CONSTITUTIONS OF THE STATES AND OF NEW ZEALAND.

New South Wales.

THE present form of government in New South Wales was inaugurated forty-six years ago, the "Act to confer a Constitution on New South Wales, and to grant a Civil List to Her Majesty," having received the Royal assent on the 16th July, 1855. This important statute was proclaimed in Sydney on the 24th November of the same year, and at once came into operation, sweeping away entirely the former system, and constituting an elective representative Chamber —thus, by the granting of equal privileges, making the colonists of New South Wales the equals of their countrymen in other parts of the Empire. The ties which bound the state to the mother country were in no way loosened, for the Constitution Act simply conceded to the people of New South Wales the rights which prevailed in the United Kingdom, namely, of taxing themselves, and of being governed by Ministers responsible to a Parliament elected by popular vote. The authority vested in the Sovereign remains the same as before, though the mode of its exercise is widely different. Prior to Responsible Government, the Sovereign exercised, through the Governor, almost despotic power, this official uniting in himself the executive and legislative functions. Personal liberty and independence were, therefore, to no small degree in his control; but with the establishment of Responsible Government this state of things ceased, and the greatest measure of individual liberty is now found compatible with the full protection of public rights. The readiness with which the people of the state adapted themselves to the forms and practice of their new government was not a little remarkable, and fully justified their assumption of its privileges.

All laws are enacted in the name of the King, "by and with the advice of the Legislative Council and Legislative Assembly," the Governor, as the Royal Deputy, immediately giving the assent of the Sovereign to Acts of Parliament, or, if he should think fit, reserving them for the consideration of His Majesty. In order that the Constitution may be clearly understood, it will be well to consider, under distinct heads, the several elements of which the Government and Legislature consist.

The Governor.

Prior to 1879 the Governor of the state was appointed by Letters Patent under the Great Seal; but in that year the practice was discontinued on the advice of Sir Alfred Stephen, given during the tenure of office of Sir Hercules Robinson. The change was first carried out in the appointment of Sir Augustus Loftus. The office of Governor is now constituted by permanent Letters Patent, and by a standing Commission, instead of as formerly by letters issued *pro hac vice* only. The Governor receives his appointment at present by Commission under the Royal sign manual and signet, which recites the Letters Patent of the 29th April, 1879, as well as the instructions issued (under sign manual and signet) in further declaration of the King's "will and pleasure." The original Letters Patent, thus recited and enforced, declare that the Governor is directed and empowered "to do and execute all things that belong to his office according to the tenor of the Letters Patent, and of such Commission as may be issued to him under our sign manual and signet, and according to such instructions as may from time to time be given to him under our sign manual and signet, or by our order in our Privy Council, or by us through one of our Principal Secretaries of State, and to such laws as are now or shall hereafter be in force in the colony." In accordance with a custom which has long prevailed, no Governor retains his office for a longer period than six years; and should he die or become incapable of performing his duties during his tenure of office, or be removed before the arrival of his successor, or should he have occasion to leave the state for any considerable period, the government is to be administered (1) by the Lieutenant-Governor; or, if there be no Lieutenant-Governor, (2) by an Administrator to be appointed according to the provisions of the Letters Patent and Instructions. The present Lieutenant-Governor is Sir Frederick Matthew Darley, G.C.M.G., C.J., who was appointed by a Commission, dated the 23rd November, 1891; and in recent years the duties of Administrator have been fulfilled by Sir John Lackey, K.C.M.G., President of the Legislative Council.

The Lieutenant-Governor, or, in his absence, the Administrator, is empowered by his Commission to fill the office of Governor during any temporary absence of the Governor from the state; but the Governor may not be absent from the state, except in accordance with the terms of his instructions. Without the King's special leave he may not leave the state for a period exceeding one month at a time, or exceeding in the aggregate one month for every year of his service, unless on a visit to the Governor of a neighbouring state; but, on the other hand, he may leave the state for any period not exceeding one month without its being reckoned as a departure, if he shall have previously informed the Executive Council in writing of his intention, and appointed a deputy to act for him till his return. This deputy must, in the first instance, be the Lieutenant-Governor; but if, from any cause,

the services of the Lieutenant-Governor should not be available, the Governor may appoint whomsoever he pleases as his deputy.

The Governor's functions, according to the Letters Patent, Commission, and Instructions, may be recapitulated as follow :—

The Governor is the custodian of the Great Seal, under which all Crown grants, etc., must pass.

The Governor has the appointment of his own Council—the Executive. He is also to summon that Council, and is ordinarily its President; but in his absence some other member may be nominated to preside. It is usual, however, to appoint some member of the Ministry permanent Vice-President, who presides in the absence of the Governor.

The Governor is the fountain of honour within the state, since to him belongs the power to appoint, in the King's name, all Judges, Justices of the Peace, Commissioners, and other "necessary officers and Ministers"; and, by virtue of his powers as Viceroy, he may remove from the exercise of his office any official so appointed.

The Governor is also the depositary of the prerogative of mercy within the state, having it in his power to pardon, either absolutely or conditionally, any offender convicted in New South Wales. He can also remit fines, penalties, and forfeitures due to the Crown, but he cannot pardon or remit on the condition of the offender voluntarily leaving the state, unless the offence has been a political one only. In all capital cases until recently the final responsibility of deciding whether or not the death penalty should be carried out rested solely with the Governor, but, by a new arrangement which has been agreed to by all the Australasian colonies, such final power is now exercised by the Governor "with the advice of the Executive Council." This places the procedure of these colonies, in regard to capital cases, on similar lines to the system that has for some time past been in force in Canada. Its adoption was suggested and strongly urged by Lord Onslow, the former Governor of New Zealand; and Lord Knutsford, the Secretary of State for the Colonies in the second Salisbury Administration, ascertained the views of the various Australasian colonies upon the subject. It being found that they all accepted the proposal as an improvement upon the practice then existing, a circular despatch was sent to each colony with instructions for its adoption. The new system was first brought into operation in New South Wales towards the end of October, 1892.

The Governor is also vested with the authority of the Crown, enabling him to nominate the members of the Upper House of the Legislature, and to summon, prorogue to a future day, or dissolve "any legislative body" existing in the state. His instructions, however, provide that in the exercise of the above powers he is to act by the advice of the Executive Council in all cases except those whose nature is such that in his opinion the public service "would sustain material prejudice were he to follow such advice," or in matters too trivial to submit to the Council, or "too urgent to admit of their advice being given"; but

in all such urgent cases he must communicate to the Council as soon as practicable the measures taken by him, and his reasons for acting. It is expressly provided, however, that the Governor may, if he think fit, disregard the advice of the Executive and act in direct opposition to the declared will of his advisers, but in such cases he is required to make a full report of the whole circumstances for the information of the Secretary of State for the Colonies.

The Governor acts as Viceroy as regards giving the Royal assent to or vetoing Bills passed by the Legislature, or reserving them for the special consideration of the Sovereign. The instructions deal at large with this matter, but it is usual in practice to be guided to a large extent by the advice of the law officers of the Crown. There are eight different classes of Bills, however, to which the Governor is bound to refuse the Royal assent. They are:—

(1.) Divorce Bills (that is, private bills divorcing particular persons).

(2.) Bills making any kind of grant, gratuity, or donation to the Governor.

(3.) Bills affecting the currency.

(4.) Bills imposing differential duties, which are not in accordance with the Australian Colonies Duties Act, 1873.

(5.) Bills apparently contrary to Imperial treaty obligations.

(6.) Bills interfering with the discipline or control of His Majesty's land or sea forces employed in the state.

(7.) Bills of great importance, or extraordinary in their nature, whereby the Royal prerogative, or the rights and property of His Majesty's subjects residing beyond the state, or the trade and shipping of the United Kingdom and its dependencies, may be prejudiced.

(8.) Bills containing provisions to which the Royal assent has already been refused, or which have been once disallowed, unless they contain a clause suspending their operation until the King's pleasure has been signified, or unless the Governor is satisfied that there is urgent necessity for bringing any such Bill into immediate operation, in which case he is empowered to assent to the Bill on behalf of the King, if it is not repugnant to the law of England, or inconsistent with Imperial treaty obligations; and in every such case he is required to transmit the Bill to His Majesty, together with his reasons for assenting to it.

