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SECTION II.

DISCOVERY, COLONISATION, AND FEDERATION OF
AUSTRALIA.

§ 1. Early Knowledge of Australia.

1. **Introduction.**—It is proposed to give here only a brief summary of the more important facts relating to the early history of Australian discovery. A more complete account of this subject, together with bibliographical references thereto, may be found in Year Book No. 1 (pp. 44 to 51).

2. **Early Tradition.**—It would appear that there was an early Chaldean tradition as to the existence of an Austral land to the south of India. Rumours to that effect in course of time found their way to Europe, and were probably spread by voyagers from Indian seas, more especially by the Greek soldiers who accompanied Alexander the Great [B.C. 356-323] to India. References to this *Terra Australis* are found in the works of Ælianus [A.D. 205-234], Manilius [probably a contemporary of Augustus or Tiberius Cæsar], and Ptolemy [A.D. 107-161]. The precise period at which Australia was first discovered by Europeans is not known. In some of the maps of the first period of the Middle Ages there is evidence which might warrant the supposition of the knowledge of the existence of a *Terra Australis*, while a less indefinite idea of the Austral land appears in the maps and manuscripts of the fourteenth and fifteenth centuries.

3. **Discovery of Australia.**—The Venetian traveller, Marco Polo [1254-1324], and Nicolo de' Conti [circa 1440], refer to a land called *Java Major*, which there is little doubt was Australia. On the Mappamundi in the British Museum, of not later date than 1489, there is a coast-line which can be none other than the west coast of Australia. Martin Behaim's globe, the oldest known globe extant, constructed in 1492, also shews part of Australia's coast-line, and a wooden globe in Paris bears an inscription to the effect that the *Terra Australis* was discovered in 1499. It is possible, however, that this term was also applied to the regions now known as Terra del Fuego, so that but little weight can be attached to this reference.

In the Dauphin map [about 1530-1536] Australia is referred to as *Jave la Grande*.

The last decade of the fifteenth century and the commencement of the sixteenth saw numerous expeditions equipped in the ports of Spain and Portugal for the purpose of exploiting the new world. The Portuguese rounded Cape Horn and pushed eastward. The Spaniards, relying on the scientific conclusion that the world was spherical, attempted to get to the east by deliberately starting out west, Magalhaens by so doing reaching the Philippine Islands in 1581. It would appear, however, that for some reason all definite information regarding the *Terra Australis* was suppressed.

It may be mentioned that in 1606, de Quiros, on reaching Espiritu Santo, thought that he had come to this great land of the South, and therefore named the island *La Australia del Espiritu Santo*. De Torres, who was with him, passed through the straits which now bear his name, and proceeded to the Philippine Islands, thus marking the close of Spanish activity in the work of Australian discovery.

With the decline of Portuguese and Spanish naval supremacy came the opportunity of the Dutch for discovery. Cornelius Wytfliet's map, of which there was an English edition, published at Louvain in 1597, indicates roughly the eastern and western coasts of Australia, as well as the Gulf of Carpentaria. The following passage, which occurs in the book just referred to, is perhaps the first distinct account that we have of Australia:—"The *Australis Terra* is the most southern of all lands. It is separated from New Guinea by a narrow strait. Its shores are hitherto but little known, since, after one voyage and another, that route has been deserted and seldom is the country visited, unless when sailors are driven there by storms. The *Australis Terra* begins at one or two degrees from the equator, and is maintained by some to be so great an extent that, if it were thoroughly explored, it would be regarded as a fifth part of the world."

The Dutch East India Company, established in 1602, sent the *Duyfken* from Bantam to explore the islands of New Guinea, and the commander of that vessel made the first authentic discovery of the great South Land, the region he visited being a little to the south west of Cape York. The country was found for the most part desert; some of the crew were murdered by the blacks, and from want of provisions the expedition was obliged to turn back. Dirck Hartog, in the *Eendracht* in 1616, sailed along a considerable part of the west coast. The Dutch vessels, *Pera* and *Arnhem*, in 1623, discovered Arnhem Land, the peninsula on the western side of the Gulf of Carpentaria, which was so named in compliment to Peter Carpenter, Governor to the Dutch East India Company.

English enterprise was early shewn, viz., by Sir William Courteen petitioning James I., in 1624, for the privilege of erecting colonies in the *Terra Australis*, a petition which probably was not granted. In 1627, Pieter Nuyts, commander of the *Gulde Zeepaert*, sailed from Cape Leeuwin and sighted the whole shore of the Great Australian Bight. In 1628, De Witt, commander of the *Vianen*, discovered land on the north-west, viz., in about latitude 21° S. The *Batavia*, commanded by Francis Pelsart, was wrecked on the western coast of Australia in 1629. Pelsart was the first to carry to Europe an authentic account of the west coast of Australia, which, however, he described in the most unfavourable terms. His journal contains what is probably the first description of the kangaroo given by any white explorer. Gerrit Pool, commanding the yachts *Amsterdam* and *Wesel*, visited the Gulf of Carpentaria in 1636.

Abel Janszoon Tasman, in command of two vessels, the *Heemskirk* and *Zeehaen*, set out in 1642 to ascertain the extent of the great southern continent. He named Van Diemen's Land, imagining it to be part of Australia proper, and sailing north-easterly discovered New Zealand. In his second voyage in 1644, Tasman visited the northern coasts of Australia, but made no discoveries of importance. The period of Dutch discoveries may be said to have ended with Tasman's second voyage, and, with the decline of Dutch maritime power, their interest in Australian discovery vanished. It may, however, be pointed out, that William de Vlamingh landed at the mouth of the Swan River at the end of 1696, and in 1705 a Dutch exploring squadron under Martin van Delft visited and named parts of the north-west coast of Australia.

4. Discoveries by the English.—The north-western shores of Australia were first visited by William Dampier, in the *Cygnat*, in 1688. In describing the country Dampier stated that he was certain that it joined neither Asia, Africa, nor America. In 1699 he again visited Australia, in command of H.M.S. *Roebuck*, and on his return to England published an account in which a description is given of trees, flowers, birds, and reptiles observed, and of encounters with natives.

It was a question at the end of the seventeenth century whether Tasmania and New Zealand were parts of Australia, or whether they were separated from it, but themselves formed part of a great Antarctic Continent. Captain James Cook's first voyage, though primarily undertaken for the purpose of observing the transit of Venus from Otaheite, had also for its objective to ascertain whether the unexplored part of the southern hemisphere be only an immense mass of water or contain another continent. In command of H.M.S. *Endeavour*, a barque of 370 tons burthen, carrying about eighty-five persons, and accompanied by Sir Joseph Banks, Dr. Solander the naturalist, Green the astronomer,

draughtsmen, and servants, Cook, after observing the transit of Venus at Otaheite, turned towards New Zealand, sighting that land on the 8th October, 1769,¹ in the neighbourhood of Poverty Bay. Circumnavigating the North and South Islands, he proved that New Zealand was connected neither with the supposed Antarctic continent nor with Australia, and took formal possession thereof in the name of the British Crown. On the 20th of April, 1770,¹ at 6 a.m., Cook sighted the Australian mainland at a place he called Point Hicks, naming it after his first-lieutenant, who first saw it. Coasting northwards, Botany Bay was discovered on the 29th April, 1770.¹ The *Endeavour* dropped anchor, and Cook landed on the following day. On the 2nd May, 1770,¹ a seaman named Sutherland died and was taken ashore to be buried; he was probably the first British subject buried on Australian soil. Cook sailed along the coast in a northerly direction for nearly 1300 miles, until the 12th June, 1770,¹ when the *Endeavour* was seriously damaged by striking a coral reef in the vicinity of Trinity Bay. Repairs occupied nearly two months, and the *Endeavour* then again set her course to the north, sailing through Torres Straits and anchoring in the Downs on the 14th June, 1771.¹ In 1772 Cook was put in command of the ships *Resolution* and *Adventure*, with a view of ascertaining whether a great southern continent existed, and having satisfied himself that, even if it did, it lay so far to the south as to be useless for trade and settlement, he returned to England in 1774. Cook's last voyage was undertaken in 1776, and he met his death on the 14th February, 1779, by which date practically the whole coast of Australia had been explored. The only remaining discovery of importance to be made was the existence of a channel between Tasmania and Australia. This was discovered by Flinders and Bass in 1798.

The most complete examination of the early history of discovery in the region of Australia is the "Critical, Documentary, and Historical Investigation concerning the Priority of Discovery in Australasia by Europeans before the Arrival of Lieut. James Cook in the *Endeavour* in the year 1770," by George Collingridge. Esquire. 4to, pp. 376, + xv. Sydney, 1895.

§ 2. The Taking Possession of Australia.

1. **Annexation of Eastern Part of Australia.**—Although as far back as 1503 a French navigator named J. Binot Paulmier, Sieur de Gonneville, claimed to have landed on the west coast of Australia, and similar claims were put forward by the French and Portuguese in respect of alleged discoveries in 1531 and 1601 by Guillaume le Testre and Manoel Godinho de Eredia respectively, it was not until the 23rd August, 1770, that the history of Australia was brought into political connection with western civilisation. It was on that date that Captain Cook took possession "of the whole eastern coast, from lat. 38° to this place, lat. 10½° S., in right of His Majesty King George the Third." Cook, however, proclaimed British sovereignty only over what are now the eastern parts of New South Wales and Queensland, and formal possession, on behalf of the British Crown, of

1. *Correct dates of Captain Cook's Log.* After the 180° meridian of longitude had been passed, and owing to no allowance having been made for westing, the various log-books of this voyage are in error one day as to dates. Thus those in Captain Cook's private log, in his official log, in Gunner Forwood's, Pickersgill's, Clerke's, Wilkinson's, and Bootie's Journals, in the Palliser copy of Cook's log, and in Wharton's publication, all need correction by adding one day to the date given: that is, the 19th should read the 20th, etc. The anonymous log, doubtless Green's, is erroneously supposed by the author of the "Historical Records of New South Wales," to have been corrected for westing, see the foot-note on page 269 therein. The facts are as follows:—What was known as "ship time" began a day earlier than under the present system of astronomical reckoning, that is to say, Jan. 1 began at noon Dec. 31. The "Astronomical day," however, was a whole day later than the *ship's day*: thus what would be assigned to the 24th in Cook's Journal would appear in Green's Journal as the 23rd. (See "Captain Cook's Journal", 1768-71, by Captain W. J. L. Wharton, R.N., F.R.S., London, 1893, preface pp. xii., xiii.) There can be no doubt as to the need of the correction in the dates, since on reaching Batavia the log reads:—"Wednesday 10th, according to our reckoning, but by the people here Thursday 11th." (Op. Cit., pp. 352-3.) Attention was drawn to this matter by Mr. P. de Jersey Grut in the "Argus," Melbourne, May 15, 18 and 22, 1907.

the whole of the eastern part of the Australian Continent and Tasmania was not taken until the 26th January, 1788. It was on this last date that Captain Phillip's commission, first issued to him on the 12th October, 1786, and amplified on the 2nd April, 1787, was read to the people whom he had brought with him in the "First Fleet."

A full historical account of the period referred to may be found in the "Historical Records of New South Wales," vol. I., parts 1 and 2.

2. Original Extent of New South Wales.—The commission appointed Phillip "Captain-General and Governor-in-Chief in and over our territory called New South Wales, extending from the Northern Cape or extremity of the coast called Cape York, in the latitude of ten degrees thirty-seven minutes south, to the southern extremity of the said territory of New South Wales or South Cape, in the latitude of forty-three degrees thirty-nine minutes south, and of all the country inland westward as far as the one hundred and thirty-fifth degree of east longitude reckoning from the meridian of Greenwich, including all the islands adjacent in the Pacific Ocean within the latitudes aforesaid of ten degrees thirty-seven minutes south and forty-three degrees thirty-nine minutes south."

