PARLIAMENTS.

FROM the nature and composition of the population of Australia at and for some time after its first settlement, the government and direction of affairs naturally rested in the hands of the Governor alone, and it was not until the year 1824, during the time of Sir Thomas Brisbane, that any attempt was made to provide the Governor with recognised advisers. In that year the first Legislative Council was appointed, consisting of six gentlemen, of whom five held the principal official positions in the colony, the sixth being Mr. John Macarthur, the founder of the Australian wool industry. The first Act of Parliament ever passed in Australia was a measure dealing with the currency, in 1824. Four more members were added to the Council in the following year, by Governor Darling, and further additions were made from time to time. On the 6th June, 1838, the public were first admitted to hear the debates, for up to that time even the representatives of the Press had been excluded; thenceforth the proceedings were more or less fully reported.

Until 1843 the members of the Legislative Council were all nominated by the Governor, but in that year the principle of election was introduced, in conjunction with that of nomination. The nominated members were twelve in number, six being official and six non-official. The elected members comprised a number of men whose names have become historic, such as W. C. Wentworth, William Bland, William Lawson, Charles Cowper, Terence Aubrey Murray, W. H. Suttor, Francis Lord, Richard Windeyer, Alexander Macleay, Roger Therry, Charles Nicholson, and John Dunmore Lang, the two last mentioned being among the representatives of the Port Phillip district, now known as Victoria. Mr. Alexander Macleay was the first Speaker of this body, succeeded by Sir Charles Nicholson in 1846.

Partial representation in the Legislature did not altogether satisfy the colonists, for as far back as the year 1845 the question of Responsible Government was publicly discussed. The agitation, once awakened, was never allowed to slumber, and aided by a vigorous and outspoken Press, as well as by the talented oratory of some of the patriotic members of the Legislature, it continually became more active until in the year 1855 the Imperial Parliament passed a measure to sanction the new Constitution that the colonists sought. On the 22nd May, 1856, the first Australian Parliament under Responsible Government was opened

by Sir William Denison in Sydney. It consisted of a nominated Upper House, called the Legislative Council, the number of members of which was not definitely fixed; and a Legislative Assembly, consisting of fifty-four elected members, of whom Sir Daniel Cooper was chosen the first Speaker. The first Ministry consisted of Sir Stuart Alexander Donaldson, as Colonial Secretary and Premier; Mr. Thomas Holt, Colonial Treasurer; Sir William Manning, Attorney-General; Mr. J. B. Darvall, Solicitor-General; Mr. G. R. Nichols, Auditor-General; and Mr. W. C. Mayne as Representative of the Government in the Legislative Council. From that period the principles upon which the government of New South Wales is based have never altered, though there have been some changes in the details. Various amendments of the Electoral Act have taken place from time to time, by which the number of representatives to the Legislative Assembly has been largely increased, and alterations have taken place in the direction of the removal of restrictions, and the extension of the liberties of the people. The Legislative Council now numbers seventy-eight members, and the tenure of a seat in that body is for life. The only qualification required of members is that they shall be 21 years of age, and natural-born or naturalised subjects. The qualification for a member of the Assembly is the holding of an elector's right. Members of the Lower House receive a remuneration of £300 a year, but members of the Council are unpaid. Free passes by rail and tram are received by members of both Houses.

A new Electoral Act, assented to on the 13th June, 1893, remodelled the whole electoral system of New South Wales. The number of members of the Assembly is fixed at 125, and the colony is divided into 125 electoral districts. No elector can have more than one vote, or, in other words, the "one man one vote" principle is enforced. Every person entitled to vote must see that his name is inscribed on the electoral roll and must provide himself with a document called an "elector's right," without the production of which he cannot demand a ballot-paper. The suffrage is manhood, the only conditions being twelve months' residence in the colony in the case of an immigrant, and three months' residence in the electoral district in which the right to vote is claimed. In the case of removal from one district to another, the qualifying residential period is reduced to one month, and the elector may vote in his old district until he has acquired the month's residential qualification in the district to which he has removed. In 1896 the franchise was extended to the Police Force. The duration of Parliament is limited to three years. There have been seventeen Parliaments in New South Wales, the average existence of which has been two years three months and five days. At the general election for the eighteenth Parliament, which took place on the 27th July, 1898, there were 324,339 electors on the roll, 316,820 of whom were in 122 contested constituencies. Of the latter, 178,717 exercised their right to vote, forming only 56·41 per cent. of the electors enrolled. It must be pointed out, however, that the number of names enrolled is largely in excess of

the number of electors entitled to vote, and that the true proportion would be about 64·75 per cent.