The following Acts of Parliament regulate the action of the Governor in assenting to Bills on behalf of the King, or reserving them for the consideration of the Sovereign:—5 and 6 Vic., cap. 76, secs. 31–32; 7 and 8 Vic., cap. 74, sec. 7; and 13 and 14 Vic., cap. 59, secs. 13, 32, and 33. The effect of these enactments is to deprive any reserved Bill of all force and legality until the King's assent thereto has been formally communicated to the Governor; and power is given to His Majesty to

veto any Bill to which the Governor has assented on his behalf within two years after the receipt of such Bill by the Secretary of State for the Colonies, in which case the Bill is to be declared null and void by message of the Governor, and proclamation. Reserved Bills are to be laid before His Majesty in Council, and the King may allow them or not within a period of two years from the day on which they were reserved by the Governor. The King's assent to reserved Bills may be transmitted by telegram.

By Act 7 Vic., No. 16, all Acts of Parliament which become law are required to be registered by the Registrar-General within ten days of their so becoming law.

The above is a summary of the powers and duties of the Governor, as defined by his instructions and the Letters Patent; but additional duties have been imposed upon him by the Constitution and Electoral Acts. In accordance with these enactments he must summon the Legislative Assembly; appoint the President of the Legislative Council; prorogue or dissolve Parliament; appoint his ministers *proprio motu*; also appoint, with the advice of the Executive, all public officers whose appointment is not vested in heads of departments; issue all warrants for the payment of money; issue the writs for general elections, and, in the absence of the Speaker, issue writs to fill vacancies occurring in the Assembly.

In summoning, proroguing, or dissolving Parliament, the Governor usually acts according to the advice tendered him by the Cabinet; but he is in no way bound to do so, and, as a matter of fact, he has sometimes declined to be guided by his Ministers. This, however, has never happened except in respect to granting a dissolution. As to summoning or proroguing, a difference of opinion is hardly likely to arise. The relations established between the Ministry and the representatives of the people are in accordance with the time-honoured precedents prevailing in Great Britain, which may be thus defined. The Cabinet must be chosen from—"(1) Members of the Legislature; (2) holding the same political views, and chosen from the party possessing a majority in the House of Commons; (3) carrying out a concerted policy; (4) under a common responsibility, to be signified by a collective resignation in the event of Parliamentary censure; and (5) acknowledging a common subordination to one Chief Minister."

The Imperial rule as to the circumstances under which a Government is bound to resign is as follows:—Censure, involving loss of office, rests entirely with the Lower House, or popular branch of the Legislature; hence, directly a Ministry fails to command a majority of the House of Commons, it must give place to another. Want of confidence in a Cabinet may be shown in three ways: first, by a direct vote of censure, or a specific declaration of want of confidence; second, by a vote disapproving of some act of the Government; or, third, by the rejection of some important measure introduced by the Ministry. In any of these cases Ministers must either resign, or appeal to the country if they can get the Sovereign to sanction a new election.

These rules have been virtually adopted in New South Wales, and the undoubted right of the Governor, as the depositary of the Royal prerogative, to refuse to grant a dissolution, if he think fit, has been more than once exercised. In March, 1877, Sir Hercules Robinson refused to grant a dissolution to Sir John Robertson, and in September of the same year he also declined to enable Sir Henry Parkes to go to the country. The reason alleged in each case was that the Assembly refused to make provision for the expenditure of the year. It will thus be seen that a grave responsibility is thrown upon the Governor in the exercise of the unquestioned right of granting or refusing a dissolution of Parliament, and in the cases mentioned it can hardly be doubted that Sir Hercules Robinson acted within his powers. The Viceroy is the conservator of the rights and interests of the whole population, and it must be evident that grave evils would ensue were a dissolution to take place before supplies had been granted.

The exercise of the prerogative of mercy is such an important function of the Governor, and he is so liable on some occasions to have strong pressure brought to bear upon him in connection with it, that it will be well to quote at length the instructions received a few years ago upon this point. The mode of procedure in capital cases has already been referred to, and in other cases the Governor is instructed not to pardon or reprieve any offender without receiving the advice of one, at least, of his Ministers; and in any case in which such pardon or reprieve might directly affect the interests of the Empire, or of any country or place beyond the jurisdiction of the Government of the state, the Governor must, before deciding as to either pardon or reprieve, take those interests specially into his own personal consideration in conjunction with such advice as aforesaid. In another part of his instructions the Governor is permitted to act in opposition to the advice of the Executive Council "if he see sufficient cause," but he is to report any such matter to the Sovereign without delay.

The Executive.

The Executive Council is now composed of seven salaried Ministers, namely: the Premier and Chief Secretary, the Colonial Treasurer, the Attorney-General and Minister of Justice, the Secretary for Lands, the Secretary for Public Works, the Minister of Public Instruction and Minister for Labour and Industry, the Secretary for Mines and Agriculture, with a Vice-President, and two members without portfolio. These form the Cabinet, and, of course, are responsible to Parliament. The Ministry, as the advisers of the Governor, must also retain his confidence; but, practically, this is seldom likely to be withdrawn, so long as they command a working majority in the Assembly. The Governor may dissolve Parliament although the Ministry have not sustained a defeat, and in this case the continued existence of any Government would depend directly on the vote of the constituencies, but such a contingency can happen but seldom.

Apart from the Vice-President of the Executive Council, who holds no portfolio, it is rare for more than one Minister to be selected from the Upper House, and it will thus be seen that the principle of the responsibility of members of the Government to Parliament is fully carried out. For every act of the Governor as Viceroy some Minister is responsible to Parliament; and even in matters of Imperial interest, where the final onus rests upon the Governor, he himself is responsible to the Imperial Government, whose members are under the control of the House of Commons, so that no loop-hole is left for the exercise of any arbitrary act. The Crown, except in two instances (appeals to the Privy Council, and the bestowal of titles), acts towards the Executive through its representative, the Governor; and so long ago as the inception of Responsible Government, Earl Grey declared, in an official despatch, that he should make "a judicious use of the influence, rather than of the authority, of his office," which wise maxim has usually been followed. But in extreme cases, such as when his sanction is requested to any illegal proceeding, the Governor is bound, without question, to keep the law, though he may thereby be brought into hostile relations with the Cabinet. Sir Michael Hicks-Beach, in a communication to the Governor-General of Canada in 1879, clearly laid down the doctrine that the Governor of any British Colony "has an unquestionable constitutional right to dismiss his Ministers, if from any cause he feels it incumbent on him to do so." This does not militate against the doctrine of responsibility; for if the Ministry appointed by the Governor do not possess the confidence of Parliament, they cannot hold office, and the Governor will be forced to give way, or else persevere till he can select a Ministry whom the Assembly will accept. The final control will thus be, as in every other case, with the representatives of the people. In matters of routine the Governor will necessarily act on the advice of his Ministers, and in most cases relating to the internal economy of the departments, he will even adopt the individual recommendations of the Ministers by whom they are severally controlled.

As regards matters of purely Imperial interest, the Governor is responsible to the British authorities for their due conservation. If, in consequence of his action in any such matter, he is involved in a dispute with his Ministers, he is bound to refer them to the Sovereign, should his action have been endorsed by the Colonial Office. If his conduct were not approved of in England he would most likely be recalled. It follows from this, that in no case can the Governor be held to be responsible directly to Parliament for his conduct. His Ministers are responsible, but personally he has only to render an account to the Crown itself—that is, to the Imperial Parliament.

The Executive Council cannot discharge any function unless duly summoned by the Governor, and unless at least two members, in addition to the Governor or presiding member, be present to form a quorum. Formal minutes are, of course, kept of all proceedings.

Since the introduction of Responsible Government there have been thirty Ministries; but as four of these became merged into those next succeeding without the resignation of their members, the actual number of cabinets holding power may properly be said to have been twenty-six, whose average tenure of office, excluding the Ministry at present in power, has been about one year and six and a half months. Ten Governments were displaced by votes of censure, expressed or implied; three resigned in consequence of defeat on important measures of policy; two retired on being saved from defeat only by the Speaker's casting-vote, and three others through a motion for the adjournment of the House being carried against them; four, as previously stated, were merged into the succeeding Ministries; five resigned without a direct vote being carried against them, but in consequence of not possessing a working majority; one Government fell to pieces through internal disagreements; and one resigned in consequence of the Governor declining to appoint to the Legislative Council a certain number of its nominees.

The Parliament.

It seems a singular omission in the Constitution Act that no definition is given of the relative powers of the Legislative Council and Legislative Assembly. Such is the fact, but little inconvenience has arisen thereby, since by common consent it has been agreed that the precedents regulating the proceedings and relations, *inter se*, of the two Houses of the Imperial Parliament shall be followed, so far as applicable, in New South Wales. The Constitution Act provides that all money Bills shall be introduced in the Lower House only. The important rule of the House of Commons, affirmed two hundred years ago and constantly enforced ever since, that "all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons, and it is the undoubted right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords," is also held to be in force as regards the Parliament of this state, and has generally been recognised and acted upon.

