the provision made for the giving to the country districts a supply of water.

“Thanking His Excellency for informing us that it is the intention of his advisers to carry out the desire of the Legislature upon the subject of Colonial Defences, and that the necessary applications have been made to Her Majesty's Government for the establishment of a branch of the Royal Mint at Melbourne.

“Expressing our gratification at learning that the Land Act continues to work satisfactorily, and informing His Excellency that, should further experience disclose defects in it which cannot be cured by administration, we shall cheer-

fully take into consideration such amendments of the law as His Excellency's advisers may propose, in order to secure its great objects—the agricultural settlement of the people and the more rapid growth of the country.

“Informing His Excellency that we are glad to learn the Commission lately appointed for the purpose of arranging and carrying out the means for an Intercolonial Exhibition of Industry, to be held in Melbourne in August next, have applied themselves to their task with the utmost zeal and energy, and that, in response to their official communications, they have received from the surrounding colonies, as from the various districts of our own, the warmest assurances of co-operation and support.

“Expressing our concurrence in the view taken by His Excellency, that it is perhaps only by such an Exhibition that even colonists themselves can obtain adequate knowledge, and distinct impressions, as to the varied capabilities of this vast and interesting island continent; and we may hope, therefore, that the collected specimens of the produce and industry of Australasia, which the well-directed labors of the Commission may bring before us, will, as in older countries, give a new and most beneficial impulse to the enterprise of our people.

“Expressing our gratification that the almost unprecedentedly long drought by which the country has been afflicted seems, from the accounts received from the various pastoral districts of the colony, and from the interior of New South Wales, to be drawing to an end; and that the season which has been so injurious to the pastoral interest has not in the same degree affected the agricultural.

“Assuring His Excellency that we are sensible that a session of twelve months' duration, followed immediately by a general election, has not left to his advisers time for the preparation of various important measures which it will be necessary to submit for our consideration; and informing His Excellency that those Bills which, nevertheless, can be prepared and introduced this session, will receive our best attention.

“Informing His Excellency that we shall cheerfully take into consideration the Bill for the establishment of a uniform rate of postage.

“Thanking His Excellency for informing us that it is his intention to issue a Royal Commission, with a view to the obtainment of accurate and detailed information upon which to base further legislation, which the experience of the working of the Common Schools Act seems to call for; and

“Expressing our trust that our deliberations may, under the blessing of Divine Providence, conduce to the permanent prosperity and happiness of the people.”

The honorable member observed, that in proposing this reply it was necessary first of all to advert to the causes of the late general election. They were all well aware that, before the election took place, practical legislation was virtually put a stop to. Indeed the Government of the country had been carried on in an unusual manner, though he was not prepared to admit that the manner was either illegal or unconstitutional. The Government

believed themselves right in taking up a certain position, and they also believed that, if they receded from that position, they would be guilty of surrendering the privileges which belonged to the popular branch of the Legislature. Rather than recede from that position, they determined upon making an appeal to the country, and in taking the step of dissolving they were fortunate enough to secure the assistance of the Governor. But an appeal to the constituencies would have been of little avail had the issues put before the country been indefinite, vague, diffuse, or distorted. The issues, however, were most distinct, most clear, most unmistakable. He believed that at no general election had the issues been more distinctly laid before the constituencies. It was to this circumstance that he attributed the large and overwhelming majority which had been returned pledged to maintain the privileges which he held belonged to the House, not merely because it had always claimed, asserted, and exercised them, but also because of its analogy to the House of Commons, which had also claimed and exercised them. The first issue was the power possessed by the House to deal with money bills, and to provide for and control the taxation of the country. To that issue an affirmative answer was given by almost the whole community—an answer that the House did possess the privileges, and ought to be supported in the exercise of them. Following that came necessarily the question of reform of the Upper House—not a reform as some would wish, to so popularize that branch of the Legislature that there might be the shallow excuse that, because it was placed on a popular basis, it ought to have the same control over the taxation of the country as was possessed by the Legislative Assembly; but a reform that would be quite in keeping with the desires of the framers of the Constitution when they fixed a high property qualification for members of that House—a property qualification which had altered with the altered circumstances of the colony—and would also make members of that House more amenable to their constituents, so that the colony should not be disgraced any more by scenes like those lately enacted, which were to be deplored. And these issues having been so distinctly and clearly brought before the country, and so distinctly and clearly responded to, he trusted that, when the alterations in

the Tariff that were proposed in the last Parliament were re-introduced, they would be accepted almost without cavil. The country had most unmistakably pronounced upon the subject, and in carrying out the alterations they would be only obeying the popular will. The next subject referred to in His Excellency's speech was the vote for bridges in country districts; and on that he would observe, that every honorable member who represented, as he did, a part of the country not intersected by railways, must feel a great anxiety for the proper appropriation and distribution of that vote. They must also be gratified to know that there was to be an increase in the amount of the State contribution towards the maintenance of main lines of road, feeling, as they did, that such an expenditure was absolutely necessary to open up country and bring its produce to a suitable market. It would have been a serious evil if the charitable institutions of the country had been made to suffer from the political disputes which took place last session, and therefore he was gratified to find that the amounts voted would still be available for those institutions for the destitute, the sick, and the fatherless—institutions which shed a lustre on this land of their adoption. While he congratulated the Government on the return of so large a majority to support their policy, he should be doing wrong if he did not also congratulate the country on having such a Government at the head of affairs—a Government that had manifested such energy in carrying into effect those measures of the last Parliament which demanded speedy and earnest attention. Prominent among these measures was the scheme for supplying water to the country. It was admitted on all hands that a copious supply of water was absolutely necessary for the centres of population, particularly the gold-fields, and the fact was impressed more deeply on the country by the suffering consequent on the recent drought. It was, therefore, satisfactory to know that the Government had taken the preliminary steps for bringing these measures into operation. A matter of equal importance was that of providing ordnance for the batteries of the colony. He was exceedingly glad to find that the order had gone home, that the ordnance was in course of manufacture, and that the defenceless state of the port was in course of amendment. The establishment in