Although in November, 1769, Captain Cook had taken possession of the North Island of New Zealand, and in January, 1770; also of the South Island, it is a matter of doubt whether, at the time when Captain Phillip's commission was drawn up, New Zealand was considered as one of the "islands adjacent in the Pacific Ocean." The facts that under the Supreme Court Act (Imperial) of 1823 British residents in New Zealand were brought under the jurisdiction of the court at Sydney, while in 1839 there was a proposal on the part of the British Government to appoint a Consul in New Zealand, would leave this an open question, as nothing more than extra-territorial jurisdiction may have been intended. Various hoistings of flags notwithstanding, New Zealand does not appear to have unequivocally become British territory until 1840. In that year, on the 29th January, Captain Hobson arrived at the Bay of Islands. On the following day he read the commission, which extended the boundaries of the colony of New South Wales so as to embrace and comprehend the Islands of New Zealand. On the 5th February the Treaty of Waitangi, made with the native chiefs, was signed. Finally, on the 21st May, British sovereignty over the Islands of New Zealand was explicitly proclaimed. From that date until the 3rd May, 1841, New Zealand was indubitably a dependency of New South Wales.

3. Annexation of Western Australia.—In June, 1825, Lieut. - General Sir R. Darling, then Governor of New South Wales, sent Major Lockyer, with a party numbering about 75, to found a settlement at King George III. Sound. The expedition sailed from Sydney on the 9th November, 1826, and landed at the Sound on the 25th December following and hoisted the British flag. On the 17th January, 1827, Captain Gilbert in H.M.S. *Success* was despatched from Sydney to re-victual the settlement. A party from the vessel explored the Swan River on the 8th March, and King George's Sound was reached on the 2nd April. On the 2nd May, 1829, Captain Fremantle hoisted the British flag on the south head of the Swan River, and took possession of "all that part of New Holland which is not included within the territory of New South Wales." Thus, before the middle of 1829 the whole territory, now known as the Commonwealth of Australia, had been constituted a dependency of the United Kingdom.

For a fuller account of the discovery and annexation of Western Australia reference may be made to the Western Australian Year Book, 1902-4, pp. 1 to 30.

§ 3. The Creation of the Several Colonies.

1. **New South Wales as Original Colony.**—From what has been said, the mainland of Australia was, in Governor Phillip's commission of 1786, originally as shown on map No. 1, that is, it was divided by the 135th meridian of east longitude into two parts. The earliest colonists believed that Van Diemen's Land—the present State of Tasmania—was actually joined to the mainland, and it was not till 1798 that the contrary was known. In that year, by sailing through Bass Straits, Flinders proved that it was an island. The territory of New South Wales, as originally constituted, and of New Zealand, which may be included, although Cook's annexation was not properly given effect to until 1840, was thus :—

					Square Miles.
Australia, east of 135° longitude east	...	...	...	...	1,454,312
Van Diemen's Land	...	...	...	...	26,215
New Zealand	...	...	...	...	104,471
Total	...	...	...	...	1,584,998

The western part of Australia, not then annexed, comprised originally 1,494,054 square miles.

2. **Separation of Van Diemen's Land.**—In 1825, Van Diemen's Land, as Tasmania was then called, was politically separated from New South Wales, being constituted a separate colony on the 14th June of that year. This reduced the area of New South Wales and its territorial dependencies by 26,215 square miles, that is, to 1,558,783 square miles.

3. **Extension of New South Wales Westward.**—In 1827 the western or inland boundary of New South Wales was extended westward to the 129th meridian,¹ thus increasing its area by 518,134 square miles, and making it, including New Zealand and excluding Tasmania, 2,076,917 square miles, or excluding also New Zealand, 1,972,446 square miles.

4. **Western Australia constituted a Colony.**—The territory annexed by Captain Fremantle in 1829, viz., "all that part of New Holland which is not included within the territory of New South Wales," extended eastward to the 129th meridian, and comprised 975,920 square miles. The constitution of this area into the Colony of Western Australia, now one of the six States of the Commonwealth, was the consequence of Fremantle's act. By it the annexation of the whole of the Continent of Australia by the British Crown was completed. The Australian colonies at this time were as indicated in the following table, and illustrated by map No. 2 :—

Colony.	Date of Annexation.	Date of Creation.	Date of First Permanent Settlement.	Area. Square mile.
New South Wales (including New Zealand) ...	1770	1786	1788	2,076,917
Van Diemen's Land ...		1825	1803	26,215
Western Australia ...	1829	1829.	1829	975,920

5. **Creation of South Australia as a Province.**—On the 15th August, 1834, the Act 4 and 5 William IV., cap. 95, was passed, creating South Australia a "province," and on

¹ See "The Annotated Constitution of the Australian Commonwealth," by Quick and Garran, 1901, page 35.

the 28th December, 1836, settlement took place. The new colony embraced 309,850 square miles of territory, which, lying south of the 26th parallel of south latitude, and between the 141st and 132nd meridians of east longitude, was up to that time included within the territory of New South Wales, as will be seen on reference to map No. 3. Thus the area of New South Wales and New Zealand was reduced to 1,767,067 square miles.

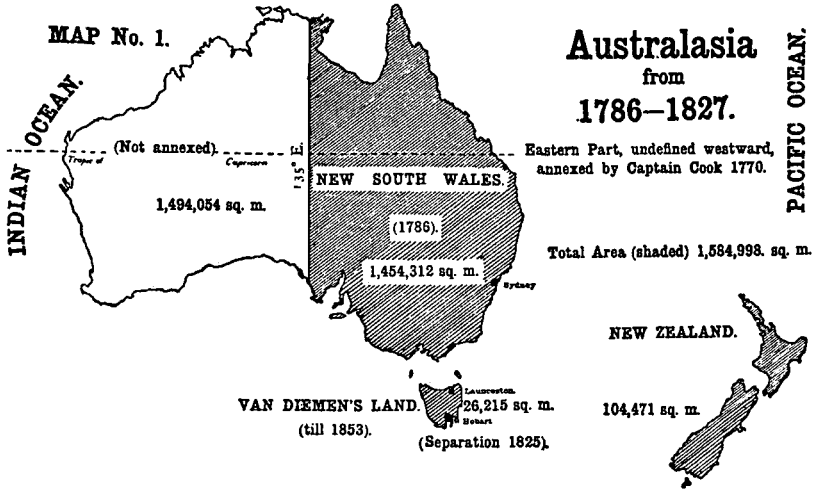
6. Separation of New Zealand.—New Zealand, nominally annexed by Captain Cook and formally declared by proclamation in 1840 as a dependency of New South Wales, was, by letters patent of the 16th November of that year, constituted a separate colony under the powers of the Act 3 and 4 Vic., cap. 62, of the 7th August, 1840. Proclamation of the separation was made on the 3rd May, 1841. The area of the colony is 104,471 square miles, and its position in reference to Australia is shewn on map No. 4. This separation reduced the political territory of New South Wales to 1,662,596 square miles. See map No. 3.

7. Separation of Victoria.—In 1851, what was known as the "Port Phillip District" of New South Wales, was constituted the Colony of Victoria, "bounded on the north and north-east by a straight line drawn from Cape Howe to the nearest source of the River Murray, and thence by the course of that river to the eastern boundary of the colony of South Australia." The area of the new colony is 87,884 square miles, and its separate existence took effect from the 1st July, 1851, upon the issuing of the writs for the first election of elective members of the Legislative Council. This reduced the territory of New South Wales to 1,574,712 square miles, as indicated on map No. 4.

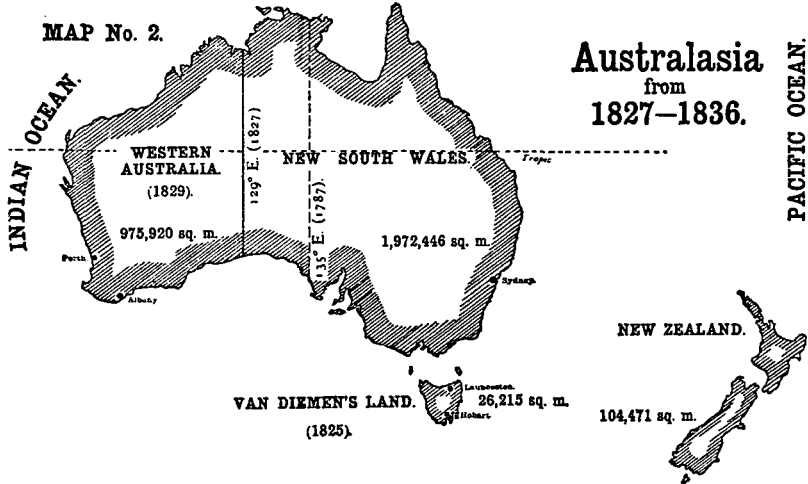
8. Separation of Queensland.—In 1859 letters patent issued on the 6th June constituted what was then known as the Moreton Bay District of New South Wales a separate colony, under the name of Queensland. The territory originally comprised in the new colony was described in the letters patent as being so much of the colony of New South Wales as lies northward of a line commencing on the sea coast at Point Danger, in latitude about 28° 8' south, running westward along the Macpherson and Dividing Ranges and the Dumaresq River to the MacIntyre River, thence downward to the 29th parallel of south latitude, and following that parallel westerly to the 141st meridian of east longitude, which is the eastern boundary of South Australia, together with all the adjacent islands, their members, and appurtenances in the Pacific Ocean. In Year Book No. 1 it was stated that the western boundary of the new colony was defined by the letters patent of the 6th June, 1859, as being "the 141st meridian of longitude from the 29th to the 26th parallel, and thence the 138th meridian north to the Gulf of Carpentaria." Further investigations have, however, shewn that this statement is incorrect, and that the western boundary was not specifically defined at all. The western limits of the new colony were, however, defined by inference from the fact that its area comprised the territory to the northward of a line extending as far west as the 141st meridian of east longitude, i.e., the 141st meridian was the western boundary. The area of the new colony thus constituted was 554,300 square miles. By this separation the remaining territory of New South Wales was divided into two parts, viz., one of 310,372 square miles, the present State, and another of 710,040 square miles, of which 116,200 square miles is now a part of Queensland, 523,620 square miles is the Northern Territory, and 70,220 square miles is now a part of South Australia. These facts are shewn on map No. 5.

9. No further Creation of Colonies.—Since the separation of Queensland, no other creation of colonies has taken place in Australia, though the boundaries of New South Wales, Queensland, and South Australia were later altered. The dates of foundation of the Australasian colonies, and their areas at the close of 1859, were therefore as hereunder:—

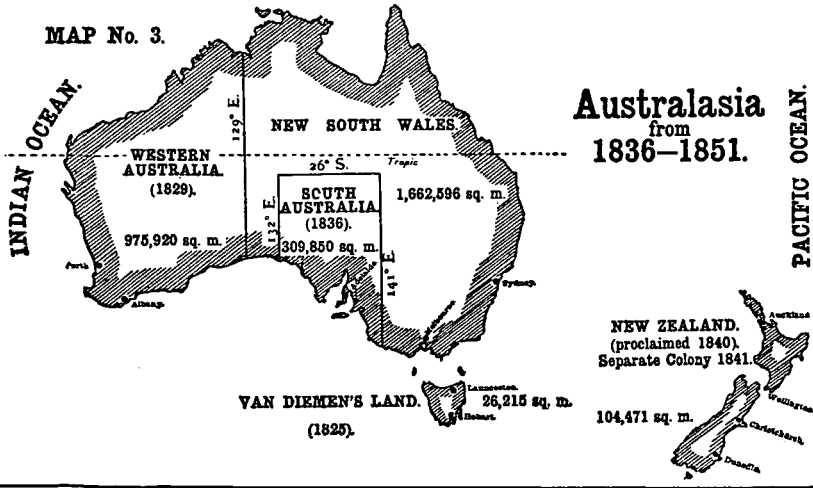
MAP No. 1.