The two Houses, however, do not possess the most important of the privileges of the Imperial Parliament, namely, the right of punishing for contempt, although the Legislative Assembly has, on one occasion, punished one of its members, by expelling him for conduct, beyond its precincts, assumed to be dishonourable. As regards disorderly conduct within the walls of the Chamber, it has been held by the Supreme Court, and affirmed by the Privy Council, that the Assembly only possesses the power of suspending a member for disorderly conduct for the period of the sitting at which he displays such conduct. A member may also be removed from the House by order of the Speaker if he persists in obstruction or contemns the Standing Orders; but fortunately this course has seldom been rendered necessary.

Witnesses may be summoned to give evidence before either House, or before committees of the Council or Assembly, the necessary powers for compelling their attendance having been conferred by an Act passed in 1881. Any person disobeying a summons may be arrested on a Judge's warrant; and the maximum penalty for refusing to give evidence is imprisonment for one calendar month.

The number of members of the Legislative Council is not limited by the Constitution Act, although the minimum number is fixed at twenty-one. It will be seen that this gives power to a Governor to quash any possible obstruction on the part of the Council to the will of the Government and the Lower House by "swamping" the Council. Such a proceeding, however, can hardly be held to be allowable, except under extreme circumstances. As a matter of fact, an attempt to "swamp" the Council was made during one of the premierships of Sir Charles Cowper, but public opinion condemned the course most strongly, although the somewhat peculiar circumstances of the case were thought at the time to justify the Governor's action. The authorities in England severely rebuked the Governor (Sir John Young) for the course he had taken, and since then "swamping" the Council has never been seriously entertained, nor is there much chance that it will ever again be attempted. The principle in fact has been affirmed, on the basis of an understanding entered into between Sir John Young and the leading statesmen of the day (on both sides of the House), that the members of the Legislative Council should be limited to a convenient number, and that no nominations should ever be made merely for the purpose of strengthening the party which happens to be in power. A deadlock between the two Houses is provided against by the universal feeling that the Assembly represents the will of the people, and in such case the Council would certainly have to give way to the deliberate will of the people's representatives. The Council is intended as a check to hasty legislation; and it doubtless acts as a useful "brake" to violent party feeling.

The Legislative Council.

As before stated, the members of the Upper House are nominated by the Governor, the minimum number composing the House being fixed at twenty-one. No limit to the number is fixed by the Constitution Act, but, in accordance with the arrangement already described, the number of members is practically kept down by the exclusion of all purely political appointments. As the number of members of the Assembly has increased to 125, the number of members composing the Council in December, 1901 (seventy-five), cannot be considered an unfair proportion, as the ratio of increase has not been much greater than in the case of the Lower House. Every member of the Council must be of full age, and either a natural-born or a duly naturalised subject. Four-fifths of the members must be persons not holding any paid office under the Crown, but this is not held to include officers "in His Majesty's sea and land forces on full or half pay, or retired officers on pensions."

Though the appointment is for life, a member may resign his seat, and he also forfeits it by absence from the House for two consecutive sessions without leave, by becoming naturalised in a foreign State, by becoming bankrupt, by becoming a public contractor or a defaulter, and by being attainted of treason or being convicted of felony or any infamous crime. The Governor appoints, and, if necessary, removes the President, who may speak in debate, but can only give a casting-vote. An attendance of one-third of the members on the roll was formerly necessary to constitute a quorum, but an Act has been carried reducing the proportion to one-fourth. The Council must hold a sitting at least once in every year, and no greater interval than twelve months must elapse between session and session. The proceedings are regulated by standing orders, which are, in the main, similar to those of the Assembly, the latter being framed on the model of the rules obtaining in the House of Commons. No member may sit or vote till he has taken the oath of allegiance, or the affirmation prescribed in lieu of that oath.

The Legislative Assembly.

In the Session of 1892–3, an Act was passed, entitled the Parliamentary Electorates and Elections Act of 1893, by which the course of procedure in regard to elections for the Legislative Assembly of New South Wales was almost entirely changed. The enactments under which such elections had been conducted up to that time—the Electoral Act of 1880, and the Wentworth Subdivision Act—were repealed upon the passing of the Act of 1893, with the exception of certain provisions which have since been abrogated by proclamation. During the year 1896 several important alterations were made in the 1893 Act in the direction of the extension of the franchise, and of the removal of restrictions placed upon electors changing their residence from one district to another. In 1902 the franchise was extended to women. The main principles of the new electoral system may be thus summarised :—

The number of members of the Legislative Assembly, which had grown by virtue of the Expansion Clauses of the Act of 1880 from 108 to 147, was reduced to 125, and the number of electorates, now denominated Electoral Districts, was increased from seventy-four to 125. Under the new system, therefore, there are exactly as many members as electorates, or, in other words, there are single electorates. This, of course, involved a complete re-distribution of the electorates, and special machinery had to be created in order that this might be done. In accordance with the Act three Commissioners were appointed, to whom was entrusted the duty of dividing the state into 125 districts, each containing as nearly as might be the same number of electors. In order to ascertain the quota of electors to be apportioned to each electorate, the number of resident electors on the roll for 1892–3, which happened to be 282,851, was divided by 125, and the quotient, 2,263, was fixed as the standard number of electors entitled to one representative. In mapping out the new Electoral Districts, the Commissioners were required to form them

so as to include the standard number of electors as nearly as possible; at the same time, in order to avoid inconvenient divisions, a margin of 200 voters either above or below the standard number was allowed, which margin it was permitted, in exceptional cases, to increase to 600 either way, on satisfactory reason for taking that action being furnished by the Commissioners. No adjustment of electorates has taken place since the first made under the Act of 1893; but the Act contemplates re-adjustments shortly after the taking of a census, and also, if necessary, every four or five years. The last census was taken in 1901.

The qualification for an elector is that he must be a natural-born subject who has resided in New South Wales for a continuous period of one year, or a naturalised subject who has resided in the state continuously for one year after naturalisation. It was provided in the principal Act that in either case he must have resided three months continuously in the electoral district for which he claimed to vote; but by the amending Act 60 Vic. No. 25 the period of residence was reduced to one month in the case of a person already on the rolls, and who had but removed from one district to another. Every such person, being of the full age of 21 years, and not otherwise disqualified, is entitled to have his name on the electoral roll, and to have an elector's right issued to him. The disqualifications, under the Constitution Act, apply to persons attainted or convicted of treason, felony, or other infamous offence in any part of His Majesty's dominions, unless they have received a free or conditional pardon, or have undergone the sentence passed on them for such offence; and, under subsequent enactments, to persons in the Naval and Military Service on full pay (except the militia and volunteers), and to persons of unsound mind, or in receipt of public charity. All other disqualifications have now been removed.

Power was given to the Governor under the Act of 1893 to subdivide each electoral district into divisions, and to appoint to each district an Electoral Registrar, with Deputy Registrars for the several divisions. It is one of the duties of these Registrars and Deputy Registrars to issue certificates known as electors' rights to those entitled to them. These electors' rights are printed in red ink upon paper specially prepared to prevent fraudulent imitations, with butts, like cheques, in accordance with the forms shown in Schedule A of the principal and amending Acts. They are bound in books, and numbered consecutively in black figures. Every person who has established his qualification to vote, and who has been placed on the electoral roll, is entitled to receive an elector's right upon signing his name in a book kept for that purpose, as well as on the butt and the face of the right itself. Under the principal Act an elector who removed from one district to another within three months of an election was practically disfranchised; but, as stated above, this period has now been reduced to one month, and until the elector is qualified to vote in the district to which he has removed he may use his right in his old district.

Provision is also made for the issue of a substituted right in the event of a right being lost or defaced. Every elector's right remains in force until cancelled in the prescribed manner. It is provided by the amending legislation of 1896 that an elector who has changed his abode from one district to another may obtain a right for his new district after he has resided one month therein, and may have his name inscribed on the Additional Roll on a declaration by the Registrar of his original district stating that he was enrolled there. When the Registrar of any district grants an application for an elector's right other than in lieu of one held for another district, he inscribes the name of the elector in a Provisional List, copies of which, during the first week of each month, are exhibited at every post-office and police-office within the district, so that objection to any name may be taken and heard at the Revision Court of the district, to be presided over by a Stipendiary or Police Magistrate, specially appointed as a Revising Magistrate. All names passed at the monthly Revision Court are then inscribed on the Additional Roll.