Melbourne of a branch of the Royal Mint was also a step in the right direction. But of all the subjects touched upon in the Governor's speech, none would demand their attention more than the working of the land law of last session. That measure had done what no preceding Land Bill had ever accomplished. It had opened the country to a population desirous of engaging in agricultural pursuits; and all parties agreed that it had been administered in a manner which deserved the highest credit. (Hear, hear, and no, no.) At all events, he was justified in saying, whatever might be the opinion of the House, that out-of-doors the administration of the Land Act had been received with acclamation. Although it would be necessary, as the speech informed the House, that measures should be introduced to amend the laws relating to lunacy and the public health, and to carry into effect the resolutions of the last Parliament with reference to the reduction of postage, still it must be a source of gratification to those honorable members, who, unlike himself, were members of the last Parliament, to know that the session would probably be of short duration. It was a notorious fact that a considerable number of complaints had been made with regard to the working of the Common Schools Act. Whether those complaints were well or ill founded, it was not for him to say; but it must be satisfactory to know—when the Board of Education, which, from its very nature and composition, was responsible alone to Parliament, and was thus precluded oftentimes from giving an account of its doings, and proving to those who imagined themselves ill-treated that their case received the closest attention—that the Governor had determined upon appointing a Royal Commission to inquire into the working of the Act, with a view to the obtainment of such information as would guide the House in further legislating upon the question. He again begged to congratulate the Government and the House on the return of so many members prepared to support the Government in maintaining the privileges of the House. He trusted that a great portion of the unpleasant feeling evoked during the last Parliament might be buried in oblivion, and that honorable members would proceed promptly to the work of practical legislation.

Mr. LOVE, in seconding the motion, expressed his satisfaction at finding that

the Government intended to bring the Tariff submitted to the last Parliament before the present Assembly. He considered it necessary for the welfare of the colony that the measure should be brought forward. According to the accounts which appeared daily in the newspapers, a large proportion of the rising youth of the colony found their way to the reformatories—institutions which could be maintained only by a large endowment from the State. He held that it would be far better for the country that the compulsory industry which such institutions created should be superseded by the voluntary industry which might be expected to flow from the adoption of the Government Tariff. He congratulated the Government on the success which had attended the operation of the Land Act, which he regarded as eminently a wise measure, and he expressed his conviction that the most satisfactory results would attend the working of the Water Supply scheme. In conclusion, he begged to state that he intended for the present to be a hearer in the House, although the time might come when he should take a more active part in the proceedings.

Mr. ASPINALL remarked that the first statement in the Governor's speech which they were required to consider was, that they were called together in order that the questions upon which the country had pronounced might "be considered and determined by the Legislature without delay." But he would defy the Government to inform the House what were the questions which they submitted for the opinion of the country. Had not the Government obtained majorities in many places simply on the pretence that they were Protectionists? Had not candidates gone, one after another, to the various constituencies and solicited seats on the ground that they would support the Government, because the Government were giving an instalment of Protection, and, if they had sufficient strength at their back, would belie their own professions, and give more? Had they not been told, on the other hand, by the Attorney-General, that his conscience would not allow of his being anything but a Free-Trader? Had not the Minister of Justice declared himself in a similar manner? This was one kind of question put before the country. Another question upon which it was said the constituencies had decided was the interpretation of the

Constitution Act. The constituencies might have said what they conceived to be the relation of the House of Commons to the House of Lords, but were they to say, forsooth, that they would give support to the Legislative Assembly in its antagonism to the Upper House, which was alike a portion of the Constitution? What indeed had been put before them by the Ministry and their supporters but the most miserable clap-trap? They were told that the people—the majority—should rule, and that the minority—which was at least as good and as wise as the majority—should be stifled and put down altogether; as if, forsooth, the majority in a country was at all times the best educated portion of it. Talk of "the wealthy lower orders"; it would appear that henceforth wherever the numerical majority might be, there all the education and all the wisdom of the country must be sought. There must be no representation of minorities—no representation of individuals; the majority was not merely to have its way as a majority, but it was to oppress and destroy all other men—let their education, capacity, and position be what it might. Now were there more rich men than poor men in this community? (An honorable member—"Riches do not bring wisdom.") No, nor poverty either. But, in his humble opinion, riches, if they did not bring wisdom, gave a very considerable chance of it. A rich man, no doubt, gave his child the best education he could, and a poor man, it was to be hoped, did the same; but a youth with educational advantages was likely, when he grew up, to be in a better position than a youth without such qualifications. He did not think riches to be quite against a man in this or any other country. Certainly, he did not think that a man, who had the means and opportunity of bringing up his children properly, should place those children at the lowest round of the political ladder. But that appeared to be the popular ticket. If it was not, he would apologize. He did not say that education brought discretion. He did not say that a seat in Parliament brought discretion. Discretion, he knew, was very difficult to acquire, particularly when a majority thought it could have things all its own way. But he hoped that, in a free community, the minority would always be allowed to have its say. Entertaining this opinion, he asked why the minority should be placed in the position desired