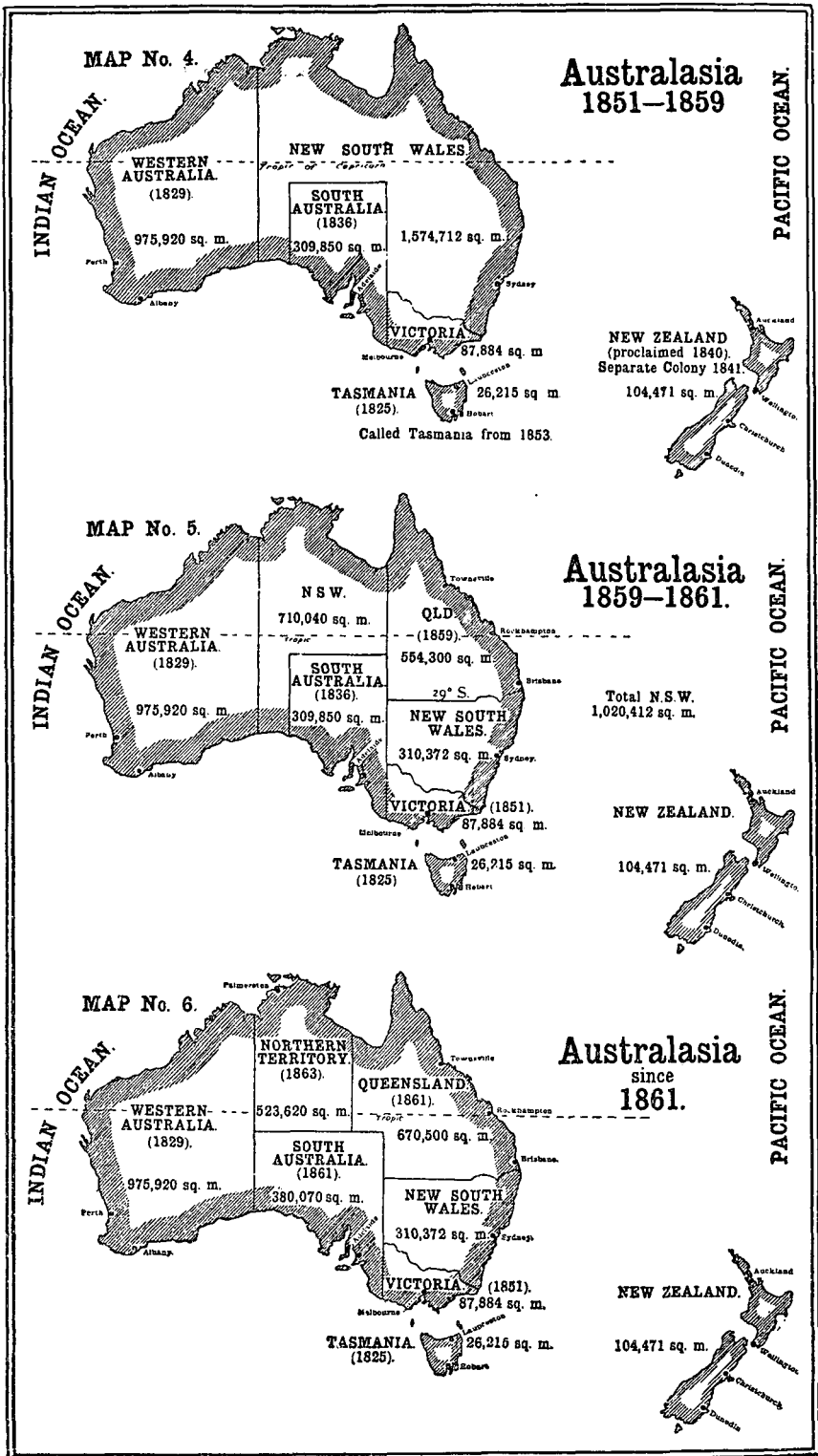


MAP No. 2.



MAP No. 3.





Colony.	Date of Annexation.	Date of Creation.	Date of First Permanent Settlement.	Area. Square Miles.
New South Wales	1770	1786	1788	904,212
Tasmania	1770	1825	1803	26,215
South Australia	1770	1834	1836	309,850
Victoria	1770	1851	1834	87,884
Queensland	1770	1859	1824	670,500
Western Australia	1829	1829	1829	975,920
New Zealand	1840	1841	1814 ?	104,471 ¹

1. By proclamation dated 10th June, 1901, the area of the Dominion was increased by 280 square miles, making it now 104,751 square miles, by the inclusion of the Cook Group and other islands.

10. The Changing Boundaries of the Colonies.—When, on the 15th August, 1834, the Imperial Government constituted the province of South Australia, there lay between its western boundary and the eastern boundary of Western Australia (as proclaimed by Fremantle in 1829) a strip of country south of the 26th parallel of south latitude, and between the 132nd and 129th meridians of east longitude, legally included within the territory of New South Wales. The area of this territory, frequently but improperly referred to as “No Man’s Land,” has been calculated to cover approximately 70,220 square miles.¹ On the 10th October, 1861, by the authority of the Imperial Act 24 and 25 Vic., cap. 44, the western boundary of South Australia was extended so as to cover this strip, and to coincide with the eastern boundary of Western Australia—the 129th meridian. By letters patent dated the 13th March, 1861, forwarded by the Colonial Secretary to the Governor of Queensland on the 12th April, 1862, the area of Queensland was increased by the annexation of “so much of the colony of New South Wales as lies to the northward of the 26th parallel of south latitude, and between the 141st and 138th meridians of east longitude, together with all and every the adjacent islands, their members, and appurtenances, in the Gulf of Carpentaria.” The area of South Australia was therefore increased by 70,220 square miles, and became 380,070 square miles, while the area of Queensland, increased by 116,200 square miles, became 670,500 square miles. The territories of these two States thus became as represented in map No. 6. Nearly two years after this accession of territory, viz., on the 6th July, 1863, the Northern Territory, containing 523,620 square miles—also formerly a part of New South Wales²—was, by letters patent, brought under the jurisdiction of South Australia, whose area was thus increased to 903,690 square miles; whilst that of New South Wales was diminished by these additions to South Australia, and by the separation of the colonies of New Zealand, Victoria and Queensland, till its area became only 310,372 square miles. The territories of Tasmania, Western Australia, and the three other separated colonies, with the exception of some minor islands added to Queensland, remain as originally fixed.³

11. Australasia, 1863 to 1900.—The immense area generally known as Australasia had thus, by 1863, been divided into seven distinct colonies, the areas of which are shewn below:—

From the 1st January, 1901, the colonies mentioned above, with the exception of New Zealand, have become federated under the name of the “Commonwealth of Australia,” the designation of “Colonies” being at the same time changed into that of “States.” The total area of the Commonwealth is, therefore, 2,974,581 square miles, or about equal

1. The calculation has been made in this Bureau. The area has usually been left unstated in references to the territory, but when approximations have been given the margin of error seems to have been somewhat large.

2. A military post had been formed on Melville Island in 1825. This was transferred about 1827 to Raffles Bay, and some years later to Port Essington. The settlement at Port Essington was like its predecessors, under the command of Sir Gordon Bremer, and was designed, in addition, as a harbour of refuge for distressed vessels. It was finally abandoned in 1849.

3. The facts and maps here given are in substantial though not in complete accordance with the illustrated statement shewing the subdivision of Australia between 1787 and 1863, issued by the Department of Lands, Sydney, 1904.

to the area of the United States of America, exclusive of Alaska, or to that of all Europe, less about one-third of Russia.

DATE OF CREATING THE SEVERAL COLONIES.

Colony.	Year of Formation into Separate Colony.	Present Area in Square Miles.	Colony.	Year of Formation into Separate Colony.	Present Area in Square Miles.
New South Wales ...	1786	310,372	New Zealand ...	1841	104,471 ¹
Tasmania ...	1825	26,215	Victoria ...	1851	87,884
Western Australia ...	1829	975,920	Queensland ...	1859	670,500
South Australia (proper) ²	1834	380,070	Northern Territory ³	1863	523,620
Commonwealth			2,974,581 square miles.		
Australasia			3,079,052 square miles. ³		

1. Now 104,751 square miles : increased 10th June, 1901.

2. South Australia with the Northern Territory is 903,690 square miles.

3. Now 3,079,332 square miles.

The evolution of the various States will be seen in the accompanying diagrams.

12. **British New Guinea or Papua.**—Under the administration of the Commonwealth, but not included in it, is British New Guinea or *Papua*, finally annexed by the British Government in 1884, and for a number of years administered by the Queensland Government but transferred to the Commonwealth by proclamation on the 1st September, 1906, under the authority of the Papua Act (Commonwealth) of 16th November, 1905. The area of Papua is about 90,540 square miles.

§ 4. The Exploration of Australia.¹

(A) Eastern Australia.

1. **Earliest Tours of Exploration, 1788 to 1791.**—When the first settlement was established at Sydney in 1788 practically nothing was known of the nature even of the immediate interior or the surrounding country. It was not long, however, before CAPTAIN PHILLIP and his officers took steps to investigate a considerable area of country in the immediate neighbourhood of the settlement. The first excursion undertaken by Phillip was on the 2nd March, 1788, when he went to Broken Bay, whence he returned after an absence of eight days. In April Phillip again started off on a tour of examination. Landing at Shell Cove, near the North Head of Port Jackson, he penetrated about fifteen miles from the coast, and obtained his first view of the inland mountains, the northernmost of which he named the Carmarthen Hills and the southernmost the Lansdowne Hills. A noticeable landmark between the north and south elevations of these hills he called Richmond Hill. Phillip was strongly impressed with the idea that these mountains must contain the source of a large river, in search of which he consequently set off on the 22nd April. His efforts, however, did not meet with success,

1. See "The Historical Records of New South Wales," Vols. I. to VII., edited by F. M. Bladen; Rusden's "History of Australia," Vols. I. to III.; "Explorers of Australia," by E. Favenc; Map of Australia shewing Routes of Exploration, published by the Department of Lands and Survey, Melbourne, May, 1888; Year Book of Western Australia, 1902-4.

and after pushing westward for thirty miles, when he came in sight of land which promised to be richly cultivable, he was obliged to turn back through want of provisions.

(i.) *Discovery of the Hawkesbury River.* In June, 1789, Phillip again turned his attention to the exploration of the country. In company with CAPTAIN HUNTER and some of his officers, he proceeded to Broken Bay, and there, after examining numerous branches of the harbour, he discovered a river which he named the Hawkesbury, and which he explored as far as the foot of the hill which he had previously named Richmond Hill, when it was found that the river divided into two branches (one known later as the Nepean, the other as the Grose). The distant mountains, over which hung a blue haze, were named the Blue Mountains.

(ii.) *Captain Tench's Discoveries.* During the same month—June, 1789—in which the Hawkesbury River was discovered, CAPTAIN WATKIN TENCH discovered the Nepean River. The next and last excursion undertaken by Phillip was in April, 1791, when, accompanied by Captain Tench and LIEUTENANT DAWES, he set out in a westerly direction and examined the country towards the foot of the Blue Mountains. In the following month Tench and Dawes ascertained definitely that the Nepean was a tributary of the Hawkesbury.

The names of PATERSON, JOHNSON, PALMER, and LAING are also associated with exploration on the Hawkesbury.

(iii.) *Discovery of the Hunter River.* Towards the end of the year 1797, LIEUTENANT J. SHORTLAND was sent on an expedition along the coast in a northerly direction from Port Jackson. He went as far north as Port Stephens, and on his return journey discovered and named the River Hunter.