During the first week in August of each year, the Registrar must make out a general list of all persons on the electoral roll for his district, as well as of those to whom electors' rights have been issued since the last roll was printed; and copies of all such lists are exhibited for public inspection at every post-office in the electoral district. Any person objecting to any name upon the list must give to the Registrar, in writing, his reasons for such objection, and the Registrar must notify the same to the person to whom objection is taken. Every Registrar is supplied quarterly, by the District Registrar of Births, Deaths, and Marriages, with a list of all males above the age of 21 years whose deaths have been registered within the quarter in that particular district. As no provision is made for the exchange of these lists of deceased persons between different districts, it is possible for the names of electors who died outside their own districts to remain on the roll, and it is known that this often happens, unless sufficient proof of death is furnished by objectors. The Comptroller-General of Prisons and the Inspector-General of Police must forward quarterly to the Minister charged with the administration of the Act a list of all males above the age of 20 years in any gaol, lock-up, or other place of detention; and the Minister must send to the Registrar of each district such particulars as may be necessary for the purification of the electoral roll for such district. The Registrar must then write on a copy of the electoral roll, against the name of every person on the lists supplied to him as above, the words "dead" or "in custody, disqualified," or simply "in custody" where the particulars supplied do not appear to be such as to disqualify the person. Under the principal Act a Revision Court was held in October each year; but under the amending Act a monthly Revision Court is now held, at which objections may be heard, and claims for insertion on the lists considered; and from the lists, when duly corrected and certified to by the magistrate presiding at the Court, the electoral roll is printed.

In the year 1900 and every third year thereafter the General List is to be made up from the butts of the electors' rights issued to persons "then" entitled to vote.

Writs for the election of members of the Assembly are issued by the Governor in the case of a general election, and by the Speaker, or, in his absence or if there should be no Speaker, by the Governor, in the case of a bye-election. The writs for a general election are required to be issued within four clear days from the proclamation dissolving Parliament, and are made returnable not later than thirty-five days from the date of issue. Parliament must meet not later than seven days from the return of the writs. The polling day for a general election is fixed as the eighteenth day from the date of the issue of the writs.

A person, to be qualified as a candidate, must be the holder of an elector's right. Each candidate must be nominated by at least six electors for the district. The nomination must be made in writing, signed by the nominators, and endorsed by the candidate, consenting to the nomination. No elector can have more than one vote in the state, or, in other words, the "one man one vote" principle is enforced. No elector can nominate more than one candidate. No deposit from a candidate is required. Proper provision is made for the appointment of Returning Officers, substitutes, deputies, poll-clerks, and scrutineers, much as in the Act of 1880. Under the principal Act the poll was open from 8 a.m. to 6 p.m. in the months from October to March inclusive, and from 8 a.m. to 5 p.m. from April to September inclusive; but under the Parliamentary Elections (Polling) Act (No. 20 of 1898) the poll remains open from 8 a.m. to 6 p.m., irrespective of the season of the year when the election is held. Every person claiming to vote must exhibit his elector's right, satisfy the Returning Officer that he is the person on the roll who should possess that right, and demand a ballot-paper. He is then furnished with a ballot-paper, containing the names of the candidates; and his elector's right, as well as the butt, is punctured to denote that he has voted at that election. The elector has then to retire to some unoccupied compartment of the polling-booth, there to strike out the names of all the candidates on the paper except the one for whom he votes, and the ballot-paper, folded so that the names are not visible, but that the puncture can be seen by the Returning Officer or his deputy, is placed by him in the ballot-box. No provision is made whereby an elector can record his vote if away from his own electorate, except where outside polling places have been appointed, under the provisions of the Act, before the issue of the writs. At the close of the poll the votes are counted, and the result declared by a notice signed by the Returning Officer, and posted in some conspicuous position in the principal polling place, and published in some newspaper circulating in the district.

Very stringent clauses against bribery, treating, or intimidation are included in the Act. It is even forbidden to make a wager on the result of an election under a penalty of from £5 to £50. There are also sections providing for the appointment of a Committee of Elections and Qualifications, with powers similar to those conferred by the Act of 1880.

The disqualifications for membership of the Legislative Assembly, provided by the Constitution Act, still remain in force. They are as follow:—

1. He must not be a member of the Legislative Council.
2. He must not hold any office of profit under the Crown, either for a term of years or during pleasure.
3. He must not be in any way interested in any contract for the public service.

By the Constitution Act Amendment Act of 1884, the disqualification of persons holding offices of profit was declared not to apply to the Colonial Secretary or any other member of the Ministry. The third disqualification also does not apply to any contract made by a company consisting of more than twenty persons. If any disqualified person be elected, the election is voided by the House, and should such person presume to sit or vote he is liable to a fine of £500.

By an Act assented to on the 21st September, 1889, members of the Assembly are allowed the sum of £300 per annum to reimburse them for expenses incurred in the discharge of their Parliamentary duties.

Before taking his seat each member must take the oath of allegiance in the prescribed form, or make an affirmation in lieu of it. A member may resign his seat at any time, and he is held to have vacated it under any of the following conditions:—Absence during a whole session without leave, naturalisation in a foreign country, bankruptcy, being a defaulter, or convicted of treason, felony, or other infamous crime.

The Act 37 Vic. No. 7 provides that no Assembly can prolong its existence beyond the term of three years. One session, at least, must be held every year, and twelve months must not elapse between any two sessions. On meeting after a general election, the first business is to elect a Speaker, who has only a casting vote. Twenty members (exclusive of the Speaker) constitute a quorum.

The first Parliament elected under the Constitution Act met on the 22nd May, 1856, just six months after the proclamation of the Constitution. The duration of Parliament, unless it should be previously prorogued, was originally fixed at five years; but in 1874 an Act was passed establishing triennial Parliaments, which has ever since remained law. Since the inauguration of Responsible Government there have been nineteen appeals to the people, so that it will be seen the duration of each Assembly has not averaged even the shorter period of life to which

its existence is now limited. The subjoined table gives the duration of each Parliament elected under Constitutional Government:—

Parliament.	Opened.	Dissolved.	Duration.	No. of Sessions.
			Yr. mth. dy.	
First	22 May, 1856...	19 Dec., 1857...	1 6 27	2
Second	23 March, 1858...	11 April, 1859...	1 0 19	2
Third	30 Aug., 1859...	10 Nov., 1860...	1 2 11	2
Fourth	10 Jan., 1861...	10 Nov., 1864...	3 10 0	5
Fifth	24 Jan., 1865...	15 Nov., 1869...	4 9 22	6
Sixth	27 Jan., 1870...	3 Feb., 1872...	2 0 7	3
Seventh	30 April, 1872...	28 Nov., 1874...	2 6 29	4
Eighth	27 Jan., 1875...	12 Oct., 1877...	2 8 15	3
Ninth	27 Nov., 1877...	9 Nov., 1880...	2 11 13	3
Tenth	15 Dec., 1880...	23 Nov., 1882...	1 11 8	3
Eleventh	3 Jan., 1883...	7 Oct., 1885...	2 9 4	6
Twelfth	17 Nov., 1885...	26 Jan., 1887...	1 2 9	2
Thirteenth	8 March, 1887...	19 Jan., 1889..	1 10 11	3
Fourteenth	27 Feb., 1889...	6 June, 1891...	2 3 10	4
Fifteenth	14 July, 1891...	25 June, 1894...	2 11 12	4
Sixteenth	7 Aug., 1894...	5 July, 1895...	0 10 29	1
Seventeenth	13 Aug., 1895..	8 July, 1898...	2 10 26	4
Eighteenth	16 Aug., 1898...	11 June, 1901...	2 9 26	5
Nineteenth	23 July, 1901...	.....	.....	...
	Average.....		2 4 7	3 to 4

The system of one man one vote came into operation on the dissolution of the fifteenth Parliament. At the first election under the new system in 1894, a total poll of 204,246 votes was recorded. The electors on the rolls numbered 298,817, and those qualified to vote in districts that were contested, 254,105. The poll, therefore, represented 80·38 per cent. of effective voters—by far the best percentage of votes recorded at a general election in New South Wales. The second election under the new Act gave a poll of 153,034 votes out of a total enrolment of 238,233 electors in contested constituencies, the proportion of votes cast being 64·24 per cent. At the election held in July, 1901, 195,359 votes were recorded, the electors enrolled numbering altogether 346,184, and those qualified in contested electorates only, 270,861, so that the percentage of votes recorded was 72·13.

The number of males of full age compared with the total population is very large, the proportion at the last Census being 28 per cent. According to the official lists the number of persons enrolled at the general election in 1901 amounted to 25·4 per cent., or over one-fourth of the total population. The average number of electors on the roll per member was 2,769, and the estimated population to each member was 10,977. The subjoined table gives the result of the four general

elections which have taken place since the principle of one man one vote became law :—

Parliament.	Voters on Roll.	Number of Electors to a Member.	Total Members returned.	Members unopposed.	Contested Electorates.				
					Electors on Roll.	Votes recorded.	Percentage of Votes recorded.	Informal Votes.	Percentage of Informal Votes.
Sixteenth.....	298,817	2,296	125	1	254,105	204,246	80·38	3,310	1·62
Seventeenth ...	267,458	2,139	125	8	238,233	153,034	64·24	1,354	0·88
Eighteenth	324,338	2,595	125	3	294,481	178,717	60·69	1,638	0·92
Nineteenth	346,184	2,769	125	13	270,861	195,359	72·13	1,534	0·79

VICTORIA.