The example of New South Wales was not without effect on the other Australasian colonies. Victoria, after its separation from New South Wales, was legislated for by a Council, some of the members of which were nominated and others elected; but on the 21st November, 1856, the first Parliament under the new Constitution of the Colony was opened. This Constitution differed from that of the parent Colony in that the Legislative Council as well as the Assembly was elective; it consisted of thirty members, while there were fifty-eight in the Lower House. Mr. W. C. Haines was the first Premier. There are now forty-eight members in the Council, and ninety-five in the Assembly. Members of the Upper House must be of the full age of 30 years, and for one year previous to the election have possessed a freehold estate of the value of £100 per annum, free of encumbrance. The tenure of office is six years, and there is no remuneration attached to the position. Electors must possess a £10 freehold, or be lessees, assignees, or occupying tenants of property rated at not less than £25 per year. Graduates of British or Colonial Universities, legal and medical practitioners, clergymen, certified school-masters, military and naval officers, and matriculated students of the Melbourne University are entitled to the franchise. Members of the Assembly must be 21 years of age, natural-born or naturalised subjects, and have been resident in the colony for two years. The reimbursement is £300 per annum, with a free railway pass. Three years is the limit of the duration of a Parliament. The suffrage is practically manhood, with residence in the Colony of twelve months' duration. There have been sixteen complete Parliaments in Victoria under the present Constitution, the average duration of each being two years and five months. The general election for the seventeenth Parliament took place in October, 1897. There were at that time 254,155 electors enrolled, of whom 225,000 were in eighty-two contested constituencies. Of these, 158,225, or 70·32 per cent., voted.

Tasmania, on its separation from New South Wales at the end of 1825, was provided with a nominated Legislative Council, under which it was governed for some thirty years. Following the lead of their neighbours, the colonists of this island also agitated for a Constitution, which was eventually granted to them, and came into force on the 2nd December, 1856. Tasmania now possesses a Legislative Council and a Legislative Assembly, both of which are elective. The Council consists of eighteen members, who hold their seats for six years, three members, or one-sixth of the whole number, retiring every year. In the case of *ad interim* elections, the incoming member holds his seat only as long as his predecessor would have held it. Members must be 30 years of age, and natural-born or naturalised subjects. Judges of the Supreme Court, placemen (except Ministers of the Crown), and Government contractors are disqualified from sitting in either Upper or Lower House. Members

of both Houses receive a reimbursement of expenses, which at the present time is at the rate of £100 per annum. Electors for the Council must possess a property qualification of £10 per annum freehold or £30 leasehold, beside which there are professional and educational qualifications, coupled with a condition of residence. There are thirty-eight members of the House of Assembly, who must be 21 years of age and natural-born or naturalised subjects. The duration of the Assembly is now limited to three years. Natural-born or naturalised adult males are qualified to be electors by a six months' term of residence in any of the prescribed districts. The eleventh Parliament expired by effluxion of time in December, 1896. The actual term of existence of Tasmanian Parliaments has averaged three years five months and sixteen days. At the general election for the twelfth Parliament, which took place early in 1897, there were about 30,300 electors on the roll. Of these, 19,850 were in fifteen contested constituencies. The number who voted was 11,950, or 57·68 per cent. By the Constitution Amendment Act of 1900 it was provided that no member of either House of Parliament of the Commonwealth of Australia shall be capable of sitting as a member of one or other of the Houses of Legislature in Tasmania.

South Australia, like most of the other Australian colonies, was at first subject to the nominee system of appointment to the Legislative Council, but in 1848 it obtained the boon of adding elected members to those nominated. Constitutional Government was granted to the colony in 1856, and the first Parliament under the new order of things assembled on the 22nd April in the following year. The South Australian Legislature consists of a Legislative Council of twenty-four members and a House of Assembly of fifty-four. Both Houses are elected by the people. Eight members of the Council retire every three years, but are eligible for re-election. Members are not required to have a property qualification, but they must have resided in the province for three years, and be not less than 30 years of age. An elector must have a freehold of £50 or a leasehold of £20 annual value, or be an occupier of a dwelling of the clear annual value of £25; and he must have been registered six months prior to the election. The principle of "one man one vote" has long been in existence in South Australia; and for some time there has been in force a provision by which absent electors may, under certain restrictions, record their votes. Members of the Assembly, as well as electors, are qualified by being 21 years of age, and having been enrolled for six months before the election. Female suffrage was granted in 1895, and women voted for the first time at the general election held on the 25th April, 1896. Members of each House receive £200 per annum. The duration of a Parliament is limited to three years. There have been fifteen complete Parliaments, with an average duration of two years seven months and seven days. At the general election for the fifteenth Parliament, which took place in April, 1896, all the electorates in the colony were contested. The number of enrolled voters was 137,781, and of these 91,348, or 66·30 per cent., voted.