2. French Voyages of Exploration, 1788 to 1802.—Towards the close of the 18th century the French, who were supposed to covet territory in Australia, sent out several exploring expeditions. While "the first fleet" was still in Botany Bay, two French vessels, the *Boussole* and the *Astrolabe*, which had been sent out on a voyage of discovery under the command of LA PEROUSE, put in to refit. Shortly after his arrival at Botany, PERE LE RECEVEUR, the naturalist of the expedition, died, and was buried on the shore of the Bay, a monument marking his last resting-place. After a stay of two months La Pérouse sailed away, and nothing further was heard of his expedition until about fifty years later, when it was surmised that his ships had been wrecked at one of the islands in the neighbourhood of the New Hebrides. In 1792 the French Admiral D'ENTRECASTEAUX was in Australian waters with two ships, searching for La Pérouse. D'Entrecasteaux spent some time on the coast of Tasmania, and named several places. In 1800 the French Republic fitted out two ships, *Le Géographe* and *Le Naturaliste*, obtaining passports from the English Government recommending the commander, CAPTAIN BAUDIN, to the British authorities in New South Wales. The expedition, having examined parts of the coasts of Van Diemen's Land and of what is now Victoria, arrived in Port Jackson in 1802. Although there were various rumours afloat as to the intention of the French to establish a settlement in Australia, nothing came of them, and the expedition left Sydney in November, 1802. It was chiefly in consequence of these and of later rumours to the same effect that steps were taken by the British to form settlements at various places on the Australian coasts.

3. Bass and Flinders, 1796 to 1803.—In June, 1796, SURGEON BASS set out on an expedition to the Blue Mountains, and succeeded in ascending the highest point he could find, whence, however, he was able to see only other ranges of mountains. Foiled in his expedition to the mountains, Bass took to exploration by water. With FLINDERS he had previously, in 1795, undertaken a voyage in a boat 8 feet long, which they named the "Tom Thumb," their object being to discover a supposed river to the south of Sydney. The river turning out to be only an arm of the sea, which they named Port Hacking, they proceeded as far as the Tom Thumb Lagoon, in the Illawarra district, whence they returned to Sydney.

(i.) *Discovery of Bass Straits.* In 1797 Bass sailed in an open whaleboat, and examined the coast southward from Sydney, discovering the mouth of the Shoalhaven and the inlet to Twofold Bay. Passing round Cape Howe and Wilson's Promontory, he then explored an inlet which he named Western Port. Bass was then convinced of the existence of the straits which now bear his name. On the 7th October, 1798, accompanied by Flinders and a crew of eight seamen, he set sail in the sloop *Norfolk*, of 25 tons, from Sydney. The island of Tasmania was circumnavigated and various places on its coasts were visited and named.

In 1799 FLINDERS sailed in the *Norfolk* northwards from Sydney as far as Hervey Bay, making a survey of the coast as he proceeded.

(ii.) *Voyage of the "Investigator."* On the 7th December, 1801, Flinders in command of H.M.S. *Investigator* sighted Australia in the vicinity of Cape Leeuwin, and commenced a survey of the coast of the Great Australian Bight. He sighted and named a number of promontories and inlets as far as Encounter Bay, where he met the French vessel *Le Géographe*, which had come from Bass Straits and was proceeding westward in her examination of the coast. On his way to Sydney Flinders entered Port Phillip, not knowing that it had been already discovered by MURRAY. (See 4 below.) The *Investigator* arrived in Port Jackson on the 10th May, 1802, and proceeding on her voyage, was the first vessel to completely circumnavigate the Australian continent. Flinders was eventually detained at Mauritius by the French as a prisoner of war for over six years, during which time the French expedition under Baudin took credit for his discoveries.

4. **Discovery of Port Phillip, 1801.**—The first landing effected in Victoria was in 1797, from a vessel wrecked on one of the Furneaux Islands. Three of the sailors, out of a total of seventeen, reached Sydney overland. Early in the year 1800 the English Government sent out the brig *Lady Nelson* for service in New South Wales, under the command of LIEUTENANT GRANT, who sighted Australia on the 3rd December, 1800. Grant named Cape Northumberland, Mount Gambier, Cape Bridgewater, Cape Nelson, Portland Bay, and Cape Otway, but passing at night from Cape Otway to Cape Liptrap failed to sight Port Phillip Heads. For some months after his arrival at Sydney the *Lady Nelson* was used for surveying purposes by GRANT and BARRALLIER. In November, 1801, ACTING-LIEUTENANT MURRAY was sent in the *Lady Nelson* to trace the coast between Point Schanck and Cape Otway. On the 5th January, 1802, Murray sighted the entrance to a large harbour, which he did not however enter, owing to stress of weather, until the 15th February, on his return from King Island. Murray named the harbour Port King, after GOVERNOR KING, who, however, changed the name to Port Phillip. Flinders shortly after entered Port Phillip on his way to Sydney, after his meeting with the French exploring expedition. (See above.)

In February, 1803, CHARLES ROBBINS in the schooner *Cumberland*, accompanied by GRIMES, the Surveyor-General of New South Wales, surveyed the Yarra for many miles above the present site of Melbourne.

5. **Explorations in Tasmania, 1803 to 1807.**—In September, 1803, LIEUTENANT BOWEN arrived at Risdon Cove on the Derwent, and founded the settlement of Hobart, while the settlement at Port Dalrymple (Launceston) was established in November, 1804, the district having been first explored by WILLIAM COLLINS in the commencement of the same year. During the following months the surrounding country was explored by LIEUTENANT-COLONEL PATERSON, who had the *Lady Nelson* at his disposal for survey purposes. In February, 1807, LIEUTENANT LAYCOCK succeeded in travelling overland from Launceston to Hobart and back again.

6. **The Blue Mountains, 1802 to 1813.**—For many years after the foundation of the colony in New South Wales settlement was confined, on the west by the inaccessible barrier formed by the Blue Mountains, and on the north and south by broken sandstone ridges, to a belt of country about 40 miles wide and 80 miles long. Most of the early

efforts in the direction of exploration were aimed at surmounting the ranges on the west. Unsuccessful attempts were made on several occasions between the years 1802 and 1805, notably by BARRALLIER and CALEY. According to his chart Barrallier, in 1802, reached a point 105 miles west of Lake Illawarra. However far these explorers succeeded in piercing the mountains, the verdict at that date was that they had not been passed, and until the year 1813 they were regarded as forming an impassable barrier to the extension of colonisation towards the west. At last, in 1813, GREGORY BLAXLAND, accompanied by W. C. WENTWORTH and LIEUTENANT LAWSON, by adhering to the ridge which formed the divide between the tributaries of the northern bank of the Warragamba River and the affluents of the Grose, succeeded in effecting a passage over the Blue Mountains, and from the summit of a high hill, afterwards called Mount Blaxland, the explorers obtained an extensive view of the pasture lands stretching towards the west. Blaxland's discoveries were most far-reaching in their effects. Not only did they open up the rich plains round Bathurst to settlement, but also marked the commencement of a new era of exploration and progress.

7. **Evans and Oxley, 1813 to 1823.**—In November, 1813, GEORGE WILLIAM EVANS, Deputy-Surveyor of Lands, following on the tracks of Blaxland's expedition, crossed the mountains and discovered and named the Fish and Campbell Rivers. The united stream he christened the Macquarie, and he followed its course for 98½ measured miles from the termination of Blaxland's journey. Evans reached the Nepean on his return journey on the 8th January, 1814. The work of making a road over the range was immediately proceeded with, and was completed as far as Bathurst in 1815.

(i.) *The Lachlan River Discovered, 1815.* On the 13th May, 1815, Evans again set out from Bathurst on an exploring expedition. Proceeding first in a southerly and then in a westerly direction, he discovered and named the Lachlan River. At the furthest point reached he carved his name and the date on a tree.¹ On the 12th June he returned to Bathurst.

In May, 1817, JOHN OXLEY, the Surveyor-General, accompanied by EVANS, ALLAN, CUNNINGHAM, CHARLES FRAZER, and nine others, explored a considerable part of the Lachlan, but being eventually stopped by swamps, the expedition returned to Bathurst via the Macquarie River in the following August.

(ii.) *Oxley's Expedition to the Macquarie River and the Liverpool Plains, 1818.* In June, 1818, OXLEY was sent with EVANS, DR. HARRIS, and CHARLES FRAZER to explore the Macquarie River. After proceeding for about 130 miles Oxley was again stopped by swamps, and determined to make for the eastern coast. Crossing the Castlereagh River he reached the Arbuthnot Range, and skirting the base of Mount Exmouth, the explorers emerged on splendid pastoral country. Oxley called the locality Liverpool Plains. On the 2nd September they reached a river, which Oxley named the Peel, and on the 23rd of the same month they climbed a peak from which a view of the sea was obtained, and which was hence called Mount Seaview. The Hastings River and Port Macquarie were discovered and named, and after much hardship the settlement at Port Stephens was reached on the 1st November, 1818.

(iii.) *Discovery of Brisbane River, 1822-3.* In 1822 Sir Thomas Brisbane despatched JOHN BINGLE on the sloop *Sally* in search of a large river, supposed to exist between Port Macquarie and Sandy Cape. Bingle landed in Moreton Bay and established friendly communications with the natives, who had not hitherto seen a white man. In October, 1823, OXLEY was despatched in the cutter *Mermaid* to further examine the east coast. After discovering and naming the Tweed and Boyne Rivers, Oxley entered Moreton Bay and rowed for about fifty miles up a river which he named the Brisbane. This was Oxley's last voyage of exploration, and he arrived back in Port Jackson on the 13th December, 1823.

1. This tree was inadvertently ring-barked and killed. The shield of wood bearing the inscription is preserved in the Australian Museum at Sydney, and is the oldest marked tree in Australia.

8. **Stirling and Currie, 1823.**—In 1823 CAPTAINS STIRLING and CURRIE, in the course of an expedition to the southward, discovered the district which they called the Brisbane Downs, but which is now known as the Monaro Plains.

9. **Hamilton Hume, 1814 to 1824.**—In 1814 HAMILTON HUME, the first Australian-born explorer, when only seventeen years old, made his way with a brother and a black boy through Bargo Brush and explored the country around Berrima. Two years later he discovered and named Lake George, and afterwards discovered the Goulburn Plains and Lake Bathurst. About this time the Shoalhaven river was also discovered, probably either by HUME or MEEHAN.

(i.) *Discovery of the Hume or Murray River, 1824.* On the 14th October, 1824, HUME, accompanied by WILLIAM HILTON HOVELL, a retired coasting captain, started off from Lake George with the intention of reaching the Southern Ocean. On the 19th October the Murrumbidgee¹ was reached. As they proceeded the Snowy mountains came in sight, and the expedition bore to the westward, skirting the mountain ranges.

The Hume or Murray and the Ovens Rivers, and Mount Disappointment, were discovered and named, and on the 3rd December another river, named by them the Hovell, but now called the Goulburn, was discovered. On the 16th December, the expedition reached the Southern Ocean at the spot where Geelong now stands. This expedition had a great and immediate influence on the extension of Australian settlement. Later on Hume joined Sturt in his explorations. (See 11. below.

10. **Allan Cunningham, 1817 to 1829.**—On his return from the expedition, on which he accompanied Oxley to the Lachlan River in 1817, Cunningham commenced the first of five coastal voyages, which he undertook with CAPTAIN P. P. KING, around most of the Australian continent. These voyages were made first in the *Mermaid* and later on in the *Bathurst*, and lasted from 1817 to 1822. King's instructions were to continue the coastal surveys commenced by Flinders. He commenced his survey on the north-west coast. Exmouth Bay, Nichol Bay, Port Essington, and Van Diemen's Gulf were explored, and Melville Island was discovered. Later King surveyed parts of the Tasmanian coasts, and of the eastern and western coasts of Australia.

(i.) *First Inland Exploration, 1823.* On the 31st March, 1823, Cunningham set out from Bathurst to discover a pass leading to the Liverpool Plains from the Upper Hunter; a route which had been sought for in vain by LAWSON and SCOTT in the previous year. This pass he discovered and named Pandora's Pass, and the valley leading to it he named Hawkesbury Vale. Cunningham returned to Bathurst on the 27th June.