UP to the 1st July, 1851, Victoria formed a part of New South Wales, being included with the parent settlement under the name of Port Phillip District. The separation was effected in pursuance of an Act of the Imperial Parliament, dated 5th August, 1850, entitled "An Act for the better government of Her Majesty's Australian Colonies." This measure provided that "the territories now comprised within the said district of Port Phillip, including the town of Melbourne, and bounded on the north and north-east by a straight line drawn from Cape Howe to the nearest course of the River Murray, and thence by the course of that river to the eastern boundary of the colony of South Australia, shall be separated from the colony of New South Wales, and shall cease to return members to the Legislative Council of such colony, and shall be created into and thenceforth form a separate colony, to be known and designated as the Colony of Victoria."

It was also enacted that there should be a separate Legislative Council for Victoria, one third of the number of members to be appointed by Her Majesty and the remainder to be elected by the inhabitants of the colony. Authority was given to the Governor and Legislative Council of New South Wales to determine by Act of Parliament the number of members of which the Legislative Council of Victoria was to consist, and to make provision for dividing the new colony into electoral districts, for appointing the number of members for each district, and generally for carrying on the necessary elections.

The measure provided also that electors should be possessed of freehold estate of the clear value of £100, or be occupiers or three-years leaseholders of the clear annual value of £10 a year.

On the issuing of writs for the first election of members of the Legislative Council of Victoria, the colony was to be accounted as legally established, and the powers of the Governor and Council of New South Wales over the territories comprised in Victoria thereupon ceased.

In accordance with the provisions of the Imperial Act the Governor and Legislative Council of New South Wales passed the Victoria Electoral Act of 1851, which provided that the Legislative Council of Victoria should consist of thirty members, ten to be appointed and twenty elected. The new colony was also divided into sixteen electoral districts.

On the 1st July, 1851, Sir Charles Fitzroy, the Governor-General of Australia, issued the writs for the election of members, and declared the district of Port Phillip to be separated from New South Wales, and established as an independent colony to be known and designated as the colony of Victoria. The constitution thus established continued until the 23rd November, 1855.

At the close of 1852 the Secretary of State for the Colonies forwarded a despatch to Lieutenant Governor La Trobe, in which the Legislative Council of the colony was invited to consider the question of forming a second Legislative Chamber. This suggestion was shortly afterwards acted upon, and on the 24th March, 1854, a Bill "to establish a constitution in and for the Colony of Victoria" was passed and submitted to the Lieutenant-Governor, who at once forwarded it to the Secretary of State. On the 16th July, 1855, the Imperial Parliament passed an Act "to enable Her Majesty to assent to a Bill as amended of the Legislature of Victoria to establish a constitution in and for the Colony of Victoria." The Bill itself appeared as the first schedule to the Imperial Act, and was assented to on the 21st July, 1855. This course of procedure was rendered necessary owing to the fact that the Legislative Council of Victoria had exceeded its powers in passing the Bill before submitting it to the Imperial Government. It was, however, explained by the Secretary of State that the Parliament did not consider it necessary to supersede the Bill by direct legislation, as it was thought that the colonial legislature should be trusted for all the details of local representation and internal administration.

The new "Constitution Act" was formally proclaimed on the 23rd November, 1855, and the first meeting of the new Parliament was held on the 21st November, 1856. This Constitution Act is still in force, although its provisions have been subjected to various amendments, the principal of which were as stated below.

Under the terms of the Act the elective and nominee Council was abolished, and an elective Council and Assembly were established, "with power to make laws in and for Victoria in all cases whatsoever." Subject to certain limitations, the Parliament may alter, repeal, or vary the Constitution." This power, which was conferred by Section 60, has been extensively availed of. Thus, under the Act as originally passed, the Legislative Council consisted of thirty members, elected for ten years, representing six districts. At present, the Council consists of forty-eight members, elected for six years, and representing fourteen provinces. The Legislative Assembly, as first constituted, consisted of

sixty members, representing thirty-seven districts; at present there are ninety-five members, representing eighty-four districts. The property qualification for members and electors of the Upper House has been considerably reduced, while at present no property qualification is required in the case of members and electors for the Legislative Assembly. Amongst other important changes which might be mentioned was the abolition in 1865 of pensions, or retiring allowances, to persons who, on political grounds, retired or were released from certain responsible offices.

The powers and duties of the Governor are very similar in all the states, and the subject is referred to at some length in the previous sub-chapter, dealing with the constitution of New South Wales.

The Governor is, *ex officio*, President of the Executive Council, the other members, consisting of not more than ten Ministers, holding paid offices. There are two legislative chambers—a Legislative Council, consisting of forty-eight members, returned for fourteen provinces; and a Legislative Assembly, composed of ninety-five members, returned from eighty-four districts. Councillors are elected for a term of six years, while members of the Lower House occupy their seats for a period of three years. The qualification for members of the Upper House is the possession of freehold rateable property of an annual rateable value of £100, and a minimum age limit of 30 years. Electors for this Chamber must possess freehold property rated in some municipal district at not less than £10 per annum, or be lessees, assignees, or occupying tenants of property of an annual rateable value of not less than £25. Resident graduates of Universities within the British dominions, legal and medical practitioners, clergymen, certificated schoolmasters, matriculated students of Melbourne University, and naval and military officers are also entitled to vote for the Legislative Council.

For the Legislative Assembly, the qualifications required of members are that they have reached the age of 21 years, and are natural-born subjects of the King, or, in case of aliens, have been naturalised for five years; but judges of Victorian courts, ministers of religion, and persons who have been attainted of treason, or convicted of any felony or infamous crime are not eligible. There is no property qualification required, either for members or electors. Manhood suffrage is the basis on which electors vote, and they must be natural-born subjects, or naturalised for one year prior to the 1st January, or 1st July, in any year, and untainted by crime, while a vote is exercisable in respect of any other electoral district in which one of the following qualifications is held:—being on the roll of ratepayers; owning land or tenements of £50 clear value, or £5 annual value; being joint owners or occupiers of property sufficient to give each the qualification.

Women are not eligible as members or electors of either House of Parliament.

Members of the Legislative Council receive no remuneration for their services, while in the Lower Chamber the members receive "reimbursement of expenses" at the rate of £300 per annum.

Ratepayers in the municipal districts have their names placed on the roll without any action on their own part; but non-ratepayers and freeholders residing in another electorate and not enrolled as ratepayers, must take out "electors' rights." These are issued free of charge for the Assembly, but a fee of sixpence is charged for those relating to the Council. The rights must be renewed every three years. Persons whose names are entered on the Ratepayers' Roll, and freeholders on the General Roll for several provinces or electoral districts, may vote in all such at the same election; but no one may vote more than once in the same province or electoral district, although he may possess several properties rated independently therein.

Of the electoral provinces for the Council, six are represented by four members each, and eight by three members each; and of the electoral districts for the Legislative Assembly, eleven are represented by two members each, and seventy-three by one member each.