Queensland, which formed part of New South Wales until the end of the year 1859, was never under the nominee system as a separate colony, but commenced with Responsible Government, under which its first Parliament was opened on the 29th May, 1860. Its Legislative Council consists of members nominated by the Governor. There are forty-two at present, but no limit is fixed to the number. The tenure is for life. The qualification for members is that they must be 21 years of age, and natural-born or naturalised subjects. They receive no remuneration. The Legislative Assembly, of which there are seventy-two members, is elected by the people. Electors are enrolled under what is practically manhood suffrage, the only condition being six months' residence. Persons who possess freehold property of the value of £100 or house property of an annual value of £10, or who hold property on lease at an annual rent of £10, or a pastoral lease or license from the Crown, are entitled to vote in every district within which such property may be. Any person on the electoral roll is qualified to be a member of the Assembly. The duration of Parliament is limited to three years, and members of the Assembly receive £300 a year, with a free railway pass, and travelling expenses in the case of those members who are not in receipt of official salary. There have been twelve complete Parliaments, the average duration of which has been two years eleven months and eighteen days. The general election for the thirteenth Parliament took place in March, 1899. Three out of seventy-two seats were not contested. The total number of electors enrolled at the time was 97,046, of whom 94,679 were in contested electorates, and of these 74,919, or 79·13 per cent., voted.

In New Zealand, as in the other colonies, the form of government in the early days was of a mixed description, but in the year 1852 an Act was passed by the Imperial Parliament conferring upon the colony a Constitution. New Zealand was divided into six provinces, which were subsequently increased to nine, each governed by a Superintendent and a Provincial Council elected on a franchise which was practically equivalent to household suffrage. The provincial system, however, did not give satisfaction, and was abolished in 1876, when a system of Parliamentary Government for the whole of the colony came into existence. The Legislature now consists of two branches. There is a Legislative Council of forty-five nominees. Prior to 1891 the members held their seats for life, but in that year an Act was passed under which all new appointments to the Council are made for seven years only, though members are eligible for re-appointment. The honorarium is £150 per annum, with a deduction of £1 5s. per sitting in case of absence exceeding five sittings in one session, except from illness or some other unavoidable cause. The qualification for membership is that the person must be 21 years of age, and a natural-born or naturalised British subject. One-fourth of the total number of members is required to form a quorum. The House of Representatives consists of seventy-four members, of whom four are Maoris, elected to represent the natives.

The qualification for membership is simply registration as an elector. Persons of either sex who are not less than 21 years of age are entitled to vote, provided they have resided in the colony for one year, and in the electoral district for three months prior to registration, or hold freehold estate of the value of £25, and have held such for six months. Maoris are entitled to be placed on the European roll if they possess the latter qualification; if not, they are entitled to vote in one of the four native electorates, provided they are of age and reside therein. The principle of "one man one vote" has been in existence in the colony for a number of years. The honorarium of a member of the House of Representatives is £240 per annum, with travelling expenses to and from Wellington; and a deduction of £2 per sitting is made for all absences from the House exceeding five days per session, unless due to sickness or other unavoidable cause. The duration of a Parliament is three years. Twenty members are required to form a quorum. There have been thirteen complete Parliaments since constitutional government was conferred upon the colony, their average duration being three years one month and twelve days. At the general election for the fourteenth Parliament, which took place on the 6th December, 1899, all the constituencies except three were contested. In the sixty-two European electorates there were 360,018 electors on the rolls, of whom 279,330, or 77·6 per cent., exercised the franchise. In the four Maori electorates a total of 13,628 votes was recorded.

Western Australia, which was proclaimed a British colony on the 1st June, 1829, was the last of the group to enjoy the privilege of Responsible Government. At an early stage of its existence the colony possessed a Legislative Council, consisting exclusively of officials nominated by the Governor. Subsequently, elected members were added, representing the principal districts of the colony, and this state of things continued until the end of 1890, when the new Constitution came into existence. Under it two Houses of Legislature were established, the Upper House consisting of fifteen nominated members, and the Lower House of thirty members, representing the thirty electorates into which the Colony was divided. An amended Constitution Act, however, came into force in 1893, when the total population of the colony was found to exceed 60,000 persons. Under this Act the Legislative Council was increased to twenty-one, and the Legislative Assembly to thirty-three members. A further amending Act came into force in 1896, under the provisions of which the Legislative Council consists of twenty-four members, elected for six years; and the Legislative Assembly, of forty-four members, elected for four years. A member of the Legislative Council must be 30 years of age and free from legal incapacity, and must have resided in the Colony for at least two years. A member of the Legislative Assembly must be 21 years of age and free from legal incapacity, and must have resided in the colony for at least twelve months. Members of both Houses must either be natural-born subjects of the Queen, or have been naturalised five years, with residence in