(ii.) *Discovery of the Darling Downs, 1827.* In May, 1827, Cunningham set off on an expedition from Segenhoe, a station on one of the tributaries of the Hunter River. He traversed the affluents of the Namoi and the Gwydir, discovered the Darling Downs and returned to Segenhoe on the 28th July. In 1828 Cunningham went by sea to Moreton Bay, from where he set out by land with the object of connecting with his former camp on the Downs. He explored the sources of the Brisbane River and connected his two expeditions through an opening in the ranges, which opening was known as Cunningham's Gap.

11. **Charles Sturt, 1828 to 1830.**—In 1828 GOVERNOR DARLING selected for the command of another exploring party CAPTAIN CHARLES STURT, of H.M. 39th Regiment. With this leader HAMILTON HUME was associated.

(i.) *Discovery of the Darling, 1828.* In 1828, during a period of drought, the expedition started for that part of the Macquarie River where Oxley had found a vast swamp. An attempt by Sturt to follow the course of the Macquarie, which had dwindled to a small muddy channel, failed. The River Darling was then discovered and

1. But little is known regarding the discovery of the Murrumbidgee. Its existence was probably communicated by the blacks to the pioneer settlers in 1819 or 1820. In 1823 Currie and Ovens traced the upper courses of the Murrumbidgee and sighted the Australian Alps.

named, and its course descended for many miles, but the water was found to be salt. On the 7th April, 1829, Sturt finally returned to the depôt at Mount Harris, having ascertained that the Macquarie and Castlereagh Rivers, and, inferentially, the Namoi, Gwydir, and Darling Down Rivers, flowed into the newly-discovered Darling River.

(ii.) *The Murray River Expedition, 1829-1830.* Sturt was again commissioned in 1829 to explore the more southern rivers. He was accompanied by GEORGE MACLEAY. Forming a depôt on the Murrumbidgee, near its junction with the Lachlan, Sturt went down the river in a boat. He passed the junction of the Hume River, but failing to recognise it, rechristened it the Murray. Sturt then traced the Murray to its junction with the Darling, and then followed the Murray to its mouth in Lake Alexandrina in Encounter Bay. Sturt thus connected his overland journey with the discoveries of Flinders and other coastal explorers. On the 20th March, 1830, Sturt, after enduring great privations, reached the camp from which he had started.

Further explorations of Sturt are referred to in a later part of this section. (See B. *Central Australia*, 3.)

12. *Marine Surveys of H.M.S. "Beagle," 1826 to 1843.*—In the meantime maritime discovery had been followed up by CAPTAINS WICKHAM and STOKES in H.M.S. *Beagle*, which, during part of her voyages, carried with her MR. CHARLES DARWIN. The Great Barrier Reef, as well as many parts of the Australian coasts and other regions in the southern seas, were visited and examined. In 1838 the Fitzroy River (north-west coast) was discovered and in the following year the Burdekin, Victoria, and Adelaide Rivers were found and named. In 1839 Port Darwin was also discovered and named. In the Gulf of Carpentaria the Flinders and Albert Rivers were discovered and named by Captain Stokes in 1841.

13. *Sir Thomas Mitchell, 1831 to 1836.*—On the 21st November, 1831, MAJOR (afterwards Sir) THOMAS L. MITCHELL, who had been appointed Surveyor-General in succession to Oxley, left Liverpool Plains on an expedition to discover a river which had been reported by a runaway convict named CLARKE to follow a north-west course to the north coast of Australia. No confirmation of the convict's story could be found, but Mitchell discovered the lower courses of the Peel (The Namoi), Gwydir, and Dumaresq Rivers, and identified the Upper Darling.

In a minor expedition in 1833 Mitchell explored the country between the Bogan and Macquarie Rivers. On another expedition in 1835 he traced the Darling 300 miles down from Bourke.

(i.) *Overland Exploration to Cape Northumberland, 1836.* In 1836 Mitchell was despatched again to survey the Darling more effectually. Following the course of the Lachlan he reached the Murrumbidgee, the Murray, and the junction of the latter with the Darling. Returning up the Murray he left it at Mount Hope, ascended the Loddon, discovered the Avoca River on the 10th July, and turning southward on the 31st July he discovered a river which he called the Glenelg. He also discovered the Campaspe and Wimmera Rivers. He finally reached the coast near Cape Northumberland on the 20th August, 1836. The region in the neighbourhood of the Loddon he named "Australia Felix." On his return journey Mitchell visited Portland Bay, where he found that the Henty family, from Van Diemen's Land, had been established for about two years. Ascending Mount Macedon, Mitchell saw and identified Port Phillip.

(ii.) *Discovery of the Barcoo River, 1845-6.* Some years elapsed before Mitchell undertook any further work of exploration. In the meantime other explorers—notably GREY, EYRE, McMILLAN, WICKHAM, STOKES, STURT, and LEICHHARDT—had been on the field, and had made numerous discoveries. (See below.) On the 15th December, 1845, Mitchell started from the Buree with EDMUND B. KENNEDY as his second in command. From the Macquarie River Mitchell made his way to the Narran, the Balonne, and the Culgoa. He ascended the Balonne, passed the junction of the Maranoa, and reaching the Cogoon followed it to its sources. Turning westward, he further ex-

plored the Maranoa and discovered the Warrego. Proceeding to the north he discovered the Belyando and the Barcoo, the latter of which he named the Victoria, and which he then believed to be the same as that discovered by Captain Stokes in the *Beagle*.

14. **McMillan, 1839 to 1840.**—ANGUS MCMILLAN was the discoverer of the Gippsland district in Victoria. Starting on the 20th May, 1839, he explored the country watered by the Buchan River, and the upper reaches of the Tambo River. Later in the same year he followed the Tambo down its course to its mouth in the lakes of the south coast. He named Lake Victoria, and then turning west he discovered and named the Nicholson and Mitchell Rivers. On the 23rd January, 1840, he again set out and after discovering and naming the Macallister River, he explored the country as far as the Latrobe River.

15. **Count Strzelecki, 1840.**—In 1840 STRZELECKI explored the Gippsland districts, part of which McMillan had just traversed. Strzelecki first ascended the south-eastern portion of the main dividing range, and named Mount Kosciusko. On the 27th March, he met McMillan on the Tambo, and pushing westward he succeeded in reaching Western Port. Strzelecki discovered and named the Latrobe River, and also Lake King, which McMillan found but thought to be Corner Inlet.

16. **Leslie and Russell, 1840 to 1841.**—In 1840 PATRICK LESLIE set out with stock from the most northerly settled district (New England) in New South Wales, and formed a station on the Condamine River. In 1841 STUART RUSSELL followed that river for over a hundred miles, and adopted the opinion—eventually proved to be true—that the Condamine was a tributary of the Darling, and did not, as had hitherto been supposed, flow into the Pacific Ocean.

17. **Leichhardt, 1844 to 1845.**—On the 1st October, 1844, LUDWIG LEICHHARDT, a Prussian by birth, started from Jimbour Station on the Darling Downs, accompanied by six white and two black men, with the object of making his way overland to Port Essington. Leaving the Condamine River he discovered the Dawson River, and passing westward found and named the Peak Downs. There he discovered and named the Planet and Comet Rivers, and Zamia Creek. On the 10th January, 1845, he found and named the Mackenzie River, and later on the Isaacs, Suttor, Burdekin, Lynd, and Mitchell Rivers. Deviating from the Mitchell River, the expedition followed the coast of the Gulf of Carpentaria in a westerly direction. On the 28th June the party were attacked by the natives, and the naturalist, GILBERT, was killed near the river which now bears his name. After crossing and naming the Leichhardt, Nicholson, McArthur, Limmen Bight, and Roper Rivers, the worn-out travellers reached the settlement of Victoria, at Port Essington, on the 17th December, 1845.

After an expedition in 1847 to the country between the Darling Downs and the Peak Range, and to the Cogoon River, Leichhardt determined to endeavour to cross the continent from east to west. Early in 1848 he therefore equipped another party, consisting of himself, HENTIG, CLASSEN, DONALD STUART, KELLY, and two natives. Leichhardt started from McPherson's Station on the Cogoon, now perhaps better known as Muckadilla Creek. Since the residents of that station lost sight of him, no sure clue as to his fate or as to the fate of his companions has ever come to light. His last letter is dated the 3rd April, 1848, from McPherson's Station, but in that letter he did not mention his intended route. His plan was believed to be to pierce straight to the west, and, if necessary, to diverge northwards to the rivers of the Gulf of Carpentaria. Various expeditions were fitted out to ascertain the fate of Leichhardt and his companions. Probably the only authentic trace of the party was that found by A. C. (afterwards Sir Augustus) GREGORY, in charge of the second Leichhardt Search Expedition in 1858. (See below.) In the neighbourhood of the Barcoo River in lat. 24° 35' S., and long. 136° 6' E., Gregory found a tree marked with the letter L, and indications of a camp having been established there by Leichhardt.

18. **Kennedy, 1847 to 1848.**—EDMUND B. KENNEDY, as a Government surveyor, accompanied Mitchell on his last expedition. On his return from that expedition, Kennedy

was sent out, in 1847, to follow the course of the newly discovered Victoria River (the Barcoo). Kennedy identified the Barcoo and Victoria Rivers and Cooper's Creek as one and the same river. He discovered and named the Thomson River, and reached the head of the Warrego River.

(i.) *Exploration of Cape York Peninsula, 1848.* Kennedy next attempted to make his way up the eastern coast of the Cape York Peninsula. The expedition, however, came to a tragic ending. In May, 1848, Kennedy landed at Rockingham (in Queensland). He intended, with his party of twelve men, to examine the eastern spurs of the mountains in the peninsula and to make the coast at Port Albany where a ship was to meet him. On the 9th December, after great hardships, the expedition reached Weymouth Bay. Leaving there the main body of his men, Kennedy pushed forward to send back the schooner, which was awaiting them with relief. Kennedy gained the Escape River, where he was murdered by the blacks. His native boy, JACKY-JACKY, alone escaped, and conducted the relief ship back to the remainder of the expedition, where it was found that only two survived, the rest having died under the hardships to which they were exposed or having been killed by the blacks.

19. **A. C. Gregory, 1846 to 1858.**—The three brothers, A. C., H. C., and F. T. GREGORY, won considerable distinction in the work of exploration in Australia. H. C. Gregory was usually associated with his brother Augustus C. Gregory, but Frank Gregory carried on work chiefly in Western Australia (see below) as an independent explorer.

(i.) *Early Explorations in Western Australia, 1846.* A. C. Gregory's earliest explorations were in Western Australia. In 1846 he discovered and named Lake Moore, and later in the same year he conducted the "Settler's Expedition" with the object of finding pastoral country on the Gascoyne River. A considerable extent of both pastoral and agricultural country was discovered, and a vein of galena was found on the Murchison. The expedition did not, however, succeed in penetrating any distance beyond the Murchison, and re-entered Perth on the 17th November, 1846. Later Gregory made a journey to Champion Bay.

(ii.) *Explorations in Northern Australia, 1855-6.* In 1855 the Imperial Government voted £5000 for the purposes of further exploration of the interior of Australia, and of searching for Leichhardt's expedition. A. C. Gregory was placed in command, and left Moreton Bay for Point Pearce, near the mouth of the Victoria River, on the 12th August, 1855. Following the course of the Fitzmaurice River, the Victoria was reached on the 17th October. After excursions had been made in various directions Gregory started on an expedition to the interior on the 4th January, 1856. After following the course of the Victoria he then turned to the south-west and discovered and named Sturt's Creek, which he traced for 300 miles. Retracing his steps, he examined the eastern tributaries of the Victoria, and then started on the return journey overland to Moreton Bay. On the Elsey, a tributary of the Roper, he discovered the remains of what was probably one of Leichhardt's camps. Gregory for some distance followed a course parallel to the Gulf of Carpentaria, which he left at the Gilbert River, and thence made his way across to the settled districts south of the Fitzroy. He reached Brisbane on the 16th December, 1856.