Since the inauguration of responsible government in Victoria, there have been eighteen complete Parliaments, the first of which was opened on the 21st November, 1856, and dissolved on the 9th August, 1859, and the eighteenth opened on the 13th November, 1900, and dissolved on the 16th September, 1902. The present Parliament began its sessions on the 14th October, 1902. The table below shows the date of opening and dissolution of each Parliament up till the present time:—

Parliament.	Opened.	Dissolved.	Duration.			Number of Sessions.
			yr.	mth.	dy.	
First	21 Nov., 1856...	9 Aug., 1859...	2	8	19	3
Second	13 Oct., 1859...	11 July, 1861...	1	9	0	2
Third	30 Aug., 1861...	25 Aug., 1864...	2	11	27	3
Fourth	28 Nov., 1864...	11 Dec., 1865...	1	0	14	1
Fifth	12 Feb., 1866...	30 Dec., 1867..	1	10	17	6
Sixth	13 Mar., 1868...	25 Jan., 1871...	2	10	14	4
Seventh	25 April, 1871...	9 Mar., 1874...	2	10	15	3
Eighth	19 May, 1874...	25 April, 1877...	2	11	8	3
Ninth	22 May, 1877..	9 Feb., 1880...	2	8	19	3
Tenth	11 May, 1880...	29 June, 1880...	0	1	20	1
Eleventh	22 July, 1880...	3 Feb., 1883...	2	6	13	3
Twelfth	27 Feb., 1883...	19 Feb., 1886...	2	11	24	4
Thirteenth	16 Mar., 1886...	11 Mar., 1889...	2	11	27	3
Fourteenth	9 April, 1889...	5 April, 1892...	2	11	27	3
Fifteenth	11 May, 1892...	4 Sept., 1894...	2	3	25	3
Sixteenth	4 Oct., 1894...	28 Sept., 1897...	2	11	26	4
Seventeenth	25 Oct., 1897...	18 Oct., 1900...	2	11	25	4
Eighteenth	13 Nov., 1900...	16 Sept., 1902...	1	10	4	3
Nineteenth	14 Oct., 1902...	.....	.....			.....
	Average.....		2	5	1	3 to 4

The following table gives particulars of the voting at the last five general elections :—

Year.	Legislative Council.				Legislative Assembly.			
	Electors on Roll.	Electors in Contested Districts.	Voters in Contested Districts.	Per-centage	Electors on Roll.	Electors in Contested Districts.	Voters in Contested Districts.	Per-centage.
1889	151,803	31,134	14,726	47·29	243,730	220,973	147,129	66·58
1892	163,286	25,300	10,536	41·64	278,812	243,585	158,611	65·12
1894	145,629	*	*	*	234,552	196,482	139,501	70·99
1897	133,575	*	*	*	254,155	224,987	158,225	70·33
1900	129,363	15,551	6,388	41·08	280,600	203,200	128,980	63·47

* No contest.

The general elections were held in Victoria on the 1st October, 1902, but particulars for the above table were not available at the time of publication of the present volume.

QUEENSLAND.

QUEENSLAND was formerly included in New South Wales, but was separated from the mother colony by Her Majesty's Letters Patent, dated the 6th June, 1859. The Letters Patent provided that a form of government should be established in Queensland, based on similar lines to that existing in New South Wales, and ordered the constitution of a Legislative Council and Legislative Assembly "to make laws for the peace, welfare, and good government of the colony in all cases whatsoever."

On the 10th December, 1859, Sir George Bowen, the first Governor, landed, assumed the government, and formally proclaimed the establishment of the colony.

The administration is carried on by the Governor with the advice of an Executive Council, consisting of eight salaried members and two members without portfolio. The Premier is usually, but not invariably, the Vice-President of the Executive.

The Orders in Council provided that the Legislative Council should be summoned and appointed by the Governor. As first constituted it consisted of such persons as the Governor nominated, who were to be not fewer than five, and to hold their seats for five years. All subsequent appointments were to be for life. Members of the Council were to be of the full age of 21 years, and natural-born or naturalised subjects of Her Majesty.

It was also provided that four-fifths of the members nominated should be persons not holding any office or emolument under the Crown, except officers of Her Majesty's sea and land forces, on full or half pay, or retired officers on pension. One-third of the members of the Legislative Council, exclusive of the President, are required to form a quorum. The Governor was also authorized by the Orders in Council to summon a Legislative Assembly, to fix the number of members of which it was to be composed, and to divide the colony into electoral

districts. It was also provided that every Legislative Assembly so elected should continue for five years, subject to prorogation or dissolution by the Governor before the expiration of such period. The qualifications of persons who could be elected to the Assembly and of those eligible to vote at elections of members were ordered to be arranged in accordance with the qualifications then in force in New South Wales.

As thus constituted, the Parliament was to have power to make laws for the peace, welfare, and good government of the colony; also to make laws altering or repealing any of the provisions of the Orders in Council, except such as related to the giving and withholding of Royal assent to Bills, the reservation of Bills for Her Majesty's pleasure, the instructions to Governors for their guidance in such matters, and the disallowance of Bills by Her Majesty. The Orders in Council also provided that in the event of any Bill being passed making the Legislative Council elective wholly or in part, it should be reserved for Her Majesty's pleasure, and a copy of the Bill should be laid before both Houses of the Imperial Parliament for at least thirty days before Her Majesty's pleasure should be signified. It was further provided that no alteration in the constitution of the colony could be made unless the second and third readings of the Bill containing such alterations should have been passed with the concurrence of two-thirds of the members for the time being of the Legislative Council and Legislative Assembly, and that such Bill be reserved for the signification of Her Majesty's pleasure thereon; also that all Bills for appropriating any part of the public revenue, or for imposing any new rate, tax, or impost, subject to certain limitations, should originate in the Legislative Assembly; the limitation referred to being that it should not be lawful for the Legislative Assembly to pass any such Bill that had not first been recommended to them by a message from the Governor, sent during the session in which such Bill should be passed. The power of the Legislative Council to alter Money Bills is doubtful, and although it has done so, objection to the course has always been taken by the Queensland Legislative Assembly.

In 1867 the Queensland Parliament passed an Act which consolidated the law relating to the Constitution and embodied the Orders in Council with the exception of two sections, namely, that relating to the giving or withholding of Her Majesty's assent to Bills, and the one referring to the power of altering the Constitution.

This Act is now the Constitution Act of Queensland, the amendments introduced later being of a comparatively unimportant character.

At present the Legislative Council consists of thirty-eight members nominated by the Governor in Council, and contingent on the observation of certain rules of the Chamber, such as attendance at each session, &c.; these members hold their seats for life. The Legislative Councillors receive no remuneration for their services, but are allowed a free railway pass from the date of being sworn in. The qualification has already been stated.

The number of members to be elected to the Legislative Assembly has been altered by various Acts of Parliament. At present there are seventy-two members, representing sixty-one electorates, eleven returning two members each, while the remainder are single electorates. Members of the Assembly receive a remuneration of £300 per annum each, with free railway pass and allowances for travelling expenses. To be qualified for membership of the Legislative Assembly a person must be absolutely free, and qualified and registered as a voter in and for any electoral district. The disqualifications preventing election to the Assembly are:—being a minister of religion; being at the time a member of the Legislative Council; holding any office of profit under the Crown except as member of the Ministry, and excepting also such officers, not more than two, whom the Governor may declare capable of being elected; being in receipt of a pension from the Crown (officers of Her Majesty's army and navy excepted). To possess the right of voting, a person must be 21 years of age and a natural born or naturalised subject of His Majesty; he must also possess a freehold worth £100, or pay rent for a house or land of not less than £10 per annum, or hold a pastoral license from the Crown, or be in receipt of salary at the rate of not less than £100 per annum, or pay £40 per annum for board and lodging, or £10 for lodging alone.

Since the introduction of responsible government in Queensland there have been thirteen complete Parliaments. The first Parliament was opened on the 29th May, 1860, and dissolved on the 22nd May, 1863. The fourteenth Parliament was opened on the 11th July, 1902. At the last general election for the Legislative Assembly in March, 1902, the total number of electors on the roll was 108,548. The number of electors recording votes was returned at 80,076, and the percentage of voters to the total enrolment in contested districts was 78·9.

South Australia.

The Constitution of the state of South Australia is based upon the Imperial Statute 13 and 14 Vic. c. 59. Under section 32 of that Act the Governor and Legislative Council established thereby were empowered to alter, from time to time, the provisions and laws in force under the said Act for the time being, and to constitute separate Legislative Chambers, in place of the said Legislative Council. The present form of Constitution was embodied in "An Act to establish a Constitution for South Australia, and to grant a civil list to Her Majesty," passed by the old Legislative Council in 1855, and reserved for the signification of Her Majesty's pleasure in January, 1856. By proclamation dated October 24th, 1856, Her Majesty's assent to the Constitution Act, No. 2 of 1855–6, was made known in the colony. This statute provided for two Houses of Parliament—a Legislative Council and a Legislative Assembly. The Legislative Council, which consisted of eighteen members, was elected by the whole province,

voting as a single electorate. Each member was elected for twelve years, but it was provided that at the expiration of each period of four years the first six members on the roll, their places in the first instance having been determined by ballot, should retire, and an election take place to supply the vacancies. The names of the members who were elected to fill their places were inscribed at the bottom of the list, and at the end of a further term of four years six others retired, and the same order was observed in placing the newly-elected members. In this way frequent changes were made in the personnel of the Council, in addition to those which occurred by death, resignation, or other causes, such as bankruptcy, lunacy, etc. The qualification of a member for the Council was that he must be of the full age of 30 years, a natural-born or naturalised subject of Her Majesty, or legally made a denizen of the province, and a resident therein of the full period of three years. For an elector the age was fixed at 21 years, with a property qualification of a freehold estate of the value of £50; or a leasehold of £20 annual value, with three years to run; or occupation of a dwelling-house of £25 annual value, and being registered on the electoral roll of the province for six months prior to the election. The same qualification with regard to citizenship was demanded of both members and electors. By Act No. 236 of 1881 the number of members of the Council was increased to twenty-four, and the province divided into four electoral districts, each returning six members, but from the end of March, 1902, the membership will be reduced to eighteen.