the colony for the full period of five years in the case of a member of the Council, and for two years in the case of a member of the Assembly. An elector for the Upper House must have resided in the colony for twelve months, and for that time have held a freehold estate of the clear value of £100, or have been a householder occupying a dwelling of the annual value of £25 for the same period; or he must occupy a leasehold estate of the annual value of £25, with eighteen months of the lease to run, or have held a similar leasehold for the past eighteen months, or be a holder of a Crown lease or license of an annual value of not less than £10; or he must be on the electoral roll of a Municipality or Roads Board district in respect of property of not less than £25 annual value. To qualify a person as an elector for the Assembly, he must either have resided in the colony for one year, and in the district for which he makes his claim for six months, or for that time have held a freehold estate of not less than £50, or a house of an annual value of not less than £10, or a leasehold estate of similar value, or a pastoral or running lease of not less than £5 per annum, or be inscribed on the roll of a Municipal or Roads Board district within the electorate. Members of the Legislature are not paid for their services, but they travel free over the railway lines of the colony. The first Premier was the Hon. Sir John Forrest, K.C.M.G. There was one Parliament under the Constitution of 1890; and there has been one under the Constitution of 1893. Their average duration has been two years seven months and twelve days. The third Parliament was elected in April and May, 1897, when the total number of electors on the roll was 23,318. Contests took place for only twenty-six out of forty-four seats, the number of electors in the contested constituencies being 17,114, of whom 9,016, or 52·69 per cent., exercised their right to vote.

The following table shows the number of members of each of the Houses of Parliament in the various colonies, with the remuneration which they receive in consideration of their services :—

State.	Legislative Council.		Legislative Assembly.	
	No. of members.	Remuneration.	No. of members.	Remuneration.
New South Wales	78	None	125	£300 per ann.
Victoria	48	None	95	£300 ,,
Queensland.....	40	None	72	£300 ,,
South Australia.....	24	£200 per ann.	54	£200 ,,
Western Australia	24	None	44	None.
Tasmania.....	18	£100 per ann.	38	£100 per ann.
New Zealand	45	£150 per ann.	74	£240 per ann.

The Federal Movement.

The question of the federation of the various provinces of Australia was not overlooked by the framers of the first free Australian Constitution, who proposed the establishment of a General Assembly "to make laws in relation to those intercolonial questions that have arisen, or may hereafter arise," and who, indeed, sketched out a tolerably comprehensive federation scheme. Unfortunately, however, that proposition was included with another for the creation of colonial hereditary nobility, and in the storm of popular opposition and ridicule with which the latter idea was greeted, the former sank out of sight. Again, in 1853, the Committees appointed in New South Wales and Victoria to draw up the Constitutions of their respective colonies, urged the necessity for the creation of a General Assembly; but the Home Government indefinitely postponed the question by declaring that "the present is not a proper opportunity for such enactment." From time to time, since Responsible Government was established, the evil of want of union among the Australian colonies has been forcibly shown, and the idea of federation has gradually become more and more popular. Some years ago (1883) the movement took such shape that, as the result of an Intercolonial Conference, the matter came before the Imperial Parliament, and a measure was passed permitting the formation of a Federal Council, to which any colony that felt inclined to join could send delegates. The first meeting of the Federal Council was held at Hobart in January, 1886. The colonies represented were Victoria, Queensland, Tasmania, Western Australia, and Fiji. New South Wales, South Australia, and New Zealand declined to join. South Australia sent representatives to a subsequent meeting, but withdrew shortly afterwards. The Council held eight meetings, at which many matters of intercolonial interest were discussed, the last having been held in Melbourne, early in 1899. One meeting every two years was necessary to keep the Council in existence. Being, from its inherent constitution, a purely deliberative body, having no executive functions whatever, the Federal Council possessed no control of funds or other means to put its legislation into force, and those zealous in the cause of federation have had to look elsewhere for the full realisation of their wishes. The Council, naturally, ceased to exist at the inception of the Commonwealth.

An important step towards the federation of the Australasian colonies was taken early in 1890, when a Conference, consisting of representatives from each of the seven colonies of Australasia, was held in the Parliament House, Melbourne. The Conference met on the 6th February, thirteen members being present, comprising two representatives from each of the colonies, except Western Australia which sent only one. Mr. Duncan Gillies, Premier of Victoria, was elected President. Seven meetings were held, the question of federation being discussed at considerable length; and in the end the Conference adopted an address to the Queen, expressing their loyalty and attachment, and submitting

certain resolutions which affirmed the desirability of an early union, under the Crown, of the Australian colonies, on principles just to all; suggested that the remoter Australasian colonies should be entitled to admission upon terms to be afterwards agreed upon; and recommended that steps should be taken for the appointment of delegates to a National Australasian Convention, to consider and report upon an adequate scheme for a Federal Constitution.