(iii.) *Exploration in Western Queensland, 1858.* In March, 1858, from Euroomba Station, on the Dawson, Gregory again set out on an expedition, the main object of which was to search for Leichhardt. After exploring the districts near the Barcoo and Thomson Rivers, he struck a south-westerly course and traced Strzelecki's Creek as far as Lake Blanche, whence he went on to Adelaide.

20. **Later Exploration of the North-east, 1859 to 1872.**—After Kennedy's ill-fated expedition the main portion of eastern Australia was fairly well known. Certain parts of what is now Queensland, however, still remained unexplored.

(i.) *Frederick Walker, 1862.* In 1862 FREDERICK WALKER, a pioneer squatter in the districts of Southern Queensland, set out on an expedition in Western Queensland in

search of Burke and Wills. (See B. *Central Australia*, 7.) Proceeding in a northerly direction, he passed the Barcoo and Thomson Rivers and came to the head of the Flinders River. He pushed on as far as the Albert River, and on his return journey he traced the course of the Saxby, a tributary of the Flinders.

(ii.) *Exploration of River Burdekin Districts, 1859 to 1860.* In 1859 G. E. DALRYMPLE explored the coastal country north of Rockhampton as far as the Burdekin, and later traced that river down to the sea. In 1860 a party consisting of Messrs. CUNNINGHAM, SOMER, and three others explored the upper reaches of the Burdekin.

(iii.) *F. and A. Jardine, 1864.* In 1864 two brothers, FRANK AND ALEC JARDINE, with three companions, four natives, and a number of stock, set out from Carpentaria Downs, then the furthest station to the north, on the Einasleigh River, to make their way overland to the newly-established settlement of Somerset, near Cape York. Following first the Einasleigh and then the Staaten River, the expedition pushed its way along the west of the York Peninsula, and finally succeeded in reaching Somerset.

(iv.) *William Hann, 1872.* The last remaining unexplored district in Eastern Australia, namely, the tract of country near the base of the York Peninsula, was examined by WILLIAM HANN, a pioneer squatter of the Burdekin, in 1872. Hann discovered and named the Tate, Walsh, and Palmer Rivers. Proceeding northward he ascended the mountains and sighted the Pacific at Princess Charlotte Bay. On his return journey he discovered and named the Normanby River.

This expedition practically completed the exploration of Eastern Australia. The gold discoveries on the Palmer River, in Queensland, following soon after, led to a considerable amount of minor exploration being carried out by prospectors, whose labours are, however, unrecorded.

(B) Central Australia.

1. *Early Settlement of South Australia, 1836 to 1839.*—In 1836 COLONEL LIGHT surveyed the shores of St. Vincent's Gulf, and selected the site for the settlement at Adelaide. In the same year MITCHELL (see A. *Eastern Australia*, 13, above) had succeeded in travelling overland from the Darling to Cape Northumberland, and the settlers found little difficulty in driving stock from various parts of New South Wales to the new country. A great deal of minor exploration was done by these pioneers. CHARLES BONNEY, accompanied by G. H. EBDEN, led the way across to the Port Phillip settlement with sheep in 1837, and was shortly followed by others, among whom may be mentioned HAMILTON, GARDINER, and LANGBOURNE. Very soon this overlanding of stock was extended to Adelaide, CHARLES BONNEY and JOSEPH HAWDON being the first, in 1838, to undertake the journey. In 1839 Bonney succeeded in opening a new route overland to Adelaide. Leaving the Goulburn he made his way to the Grampian Mountains, where he struck the Wannon and then the Glenelg. He discovered and named Lake Hawdon, and also Mounts Muirhead and Benson, and thence made his way to Adelaide, via Lacedpede Bay.

2. *Edward John Eyre, 1838 to 1841.*—EYRE'S first expedition was an overland journey from Mount Alexander to Adelaide with stock in 1838, during which expedition he discovered and named Lake Hindmarsh. He next explored the country in the neighbourhood of Mount Arden to the N.N.E. of Spencer's Gulf, and on the 5th August, 1839, he left Port Lincoln intending to penetrate as far as possible to the westward. He pushed his way to within nearly 50 miles of the Western Australian border, and on his return journey discovered and named Lake Torrens.

(i.) *Overland Journey to Western Australia, 1840-1.* On the 18th June, 1840, Eyre again left Adelaide, and after fruitless efforts to reach the interior in a northerly direction, and after discovering and naming Mounts Deception and Hopeless, he determined to push through to King George's Sound, accompanied by his overseer BAXTER, and three

native boys. Baxter was murdered by two of the natives, who then deserted, and after great hardships Eyre and the remaining native succeeded in reaching Thistle Cove, where they sighted the French vessel *Mississippi*, commanded by Captain Rossiter.¹ After recruiting his health, Eyre finally reached Albany in July, 1841.

(ii.) *Progress of Settlement and Exploration.* After Eyre's explorations at the head of Spencer's Gulf settlers soon spread in a northerly direction from Adelaide. Amongst the pioneers are to be found the names of HAWKER, HUGHES, CAMPBELL, ROBINSON, HEYWOOD, and HORROCKS. Particulars of their expeditions in search of grazing country have not been preserved.

3. Sturt's Later Explorations, 1844 to 1845.—CHARLES STURT, whose explorations in Eastern Australia have been mentioned above (see A. *Eastern Australia*, 11), set out in 1844, accompanied by JOHN MCDONALL STUART and others, on an expedition to reach the centre of the continent. Sturt's plan was to follow the Darling as far as Laidley's Ponds, and then to strike north-west. The expedition arrived at Laidley's Ponds on the 11th October, 1844, and moving slowly forward reached the Barrier Range on the 27th January, 1845. Here the expedition stayed until the 17th July, Sturt vainly trying to find an opening leading to a permanent supply of water. He attained in one excursion a latitude of 28° 9' S., and was then within thirty miles of Cooper's Creek, then undiscovered, but returned baffled to his camp. The party suffered greatly from the heat and want of water. POOLE, the assistant surveyor, died and was buried at the foot of the hill now known as Mount Poole, three and a half miles from Dépôt Camp. The details of their struggles cannot be here recounted. Forming a new dépôt at a place called Fort Grey, where McDouall Stuart was left in charge, Sturt again pressed forward to the north-east. Crossing Strzelecki's, Leichhardt's, and Cooper's Creeks, he came to the Great Stony Desert, thence discovering and following Eyre's Creek he reached his furthest point in lat. 24° 30' S. and long. 137° 58' E. in September. In the following month he made another unsuccessful effort due north. Summer was approaching and he had to retreat. On the 21st December, 1845, after enduring great privations the expedition arrived at the camp of the relief-party under PIESSE, at Williorara.

4. Exploration in South Australia, 1851 to 1857.—A considerable amount of exploration work was done in South Australia during the year 1857. The formation of Lake Torrens was formerly supposed to be of a horseshoe character, extending from the west round to what is now known as Lake Frome in the east. In 1851 two squatters, OAKDEN and HULKES, found suitable grazing country west of Lake Torrens. In 1856 B. HERSCHEL BABBAGE, a Government surveyor, explored the country to the north-east of Lake Torrens and discovered and named Lake Blanche. In 1857 the district between Lakes Macfarlane and Torrens was visited by CAMPBELL, who discovered and named the Elizabeth Creek. In April of the same year GOYDER, the Deputy Surveyor-General, examined the country near Lake Torrens and found the water of the lake quite fresh. During the same year these districts were explored by COLONEL FREELING, the Surveyor-General; by STEPHEN HACK, who discovered Lake Gairdner; by MAJOR WARBURTON, who discovered the Davenport Range; by SWINDEN, MILLER, and DULTON, and by DELISSER and HARDWICKE.

5. Discovery of Lake Eyre by B. H. Babbage, 1858.—In 1858 an expedition was sent out under BABBAGE by the South Australian Government to examine the country between Lakes Torrens and Gairdner. Babbage traced Chambers Creek into Lake Eyre, and was thus the first discoverer of this lake, which he originally called Lake Gregory. He also proved the isolation of Lake Torrens from the other lakes in the basin.

6. J. M. Stuart, 1858 to 1862.—JOHN MACDONALL STUART accompanied Captain Sturt on his last expedition as a draughtsman. His next expedition was in 1858, when he

1. The French whaler *Mississippi* was the first foreign vessel to enter Port Lincoln. Rossiter Vale, in the neighbourhood of Port Lincoln, was so named after the captain of the *Mississippi* by Captain Hawson and William Smith, who discovered it in about 1839.

discovered Chambers Creek, to the south of Lake Eyre, and returned to Port Augusta via Fowler's Bay. In April, 1859, he again set out, accompanied by HERGOTT and others. The Hergott Springs were discovered, as was also the Neale River, which Stuart traced for some distance. In November of the same year Stuart made a third expedition in the vicinity of Lake Eyre.

(i.) *First Attempt to Cross the Continent, 1860.* In 1860 Stuart, accompanied by only three men with thirteen horses, started from Chambers Creek with the object of crossing the continent from south to north. From the Neale River Stuart followed a N.N.W. course, and discovering and naming the Frew, Fincke and Stevenson Creeks, Chambers Pillar, and the McDonnell Range, he camped at the centre of Australia on the 22nd April, 1860, about two miles and a half to the south-west of a hill, which he called Central Mount "Sturt," but which is now erroneously called "Stuart."¹ Failing to find the head of the Victoria River, Stuart turned back and, after an encounter with the natives at Attack Creek, he reached Brodie's camp at Hamilton Springs on the 26th August.

(ii.) *Journey Across the Continent, 1861-2.* In 1861 the South Australian Government voted £2500 to organise a better equipped expedition to cross the continent. Stuart was placed in command, and on the 12th April he arrived at the Bonney. On the 4th May he reached the Ashburton Range, and on the 23rd he discovered and named the Newcastle Waters. Failing to discover a clear way to the north he returned to Adelaide, which place, however, he left in less than a month in order to make another departure north from Chambers Creek. On the 14th April, 1862, he was at the northern end of Newcastle Waters, and discovered Frew's Pond. Reaching the head of the Daly Waters, he worked his way eastward to a creek he named the Strangways. Thence he crossed the Roper, and on the 10th July he reached the Adelaide River, discovered in 1839 by Wickham and Stokes. (See above A, *Eastern Australia*, 12.) On the 25th July, 1862, he reached the sea at Chambers Bay. On the return journey the expedition was in great straits from want of water, but finally reached Adelaide in December, 1862. Along Stuart's track there is now erected the trans-continental telegraph line.