As originally constituted, the House of Assembly consisted of thirty-six members elected for three years. By an amendment of the Constitution Act the number was increased to fifty-four, but in accordance with the scheme of Parliamentary economy the House will consist of forty-two members after the end of March, 1902. The qualification of a member was that he should be entitled to be registered as a voter in and for an electoral district within the province, and that he should have resided in the province for the full period of five years. All that was required of an elector was that he should be 21 years of age, a natural-born or naturalised subject of Her Majesty, and registered on the electoral roll of any electoral district for six months previous to the election.

By the Constitution Amendment Act of 1894 the franchise was extended to women.

The powers of both Houses of Parliament, with one important exception, are similar. The first clause of the Constitution Act requires that all Bills for appropriating any part of the revenue of the province, or for imposing, altering, or repealing any rate, tax, duty, or impost, shall originate in the House of Assembly. By an agreement between the two Houses, the Council may suggest amendments, and if acceptable the Assembly may embody them in a "money" Bill, but the Council has no power to force their acceptance on the Assembly.

The duration of Parliament is for three years, but the Governor, on the advice of his Ministers, or "*ex mero motu*," may dissolve it at any time. Members of both Houses receive £200 per annum each, and a free pass over Government railways. As originally constituted, the Ministry was formed by five members of the Legislature—the Chief Secretary, the Attorney-General, the Treasurer, the Commissioner of Crown Lands, and the Commissioner of Public Works. Later on a sixth Minister was added to the number. Five of these are members of the House of Assembly and one of the Legislative Council. They are removable by adverse vote of the Legislative Assembly, or if the contingency arose to require the exercise of the prerogative they may be dismissed by the Governor. The Ministry formulates the policy to be submitted to the Legislature, and advises the Governor as to his course of procedure. It also forms the Executive Council, over which the Governor "*ex officio*" is President, while the Lieutenant-Governor also occupies a seat. Under the terms of the Constitution Amendment Act of 1901 the number of responsible Ministers has been reduced to four since the 31st March, 1902. The Governor possesses the prerogative of mercy, in the exercise of which he generally follows the advice of his Ministers. By a despatch from the Secretary of State he has been instructed to follow the advice tendered by the Executive; at the same time he retains the power to act on his own initiative in special cases where he deems such a course to be in the interest of the Crown. In such instances he is supposed to report immediately to the Secretary of State, adducing the reason for his action.

Since the inauguration of responsible Government there have been sixteen Parliaments. The first Parliament was opened on the 22nd April, 1857, and dissolved on the 1st March, 1860, while the sixteenth was opened on the 22nd June, 1899. The number of electors on the roll of the Legislative Council at the last general election in May, 1900, was 48,542, and of these, 25,310, or 52 per cent., recorded their votes. At the general election for the House of Assembly in April, 1899, there were 83,698 males and 68,695 females on the rolls, or a total of 152,393. In contested districts the numbers enrolled were 81,570 males and 67,030 females, and of these, 54,972 males and 38,438 females recorded votes, the percentage of males voting being 67·3, and of females, 57·2.

Western Australia.

The Bill enabling Her Majesty "to grant a Constitution to Western Australia," received the Royal assent on the 15th August, 1890. When the measure was first discussed in the Imperial Parliament strong opposition was aroused, chiefly owing to a misunderstanding of questions relating to the Crown lands. It was argued that to hand over the control of such a vast territory to the 45,000 inhabitants thinly scattered over it was a piece of political folly. But, through the exertions

of the colonial delegates then in England, aided by the influence of Sir William Robinson, and supported by the assistance of the Agents-General of the other Australasian provinces, the final obstacles were swept away. In all essential points, the Constitution of Western Australia is similar to those of the other states of Australia.

The executive power is vested in the Governor, who is appointed by the Crown, and who acts under the advice of a Cabinet.

The legislative authority is vested in a Parliament, composed of two Houses—a Legislative Council and a Legislative Assembly.

After the establishment of responsible government, the members of the Upper House were, in the first instance, nominated by the Governor, but it was provided that, in the event of the population of the province reaching 60,000, the Chamber should be elective. This limit was reached in 1893, and the constitution was shortly afterwards amended so as to give effect to the proviso mentioned. There are at present thirty members of the Legislative Council, each of the ten electorates returning three members. The qualification for membership is as follows :—being (1) a man of 30 years of age and free from legal incapacity ; (2) a resident in Western Australia for at least two years ; (3) a natural-born subject of His Majesty, or naturalised for five years and resident in Western Australia during that period. The disqualifications are :—being (1) a member of the Legislative Assembly ; (2) a Judge of the Supreme Court ; (3) Sheriff of Western Australia ; (4) a clergyman or minister of religion ; (5) an undischarged bankrupt ; (6) attainted of treason or convicted of felony in any part of the King's dominions ; (7) directly or indirectly concerned in any contracts for the public service, except as member of an incorporated trading society ; (8) holding an office of profit under the Crown other than that of Minister, President of the Council, or officer of His Majesty's sea or land forces on full, half, or retired pay.

Members of the Legislative Council are paid at the rate of £200 per annum, and are provided with free railway passes. At the expiration of two years from the date of election, and every two years thereafter, the senior member for the time being for each province retires. Seniority is determined (1) by date of election ; (2) if two or more members are elected on the same day, then the senior is the one who polled the smaller number of votes ; (3) if the election be uncontested, or in case of an equality of votes, then the seniority is determined by the alphabetical precedence of surnames, and, if necessary, of Christian names.

The electoral qualification for the Upper House is as follows :—Being (1) at least 21 years of age, and not subject to legal incapacity ; (2) a natural-born or naturalised subject of His Majesty resident in the state for twelve months, or a denizen of Western Australia ; (3) either (*a*) have possessed for at least one year before being registered in his electoral province a freehold estate of the clear value of £100 above all charges or encumbrances ; or (*b*) have been a householder for the last

preceding twelve months of a dwelling of the clear annual value of £25; or (*c*) be a holder of a leasehold of the clear annual value of £25, the lease having eighteen months to run; or (*d*) have been a holder of a leasehold for the last preceding eighteen months of the annual value of £25; or (*e*) be a holder of a lease or license from the Crown at an annual rental of at least £10; or (*f*) have his name on the electoral list of a municipality or Roads Board in respect of property in the province of the annual ratable value of £25. Foreigners or persons who are not naturalised subjects of His Majesty, or any person attainted or convicted of treason, felony, or any infamous offence in His Majesty's dominions who has not served the sentence for the same, or received a pardon for the offence, are disqualified as electors.

For the Legislative Assembly in Western Australia there are fifty electorates, each returning a single member. The tenure of seat is three years, and members are paid at the rate of £200 per annum, with a free railway pass. The qualification for membership is as follows:—being (*a*) a man of 21 years of age and free from legal incapacity; (*b*) a natural-born subject of the King, or naturalised for five years, and resident in Western Australia for two years; (*c*) resident in Western Australia for at least twelve months. Persons are disqualified by being (*a*) a member of the Legislative Council; (*b*) a Judge of the Supreme Court; (*c*) Sheriff of Western Australia; (*d*) clergyman or minister of religion; (*e*) an undischarged bankrupt or debtor whose affairs are in course of liquidation or arrangement; (*f*) under attainder of treason or conviction of felony in any part of the King's dominions; (*g*) directly or indirectly concerned in contracts for the public service except as member of an incorporated trading society. Paid officers under the Crown, except officers of His Majesty's sea and land forces on full, half, or retired pay, or political officers, are also ineligible.

The electoral qualification for the Legislative Assembly is as follows:—electors must be 21 years of age, natural born or naturalised subjects of the King, and must have resided in the state for six months and been six months on the roll. They must also be resident in the district or hold freehold estate there of the clear value of £50, or be house holders occupying a dwelling of the annual value of £10, or holders of an annual lease of the value of £10, or holders of a lease or license or Crown lands of an annual rental of £5, or have their names on the electoral list of a municipality or Roads Board in respect of property within the district. Electors for both Houses may be of either sex.

Since the establishment of responsible Government in Western Australia there have been three complete Parliaments. The first Parliament was opened on the 30th December, 1890, and dissolved on the 1st June, 1894. The third Parliament was opened on the 17th August, 1897, and was dissolved on the 15th March, 1901. The present Parliament commenced its sittings on the 28th June, 1901. At the

beginning of 1902 the number of electors on the roll for the Legislative Council was 23,608, and for the Assembly 89,442. The electors on the rolls in contested districts at the general election for the Legislative Assembly in 1901 numbered 83,114, and of these, 33,479, or 40·3 per cent., recorded their votes.