In accordance with the terms of that resolution, delegates were appointed by the Australasian Parliaments, and on the 2nd March, 1891, the National Australasian Convention commenced its sittings in the Legislative Assembly Chambers, Sydney, having been convened at the instance of Mr. James Munro, the Premier of Victoria. There were forty-five members of the Convention altogether, New South Wales, Victoria, Queensland, Tasmania, and Western Australia (which had only recently been placed in possession of the privilege of Responsible Government) each sending seven delegates, and New Zealand three. Sir Henry Parkes, then Premier of the mother colony, was unanimously elected President of the Convention; Mr. F. W. Webb, Clerk of the Legislative Assembly of New South Wales, was appointed Secretary; Sir Samuel Griffith, Premier of Queensland, was elected Vice-President; and Mr. (now Sir) J. P. Abbott, Speaker of the New South Wales Legislative Assembly, was elected Chairman of Committees.

A series of resolutions was moved by the President, Sir Henry Parkes, setting forth certain principles necessary to establish and secure an enduring foundation for the structure of a Federal Government, and approving of the framing of a Federal Constitution; and after discussion and amendment, the resolutions were finally adopted, affirming the following principles:—

1. The powers and rights of existing colonies to remain intact, except as regards such powers as it may be necessary to hand over to the Federal Government.
2. No alteration to be made in State boundaries without the consent of the Legislatures of such States, as well as of the Federal Parliament.
3. Trade between the federated colonies to be absolutely free.
4. Power to impose Customs and Excise Duties to rest with the Federal Government and Parliament.
5. Military and Naval Defence Forces to be under one command.
6. The Federal Constitution to make provision to enable each State to make amendments in its Constitution if necessary for the purposes of Federation.

Further resolutions approved of the framing of a Federal Constitution which should establish a Senate and a House of Representatives—the latter to possess the sole power of originating money Bills; also a Federal Supreme Court of Appeal, and an Executive consisting of a Governor-General, with such persons as might be appointed his advisers.

On the 31st March, Sir Samuel Griffith, as Chairman of the Committee on Constitutional Machinery, brought up a draft Constitution Bill, which was fully and carefully considered by the Convention in Committee of the Whole, and adopted on the 9th April, when the Convention was formally dissolved.

The Bill of 1891 aroused no popular enthusiasm, and parliamentary sanction to its provisions was not sought in any of the colonies; thus federation fell into the back-ground of politics.

At this juncture a section of the public began to exhibit an active interest in the cause which seemed in danger of being temporarily lost through the neglect of politicians. Public Associations showed sympathy with the movement, and Federation Leagues were organised to discuss the Bill and to urge the importance of federal union upon the people. A conference of delegates from Federation Leagues and similar Associations in New South Wales and Victoria was called at Corowa in 1893. The most important suggestion made at this Conference was that the Constitution should be framed by a Convention to be directly elected by the people of each colony for that purpose. This new proposal attracted the favourable attention of Mr. G. H. Reid, Premier of New South Wales, who perceived that a greater measure of success could be secured by enlisting the active sympathy and aid of the electors, and who brought the principle to the test in 1895. In January of that year he invited the Premiers of the other colonies to meet in conference for the purpose of devising a definite and concerted scheme of action. At this Conference, which was held at Hobart, all the Australasian colonies except New Zealand were represented. It was decided to ask the Parliament of each colony to pass a Bill enabling the electors qualified to vote for members of the Lower House to choose ten persons to represent the colony on a Federal Convention. The work of the Convention, it was determined, should be the framing of a Federal Constitution, to be submitted, in the first instance, to the local Parliaments for suggested amendments, and, after final adoption by the Convention, to the electors of the various colonies for their approval by means of the referendum.

In 1896 a People's Federal Convention, an unofficial gathering of delegates from various Australian organisations, met at Bathurst to discuss the Commonwealth Bill in detail, and by its numbers and enthusiasm gave valuable evidence of the increasing popularity of the movement.