7. Burke and Wills Expedition, 1860 to 1861.—In 1860 funds were provided in Melbourne partly by the Government and partly by private subscription, amounting in all to £12,000, for the purpose of sending an expedition northward to explore the country to the Gulf of Carpentaria. ROBERT O'HARA BURKE, an inspector of police in Victoria, was placed in command, with G. J. LANDELLS as his second and WILLIAM JOHN WILLS as surveyor and astronomical observer. Ten Europeans and three Sepoys, together with numerous horses, wagons, and camels, accompanied the expedition, which left Melbourne in August, 1860. Before reaching Menindie, on the Darling, Landells quarrelled with Burke, and resigned, Wills becoming second in command and an overseer named WRIGHT succeeding Wills. On the 19th October, 1860, Burke, Wills, with six men and five horses, and sixteen camels, left Menindie for Cooper's Creek. Wright accompanied them for two hundred miles to indicate the route, and then returned to Menindie, to take charge of the main body. On the 11th November, Burke reached Cooper's Creek, where a site for a dépôt was chosen and named Fort Wills. Here Burke encamped to await the arrival of the main body. As there were no signs of Wright's arrival, Burke, on the 16th December, started with Wills, KING and GRAY, taking six camels, a horse, and provisions for three months, to push forward to the Gulf of Carpentaria. The others, under BRAHE, were left at Fort Wills to wait three months for him. From the diaries kept by Burke and Wills which were eventually recovered, it appears that they proceeded almost due north. Crossing the river now known as the Diamantina and the northern dividing range, they reached the Flinders River in February, 1861, and followed it down to the mangroves and salt water. Debarred from a view of the open sea, they commenced their return journey,

1. Stuart's manuscript reads Central Mount Sturt, but was mis-read by the publishers of his diary. See Favenc's "Explorers of Australia," p. 180.

during which Gray died. At last on the 21st April the three survivors re-entered the depôt at Fort Wills only to find it deserted. Some provisions and a letter signed by Brahe were however unearthed. It appeared that Wright had never reached Fort Wills, his advance having miscarried. An unsuccessful attempt to reach Mount Hopeless was then made by Burke and his companions. Their subsequent misfortunes and sufferings cannot be here recounted. All the horses and camels having died and their provisions being exhausted, the explorers existed for some days on food provided by the natives. Towards the end of June both Burke and Wills died, and King alone survived until rescued by Howitt's party on the 15th September. In the meantime Brahe had fallen in with Wright on the 29th April, at Bulloo. As soon as it became known that Burke, with his three companions, had not been heard of since the 16th December, 1860, various relief expeditions were organised. A. W. HOWITT was sent out from Melbourne with a search party. Queensland sent out two relief expeditions—the *Victoria*, a steam sloop, was sent up to the mouth of the Albert River, having on board WILLIAM LANDBOROUGH, with GEORGE BOURNE as second in command, while the other expedition, under FREDERICK WALKER, left the furthest station in the Rockhampton district. From South Australia JOHN MCKINLAY set out to cross the continent to the north.

(i.) *Howitt's Relief Expedition, 1861.* On the 4th July, 1861, A. W. HOWITT set out in search of Burke. On the 13th July he reached Cooper's Creek and on the 15th he discovered King. Howitt then returned to Melbourne, but on the 9th December he again set out for the depôt at Cooper's Creek to recover the bodies of Burke and Wills. These he found and with them returned by way of Adelaide, which place he reached in December, 1862, the same month in which McDouall Stuart returned from his trans-continental journey.

(ii.) *Queensland Relief Expeditions under Walker and Landsborough, 1861.* From the western Rockhampton district an expedition set out under FRED. WALKER, a commandant of mounted natives under the Queensland Government. Striking a north-west course from the Barcoo, he descended the Norman, crossed the Flinders River, and found the tracks of Burke's camels descending northwards and returning southwards. He reached the sea at the Albert River, where the *Victoria* was awaiting him, and then returned overland to Rockhampton.

Another expedition, under WILLIAM LANDBOROUGH, went by sea in the *Firefly*, convoyed by the *Victoria*. Landsborough ascended the Albert River and discovered and named the Gregory and Herbert (subsequently rechristened the Georgina) Rivers, and also Lakes Frances and Mary. After learning that Walker had discovered Burke's tracks, Landsborough descended the Thomson River, crossed the Barcoo, and came to a station on the Warrego, where he learnt the fate of Burke and his companions.

(iii.) *South Australian Relief Party under McKinlay, 1861-2.* On the 26th October, 1861, JOHN MCKINLAY, a South Australian grazier, started from Adelaide in command of a relief party. From Lake Torrens he struck north and crossed the lower end of Cooper's Creek. After discovering Gray's body, McKinlay sent a messenger to Blanch Water to bring back rations for a prolonged journey. The messenger returned with news of the rescue of King and the deaths of Burke and Wills. McKinlay then started north and traced the course of the Diamantina River for some distance. Reaching the Leichhardt River, he traced it to its mouth and then crossed on to the head of the Burdekin, where he reached a cattle station on the 2nd August, 1862. The results of McKinlay's explorations were of great value in opening up Central Australia.

8. Major Warburton, 1873.—In 1873 an expedition was sent out by Thomas Elder and Walter Hughes, South Australian colonists, under the command of MAJOR WARBURTON, with the object of travelling through from Central Mount Stuart to Perth. On the 15th April, 1873, the expedition left Alice Springs for Burt's Creek, whence they struck to the westward. On the 5th June they crossed the Western Australian boundary. Proceeding to the north-west in an unsuccessful attempt to find Sturt's Creek, which

Gregory had discovered in 1856—(see A. *Eastern Australia*, 19.)—Warburton at last succeeded, after nearly perishing through want of water, in reaching a creek at the head of the Oakover River, which he followed till a station was reached in December, 1873.

9. **W. C. Gosse, 1873.**—On the 23rd April, 1873, WILLIAM CHRISTIE GOSSE, Deputy Surveyor-General of South Australia, left Alice Springs in command of the “Central and Western Exploring Expedition,” with the object of reaching Perth. After passing both Warburton’s tracks and those of Giles (see below), Gosse reached the westernmost spurs of the McDonnell Range. He made several ineffectual attempts to penetrate to the west, but was obliged to turn back. His homeward course was by way of the Musgrave Ranges. He discovered and named the Marryat, and traced the Alberga to within sixty miles of the transcontinental telegraph line, whence he reached Charlotte Waters Station.

10. **Ernest Giles, 1872 to 1876.**—ERNEST GILES’ first expedition was in 1872, when, with two companions—CARMICHAEL and ROBINSON—he started from Chambers Pillar and discovered Lake Amadeus and Mount Olga. He then unsuccessfully attempted to force his way through the deserts to the settlements of Western Australia.

(i.) *Attempted Overland Expedition to Perth, 1873.* In 1873 GILES, accompanied by W. H. TIETKINS and two others, set off from the Alberga and made another effort to penetrate the western deserts. His furthest point west was long. $125^{\circ} 35' E.$, whence he was forced to return to Adelaide.

(ii.) *Overland Journey to Perth and back, 1875-6.* In 1875 Giles set out on another expedition, financed by SIR THOMAS ELDER. Giles was again accompanied by Tietkins, setting off from Beltana, Giles’ route lay in the vicinity of lat. $30^{\circ} S.$ On the 4th November, 1875, the expedition arrived at an outside sheep-station in the settled districts of Western Australia. Giles’ return journey was by way of the Murchison, Gascoyne, and Ashburton Rivers, the last of which he followed to its head. Thence striking to the south of east he arrived at the Peake telegraph station.

11. **Later Explorations.**—After Giles’ expedition of 1876, the chief work of exploration in South Australia and the Northern Territory had been completed. There were still, however, considerable tracts of country which had not been explored.

(i.) *Lewis, 1874.* In 1874 LEWIS, a surveyor, who had accompanied Warburton in 1873, explored the country in the neighbourhood of Lake Eyre and the Diamantina River.

(ii.) *Hodgkinson, 1875.* In 1875 W. O. HODGKINSON, in charge of an expedition sent out by the Queensland Government, examined the country around Eyre Creek and the Georgina River, and discovered the Mulligan River.

(iii.) *Buchanan and Scarr, 1878.* In 1878 NATHANIEL BUCHANAN explored the country lying between the Georgina and the overland telegraph line, and discovered an important creek now known as Buchanan’s Creek. In the same year this strip of unknown land was further explored by FRANK SCARR, a Queensland surveyor.

(iv.) *Favenc, 1878-83.* In 1878 an expedition was sent out from Queensland under ERNEST FAVENC, in connection with a project for a railway line from Brisbane to Port Darwin. Favenc explored the country between the Georgina and Diamantina Rivers, and then striking Buchanan’s Creek, discovered and named Corella Lagoon. Thence proceeding to the north, the expedition, after exploring some good pastoral country, reached Powell’s Creek Station in January, 1879. In 1883 Favenc explored the heads of several of the rivers of the Gulf of Carpentaria. He traced the course of the Macarthur, and discovered and named the Kilgour River. In 1888-9 he explored the head waters of the Gascoyne and Ashburton Rivers in Western Australia.

(v.) *Other Explorers.* Other explorers whose names should be mentioned in connection with the later exploration of Central Australia are:—(a) H. V. BARCLAY, who, in

1877, discovered and named the Jervois Ranges and the Hale, the Plenty, the Marshall, and the Arthur Rivers. (b) ADAM JOHNS and PHILLIP SAUNDERS, who started from Roeburne in 1876 and crossed to the overland line in South Australia. (c) DAVID LINDSAY, who, in 1883, led an expedition sent out by the South Australian Government to complete the survey of Arnhem's Land. (d) O'DONNELL and CARR-BOYD, who, in 1883, left the Katherine River and pushed across into Western Australia. (e) H. STOCKDALE; who travelled from Cambridge Gulf to the south through the Kimberley district in 1884. (f) W. H. TIETKINS, who had accompanied Giles as second. In 1889 Tietkins was placed in charge of the Central Australian Exploring Expedition. He explored the country to the north and west of Lake Amadeus, and discovered and named the Kintore and the Bonython Ranges. g ALFRED SEARCY, who, from 1882 to 1896 visited many parts of the coast and rivers of the Northern Territory. (h) HUBBE, in 1896, was sent out by the South Australian Government to open up, if possible, a stock route between Oodnadatta and Coolgardie. He reached Coolgardie in August. Though fair water was found in several places, the country was for the most part dry and covered with spinifex.

(c) Western Australia.

1. **Early Discoveries.**—In 1791 GEORGE VANCOUVER, in command of H.M.S. *Discovery*, found and named St. George's Sound. On the 25th December, 1826, MAJOR LOCKYER, with a detachment of soldiers, landed at King George's Sound to form a settlement, under instructions from SIR RALPH DARLING, then Governor of New South Wales. The settlement was established in order to forestall the French, who, it was rumoured, intended to occupy the harbour. Early in 1827 CAPTAIN JAMES STIRLING and CHARLES FRAZER examined and reported upon the Swan River districts with a view to forming a settlement there. In 1829 CAPTAIN FREMANTLE landed at the mouth of the Swan River and took possession of the country. A month later Stirling arrived with the first settlers.

In November, 1829, ALEXANDER COLLIE and LIEUTENANT PRESTON explored the coast between Cockburn Sound and Géographe Bay, and in the following month DR. J. B. WILSON, R.N., discovered and named the Denmark River.

(i.) *Captain Roe, 1830-1848.* JOHN SEPTIMUS ROE, the Surveyor-General of the new colony, accompanied Captain P. King on his explorations of the north and north-west coasts of Australia in 1818, and was a member of King's expedition in 1821. In 1830 Roe explored the country in the neighbourhood of Cape Naturaliste, Port Leschenault, and between the Collie and Preston Rivers. During the year 1832 Roe and Sir James Stirling, in H.M.S. *Sulphur*, were occupied in surveying the south coast. In 1835, Roe examined the country between the headwaters of the Kalgan and Hay Rivers. In 1836 he led an expedition to explore the country to the north and east of Perth, and in 1839 he rescued Grey's expedition (see below). In 1848 he made an attempt to penetrate to the eastward, and traced the course of the Pallinup River for some distance.

In the meantime CAPTAINS WICKHAM and STOKES, in H.M.S. *Beagle* (see A. *Eastern Australia* above), had completed a series of coastal surveys on the north-west coast, discovering the Fitzroy and Adelaide Rivers.

(ii.) *Other Early Explorers.* In 1830 GOVERNOR STIRLING and CAPTAIN CURRIE explored the vicinity of Cape Leeuwin, and determined on the site of Port Augusta. In the same year ENSIGN R. DALE explored the country to the east of the Darling Range. He traced the courses of the Avon and Helena Rivers, and explored as far east as Mount Caroline. In 1831 he examined the country fifty miles to the north and south of Mount Bakewell. In 1831 CAPTAIN BANNISTER travelled overland from Perth to King George's Sound, and W. K. SHENTON explored the Collie River. In the same year J. G. BUSSELL traversed the country between the Swan River and Port Augusta, and LIEUTENANT PRESTON made an excursion in a whaleboat to Point d'Entrecasteaux, and thence by land to the Murray River. In 1832 Alexander Collie explored the districts between

Albany and French River, and near King George's Sound. In 1833 F. WHITFIELD traced the Helena River to its source, and ALFRED HILLMAN, surveyor, explored the country between Albany and Nornalup Inlet. In 1834 G. F. MOORE traced the Swan River to its source, and in 1836 he discovered the Moore River. In May, 1836, LIEUTENANT BUNBURY explored the country between the mouths of the Dale and Williams Rivers, and later in the same year he crossed from Pinjarra to the Williams.