TASMANIA.

THE Constitution of Tasmania is embodied in Act 18 Vic. No. 17, known as the "Constitutional Act," and in the amending acts subsequently introduced, viz., 23 Vic. No. 23, 34 Vic. No. 42, and 48 Vic. No. 54. A form of government is provided for, consisting of a Governor, appointed by the Crown, and a Legislative Council and House of Assembly, elected by the people. These constitute the "Parliament of Tasmania." Amongst the most important of the powers of the Governor are the appointment, according to law, of the members of the Executive, Ministers of the state, judges, commissioners, and other necessary officers. The Governor also possesses the prerogative of mercy, in the exercise of which he is guided by the advice of the Executive. He may dissolve the House of Assembly at any time; but he cannot adopt this procedure with the Legislative Council, the members of which are appointed for six years. The Governor, in the exercise of his powers, is generally supposed to consult the Executive Council; but in some cases he may act on his own authority, should he consider that circumstances demand such procedure. In all such cases, however, he is required to report immediately to the Imperial authorities, setting out the reasons for his action. The Governor is not permitted to leave the state for more than one month at a time without first obtaining His Majesty's sanction.

The Legislative Council consists of nineteen members, appointed for a term of six years. Members must be natural-born or naturalised subjects of His Majesty, not holding offices of profit under the Crown, and not less than 30 years of age.

Electors for the Legislative Council must be natural-born or naturalised subjects of His Majesty, 21 years of age, and possessing freehold of the annual value of £10, or leasehold of the annual value of £30, or be graduates in any university in the British dominions, or associates of art of Tasmania, or legal practitioners in the Supreme Court of Tasmania, or legally-qualified medical practitioners, or ministers of religion, or officers or retired officers of His Majesty's land and sea forces not on actual service, or retired officers of the Volunteer Force of Tasmania.

The Legislative Council may, within constitutional limits, originate legislation in respect of any matter, with the exception of bills for appropriating revenue or imposing taxation. The Constitution, however, really leaves to either branch of the Legislature the task of determining the form and extent of its rights and privileges.

Members of the Legislative Council, and also of the House of Assembly, receive an honorarium of £100 per annum, with a free railway pass and the privilege of franking letters and telegrams.

The House of Assembly consists of thirty-eight members, elected for three years. Members must be 21 years of age and natural-born or naturalised subjects of His Majesty. The following list of disqualifications applies to both Houses as regards right of election or membership:—(*a*) accepting office of profit under the Crown; (*b*) being a contractor for the Government, except as member of a company of more than six persons; (*c*) declaring allegiance to any foreign power; (*d*) holding the office of Judge of the Supreme Court; (*e*) being insane, attainted or convicted of treason, felony, or any infamous offence. The electoral qualification for the House of Assembly is as follows:—being a natural-born or naturalised subject of His Majesty, and (*a*) owner or occupier of property as shown on the Assessment Roll, or (*b*) in receipt of income, salary, or wages, at the rate of £40 per annum, and having received income, salary, or wages equal to £20 during the period of six months immediately prior to claiming a vote. Board and residence, clothing, and services are deemed income under the Act. In computing wages, rations, allowances, and rent are included, on the following scale:—In the case of house allowance, £10 per annum; for rations, £20 per annum; for board and residence, £25 per annum; for house allowance and rations, £30 per annum.

Since the inauguration of responsible Government, there have been thirteen complete Parliaments in Tasmania. The first Parliament was opened on the 2nd December, 1856, and dissolved on the 8th May, 1861. The second session of the thirteenth Parliament commenced on the 28th May, 1901. On the 31st March, 1902, the number of electors on the roll for the Legislative Council was 10,502. In contested electorates the number was 7,613, and of these, 4,919, or 64·6 per cent., recorded votes. On the same date there were 39,495 electors on the roll of the Legislative Assembly. At the last election in contested districts the number of ballot-papers was 26,845. The votes recorded numbered 23,966, or 64·3 per cent. of the enrolment, and there were 618 informal ballot-papers.

New Zealand.

The Act of the Imperial Legislature granting representative institutions to New Zealand was assented to in 1852. Under this Act the constitution of a General Assembly for the whole colony was provided for, to consist of a Legislative Council, the members of which were to be nominated by the Governor and a House of Representatives on an elective basis. By the Act of 1852 the colony was divided into six provinces, each presided over by an elective Superintendent, and with a separate Provincial Council, empowered to legislate except on certain

specified subjects. These Provincial Councils, the number of which was afterwards increased to nine, remained as integral parts of the Constitution until 1876, when they were abolished by the General Assembly that body having the power of amending the Constitution Act. The powers previously exercised by Superintendents and provincial officers were delegated to local boards called County Councils, or vested in the Governor.

The Governor is appointed by the Crown, but his salary and allowances are paid by the colony, the present salary being £5,000 per annum. Executive administration is vested in the Governor, and is conducted according to the principles of responsible government. The Governor can appoint or dismiss his Ministers, but his Ministers must possess the confidence of the majority in the House of Representatives. He can assent to bills or withhold assent therefrom, or reserve them for the signification of His Majesty's pleasure. He can summon, prorogue, and dissolve the colonial Parliament. He can send drafts of bills to either House for consideration, and can return bills to either House for specific amendment after they have been passed by both Houses, and before they are assented to or reserved by him. The Commission from the King delegates to the Governor certain powers of the royal prerogative, and provides for the constitution of an Executive Council to advise him in matters of importance, such Executive Council consisting of responsible Ministers for the time being. The number of members constituting the Legislative Council cannot be less than ten, but otherwise is practically unlimited. At present the number is forty-six. Councillors are remunerated for their services at the rate of £150 per annum, payable monthly, and actual travelling expenses to and from Wellington are also allowed. A deduction of £1 5s. per sitting day is made in case of absence, except through illness or other unavoidable cause, exceeding five sitting days in any one session. To be qualified as a member of the Council a person must be of the full age of 21 years, and a British subject either by birth or by Act of the Imperial Parliament or the Parliament of New Zealand. All contractors to the public service to an amount of over £50, and civil servants of the colony are ineligible. Prior to 1891, Councillors held their appointments for life, but on the 17th September of that year an Act was passed making seven years the period of tenure of a seat, though members may be re-appointed.

The House of Representatives consists of seventy-four members, of whom four are Maoris, but it is provided by the Representation Act of 1900 that on the expiration of the present General Assembly the number of European representatives shall be increased to seventy-six. The North Island at present returns thirty-four European members and the Middle Island thirty-six. All the electoral districts return one member each, with the exception of the cities of Auckland, Wellington, Christchurch, and Dunedin, which each return three members. Representatives are remunerated for their services at the

rate of £240 per annum, but £2 per day for every sitting day exceeding five is deducted on account of absence during the session not due to illness or other unavoidable cause. To be qualified for membership of the House of Representatives a person must be of the male sex, duly registered on the electoral roll, and free from the disabilities mentioned in Section 8 of the Electoral Act of 1893. All contractors to the public service of New Zealand to whom any public money above the sum of £50 is payable, directly or indirectly, in any one financial year, as well as civil servants of the colony, are incapable of being elected, or of sitting and voting as members.

Every man or woman of the full age of 21 years, who is either a natural-born or naturalised British subject, and resident in the colony one year, and three months in one electoral district, is qualified to be registered as an elector and vote at elections of members for the House of Representatives. In the Maori districts, adult Maoris are entitled to vote without registration. Under the provisions of the Electoral Act of 1893, the franchise is extended to women of both races in accordance with the qualifications specified above, but women may not be elected as members of the House of Representatives. No person may be represented on more than one electoral roll. The Act also provides that the name of every qualified elector who fails to record his vote shall be removed from the roll after the election. Since the passing of the Constitution Act conferring representative institutions upon the colony of New Zealand there have been thirteen complete Parliaments. The first Parliament was opened on the 27th May, 1854, and dissolved on the 15th September, 1855, and the thirteenth opened on the 7th April, and dissolved on the 24th October, 1899. The first session of the fourteenth Parliament opened on the 22nd June, 1900.

At the general election for the first Parliament, which took place in 1853, the population of the colony numbered 30,000, and the electors on the roll 5,934. At the last general election for the House of Representatives, in December, 1899, the electors on the roll numbered 373,744, of whom 163,215 were females. In the contested districts the male and female electors numbered 202,089 and 157,929 respectively, and the number of male voters was 159,780, or 79 per cent. of males enrolled, while 119,550, or 75·6 per cent., of the female electors recorded their votes.