In accordance with the resolutions of the Convention of 1895, Enabling Acts were passed during the following year by New South Wales, Victoria, South Australia, Tasmania, and Western Australia; and were brought into operation by proclamation on the 4th January, 1897. Meanwhile Queensland held aloof from the movement, after several attempts to agree on the question of the representation of the Colony. The Convention met in Adelaide, Mr. C. C. Kingston, Premier of South Australia, being elected President; and Sir Richard Baker,

President of the Legislative Council of South Australia, Chairman of Committees; while Mr. Edmund Barton, Q.C., one of the representatives of the mother colony, and a gentleman who had taken a deep interest in the movement, acted as leader of the Convention. The final meeting of the session was held on the 23rd April, when a draft Constitution was adopted for the consideration of the various Parliaments, and at a formal meeting on the 5th May, the Convention adjourned until the 2nd September. On that date the delegates re-assembled in Sydney, and debated the Bill in the light of suggestions made by the Legislatures of the federating colonies. In the course of the proceedings, it was announced that Queensland desired to come within the proposed union; and, in view of this development, and in order to give further opportunity for the consideration of the Bill, the Convention again adjourned. The third and final session was opened in Melbourne on the 20th January, 1898, the Colony of Queensland being still unrepresented; and, after further consideration, the Draft Bill was finally adopted by the Convention on the 16th March for submission to the people.

In its main provisions the Bill of 1898 followed generally that of 1891, yet with some very important alterations. It proposed to establish, under the Crown, a federal union of the Australasian colonies, to be designated the Commonwealth of Australia. A Federal Executive Council was created, to be presided over by a Governor-General appointed by the Queen. The Legislature was to consist of two Houses—a Senate, in which each colony joining the Federation at its inception was conceded the equal representation of six members; and a House of Representatives, to consist of, as nearly as possible, twice the number of Senators, to which the provinces were to send members in proportion to population, with a minimum number of five representatives for each of the original federating states. The principle of payment of members was adopted for the Senate as well as for the House of Representatives, the honorarium being fixed at £400 per annum. The nominative principle for the Upper House was rejected, both Houses being elective, on a suffrage similar to that existing in each colony for the popular Chamber at the foundation of the Commonwealth. At the same time, it was left to the Federal Parliament to establish a federal franchise, which, however, could only operate in the direction of the extension, not the restriction, of any of the existing privileges of the individual colonies; so that in South Australia and New Zealand the right of women to vote cannot be withdrawn by the central authority so long as adult suffrage prevails in those States. While the House of Representatives was to be elected for a period of three years, Senators were to be appointed for two ice that term, provision being made for the retirement of half their number every third year. The capital of the Commonwealth was to be established in federal territory.

To the federal authority was assigned power to deal with a large number of matters, with the provision that in case of a conflict between

Federal and State law, the former would prevail. Customs and Excise were to be taken over on the establishment of the Commonwealth; and posts and telegraphs, naval and military defence, lighthouses and lightships, beacons and buoys, and quarantine, on dates to be proclaimed, but without further legislation. A uniform tariff of Customs and Excise was to be imposed within a period of two years, intercolonial trade then to become absolutely free. As it was recognised that the transfer of the services mentioned would leave the States with large deficiencies in their provincial finances, a provision was inserted in the Bill under which the Commonwealth was required to raise from Customs and Excise Duties four times the sum needed from that source for its own purposes in the exercise of the original powers conferred upon it, and to hand the excess thus raised to the local treasuries. Other sources of revenue were left open to the Federal Treasurer, so that he should not be compelled to go to the Customs for the whole revenue which might be required. For five years after the imposition of the uniform tariff, it was provided that the surplus revenue raised should be returned to the States in the proportions of their actual contributions—to be ascertained by a system of accounts—and thereafter in such proportions as might be considered fair by the Federal Parliament. The province of Western Australia, where the Customs revenue is exceptionally high, and is largely collected on the produce of the other colonies, was to be permitted gradually to relinquish its intercolonial duties during a period of five years, instead of abandoning them at once, and to retain for its own purposes the revenue thus secured. Power was given to the Commonwealth to take over the railways of the colonies with their consent, and to take over the whole or part of the State debts, applying the surplus Customs and Excise revenue to the payment of the interest charge thereon. The proper administration of all laws relating to the transaction of the trade between the States of the Union was to be directed by an Inter-State Commission, on whom extensive powers were conferred. Provision was made for the prevention of the imposition of preferential and discriminating railway tariffs which might operate unjustly against a neighbouring colony, due regard always being paid, however, to the financial obligations of the State which had laid down the lines. The maintenance of the rivers in a state of navigability was recognised as coming within the trade and commerce provisions; but the people of a colony through which a river flows were not to be deprived of a "reasonable" use of its waters for purposes of irrigation and conservation.

The Senate and the House of Representatives would have equally the power of originating Bills, with the exception of Bills appropriating revenue or imposing taxation, the right of originating which is reserved to the House of Representatives. These appropriation or taxation Bills could not be amended by the Senate; but the Upper House might suggest amendments, or recommend the omission of any of their pro-

visions, the House of Representatives dealing with these suggestions as it pleased. In all other matters of legislation, the two Houses were granted equal powers; and it was provided that, in the event of any Bill being twice passed by the House of Representatives and twice rejected or shelved by the Senate, the two Houses could be simultaneously dissolved; and if this failed to provide a solution of the difficulty, a joint sitting might be held, at which the Bill in dispute could be adopted by a majority of three-fifths of the members present and voting at the joint sitting. The judicial power of the Commonwealth was vested in a High Court of Australia, empowered to hear appeals from all federal Courts or Courts having federal jurisdiction, from the Supreme Courts of the States, and from the Inter-State Commissions. The right of appeal to the Privy Council in all cases not involving the interpretation of the Federal Constitution or the Constitution of a State was not abrogated; but the Federal Parliament was empowered to limit the matters which might be taken to England. Appeal to the Privy Council on points of Constitutional law was forbidden. Lastly, the Federal Constitution could only be amended if the proposal were first adopted by an absolute majority of both the Senate and House of Representatives, and afterwards accepted by means of the referendum, both by a majority of the people of the Commonwealth and by a majority of the States.

Warmly received in Victoria, South Australia, and Tasmania, the Bill was viewed somewhat coldly by a section of the people of New South Wales, and this feeling rapidly developed into one of active hostility, the main points of objection being the financial provisions, equal representation in the Senate, and the difficulty which the larger colonies must experience in securing an amendment of the Constitution in the event of a conflict with the smaller States. As far as the other colonies were concerned, it was evident that the Bill was safe, and public attention throughout Australasia was riveted on New South Wales, where a fierce political contest was raging, which it was recognised would decide the fate of the measure for the time being. The fears expressed by its advocates were not so much in regard to securing a majority in favour of the Bill, as to whether the statutory number of 80,000 votes necessary for its acceptance would be reached. These fears were proved to be well founded; for on the 3rd June 1898, the result of the referendum in New South Wales showed 71,595 votes in favour of the Bill, and 66,228 against it, and it was accordingly lost. In Victoria, Tasmania, and South Australia, on the other hand, the Bill was accepted by triumphant majorities. Western Australia did not put it to the vote; indeed, it was useless to do so, as the Enabling Act of that colony only provided for joining a Federation of which New South Wales should form a part.

The existence of such a strong opposition to the Bill in the mother colony convinced even its most zealous advocates that some changes would have to be made in the Constitution before it could be forced

upon the people; consequently, although the general election in New South Wales, held six or seven weeks later, was fought on the Federal issue, yet the opposing parties seemed to occupy somewhat the same ground, and the question narrowed itself down to one as to which should be entrusted with the negotiations to be conducted on behalf of the colony with the view to securing a modification of the objectionable features of the Bill. The new Parliament decided to adopt the procedure of sending the Premier, Mr. Reid, into conference, armed with a series of resolutions affirming its desire to bring about the completion of federal union, but asking the other colonies to agree to the reconsideration of the provisions which were most generally objected to in New South Wales. As they left the Assembly, these resolutions submitted—first, that, with equal representation in the Senate, the three-fifths majority at the joint sitting of the two Houses should give way to a simple majority, or the joint sitting be replaced by a provision for a national referendum; second, that the clause making it incumbent upon the Federal Government to raise, in order to provide for the needs of the States, £3 for every £1 derived from Customs and Excise Duties for its own purposes, and thus ensuring a very high tariff, should be eliminated from the Bill; third, that the site of the Federal Capital should be fixed within the boundaries of New South Wales; fourth, that better provision should be made against the alteration of the boundaries of a State without its own consent; fifth, that the use of inland rivers for the purposes of water conservation and irrigation should be more clearly safeguarded; sixth, that all money Bills should be dealt with in the same manner as Taxation and Appropriation Bills; and seventh, that appeals from the Supreme Courts of the States should uniformly be taken, either to the Privy Council or to the Federal High Court, and not indiscriminately to either; while the House also invited further inquiry into the financial provisions of the Bill, although avowing its willingness to accept these provisions if in other respects the Bill were amended. These were all the resolutions submitted by the Government to the House, but the Assembly appended others in respect to the alteration of the Constitution and the number of Senators, submitting, on the first of these points, that an alteration of the Constitution should take effect, if approved by both Houses and a national referendum; that a proposed alteration should be submitted to the national referendum, if affirmed in two succeeding sessions by an absolute majority in one House, and rejected by the other; and that no proposed alteration, transferring to the Commonwealth any powers retained by a State at the establishment of the federation, should take effect in that State, unless approved by a majority of electors voting therein; and, on the second point, that the number of Senators should be increased from six to not less than eight for each State.

The Legislative Council adopted the resolutions with some important amendments, discarding the suggestion in the first resolution for a national referendum; submitting that the seat of the Federal Govern-

ment should be established at Sydney; more clearly preserving the rights of the people of the colony to the use of the waters of its inland rivers for purposes of water conservation and irrigation; carrying all appeals from the Supreme Courts of the States to the Privy Council; and declining to affirm its preparedness to accept the financial scheme embodied in the Bill. Further, the House suggested that the plan of submitting proposed alterations of the Constitution to the people by means of the referendum should be altered, and that no rights or powers retained by a State should be afterwards transferred to the Commonwealth without the consent of both Houses of Parliament of that State. The New South Wales Premier decided to submit the resolutions of both Houses to the other Premiers in conference, attaching, however, greater importance to those of the Assembly, as embodying the views of a House which had just returned from the country. This conference was held in Melbourne at the end of January, 1899, Queensland being represented; and an agreement was arrived at, whereby it was decided that, in the event of a disagreement between the two Houses of Parliament, the decision of an absolute majority of the members of the two Houses should be final; that the provision for the retention by the Commonwealth of only one-fourth of the Customs and Excise revenue might be altered or repealed at the end of ten years, another clause being added, permitting the Parliament to grant financial assistance to a State; that no alterations in the boundaries of a State should be made without the approval of the people as well as of the Parliament of that State; and that the seat of Government should be in New South Wales, at such place, at least 100 miles from Sydney, as might be determined by the Federal Parliament, and within an area of 100 square miles of territory, to be acquired by the Commonwealth, it being provided that the Parliament should sit at Melbourne until it met at the seat of Government. A special session of the New South Wales Parliament was convened to deal with this agreement, and the Legislative Assembly passed an Enabling Bill, referring the amended Constitution to the electors. The Council, however, amended the Bill so as to—first, secure the postponement of the referendum for a period of three months; second, make it necessary for the minimum vote cast in favour of the Bill to be one-fourth of the total number of electors on the roll; third, defer the entrance of New South Wales into the Federation until Queensland should come in. These amendments were not accepted by the Assembly, and a conference between representatives of the two Houses was arranged; but this proved abortive, and twelve new members were appointed to the Upper House in order to secure the passage of the Bill. This course had the effect desired by the Government; for the Council passed the Bill on the 19th April, an amendment postponing the referendum for eight weeks being accepted by the Assembly. The vote on the Bill was, therefore, taken on the 20th June, 1899, the result of the voting being 107,420 votes in favour of the Bill, and 82,741 votes against it. The

Bill was consequently adopted by a majority of 24,679 votes, and the necessary addresses having been passed by both Houses of Parliament, it was sent to London for approval by the Imperial Parliament. The colonies of Victoria, Queensland, South Australia, and Tasmania also adopted the amended Bill with large majorities. Western Australia still hung back, but an Enabling Bill was eventually passed, and a plebiscite, taken on July 31, 1900, resulted in a victory for the Bill.

Though the Bill was favourably received by the Imperial Government, certain amendments, the most important of which referred to the appeal to the Privy Council, were proposed by Mr. Chamberlain, Secretary of State for the Colonies. Four delegates were sent from the federating states to protest against any material alteration of the Bill. Mr. Chamberlain had proposed that, notwithstanding anything in the Constitution, the prerogative of Her Majesty to grant special leave to appeal to Her Majesty in Council might be exercised with respect to any judgment or order of the High Court of the Commonwealth or of the Supreme Court of any State. At the same time, he promised a reconstituted Court of Appeal for the Empire, in which the Australian Colonies would find representation. The delegates, however, opposed with all their might the submission of constitutional disputes to the decision of the Privy Council under any pretext. A compromise was, therefore, agreed upon between the delegates and Mr. Chamberlain, by which the consent of the Executive Government or Governments concerned was made a necessary condition precedent to an appeal from the High Court to the Privy Council in such cases. The new clause provoked much hostile comment in the colonies, with the result that the Premiers cabled a rejection of the arrangement. A fresh compromise was then prepared, by which it was determined that the right of appeal to the Privy Council, where a constitutional point purely Australian in character was involved, might be conceded at its pleasure by the High Court. By this settlement the finality of the decisions of the High Court upon matters of constitutional interpretation is preserved. Accordingly, the Legislatures of the federating colonies agreed to the amendment. Thenceforward no further obstruction was offered to the passage of the Bill, and it received the Royal assent on the 9th July.

Lord Hopetoun, who at one time held office as Governor of Victoria, has been appointed first Governor-General of the Commonwealth of Australia. The proclamation of the new Commonwealth is to be made on the first day of January, 1901.