2. **Grey, 1837 to 1839.**—In December, 1837, an exploring party under CAPTAIN (afterwards SIR) GEORGE GREY and LIEUTENANT LUSHINGTON, landed at Hanover Bay, on the north-west coast, with the object of making their way to Perth. The Glenelg River was discovered and traced, but being unable to find a pass through the mountains Grey returned to the coast and thence to Perth. In January, 1839, Grey explored the country between the Williams and the Leschenault Rivers.

(i.) *Coastal Explorations, 1839.* In February, 1839, Grey set out on an expedition to examine Shark's Bay, and to make excursions inland. Landing at Bernier Island, they proceeded to Dorre Island, and thence landed on the mainland near the mouth of the Gascoyne River. The misfortunes encountered and the hardships undergone may be read in Grey's published narrative.¹ Grey, with two or three picked men, succeeded in making his way along the coast as far as Perth, where a relief expedition was organised by ROE. Grey discovered the Grey, Buller, Chapman, Greenough, Arrowsmith, Hutt, Bowyer, Murchison, and Gascoyne Rivers.

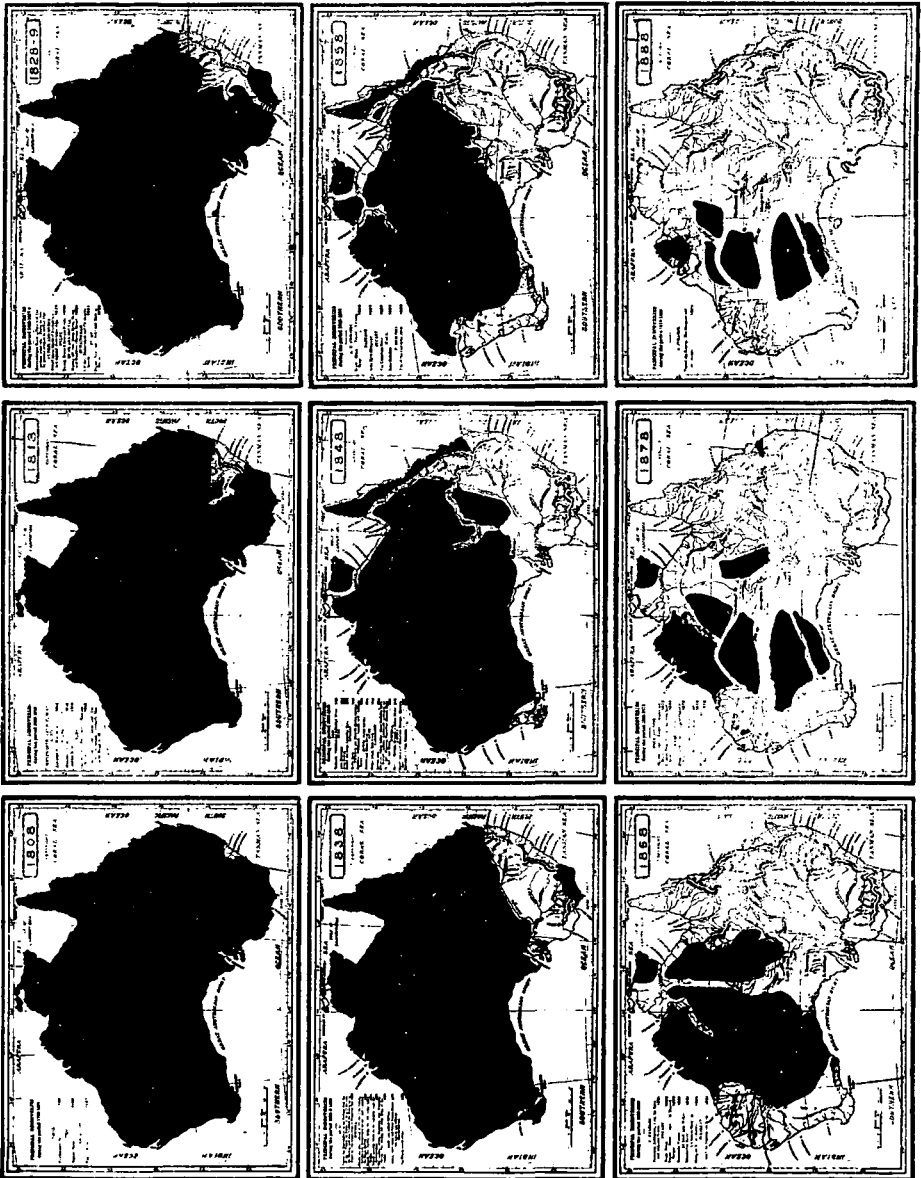
3. **R. Austin, 1854.**—In 1854 ROBERT AUSTIN, Assistant Surveyor-General of Western Australia, was sent in charge of an inland exploring party, with a view to the discovery of minerals or navigable water, and to search for agricultural or pastoral country in the Gascoyne district. He reached Cowcowing Lake on the 16th July, and thence made his way directly north, as far as a lake which he named Lake Austin. Finding the upper tributaries of the Murchison waterless, Austin succeeded with great difficulty in reaching the Geraldine Mine, where a small settlement had been formed to work the vein of galena discovered by A. C. Gregory. (See A. *Eastern Australia*, 19.) Thence he returned to Perth.

4. **F. T. Gregory, 1857 to 1861.**—In March, 1857, FRANK T. GREGORY, brother of Augustus Gregory, whose explorations have already been referred to (see A. *Eastern Australia*, 19, above), examined the upper reaches of the Murchison River. On the 16th April, 1858, he left the Geraldine Mine with the object of penetrating to the Gascoyne. He traced the Murchison River for many miles, and then struck off on a north-easterly course until, on the 6th May, he reached the Gascoyne. This river he descended to its mouth, and also discovered and named its tributary, the Lyons, which he traced as far as Mount Augustus. Retracing his steps, Gregory finally reached Perth on the 10th July, 1858.

In 1861 Gregory set out on another expedition, subsidised by the Imperial Government, to explore the north-western districts. Having disembarked at Nichol Bay, the party started on the 25th May, 1861. Gregory discovered and traced the Fortescue, and then, striking south, found and named the Ashburton River. Returning to Nichol Bay, he again set out in August, and discovered the Shaw, De Grey, and Oakover Rivers. He returned to Nichol Bay on the 18th October, 1861.

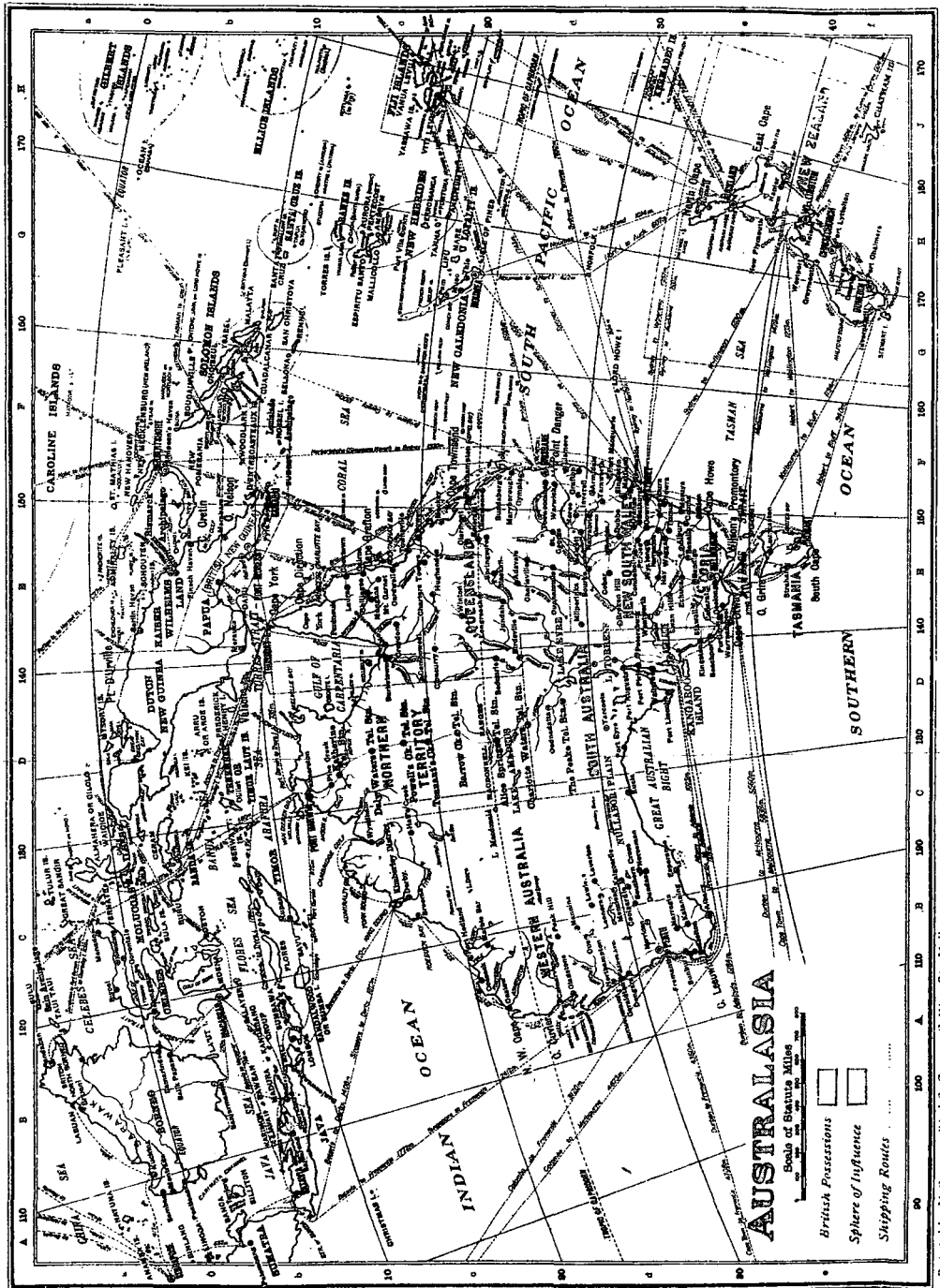
5. **Sir John Forrest, 1869 to 1883.**—On the 26th April, 1869, JOHN (now Sir John) FORREST, formerly an officer of the Survey Department of Western Australia, left Yarraging, the furthest station to the east, on an expedition to investigate certain reports that the blacks had killed some white men in the interior. These reports were found to have originated in the discovery of the skeletons of some horses which died during Austin's expedition. Forrest discovered and named Lake Barlee, and penetrated to the east some distance past Mount Margaret. He returned to Perth on the 6th August, 1869.

1. "Captain Grey's Travels in North-west and Western Australia." London: T. and W. Boone, 1841.



PROGRESS OF AUSTRALIAN EXPLORATION.

The above maps compiled by Mr. E. Favenc shew decennially the progress of discovery from 1808 to 1888. The dark shade shews the area of unexplored territory.



(i.) *Coastal Journey from the West to Adelaide, 1870.* In 1870 Forrest was placed in command of an expedition, the object of which was to cross to Adelaide by way of the shores of the Great Australian Bight. On the 30th March, 1870, he left Perth, accompanied by his brother, ALEXANDER FORREST, and four others. A coasting schooner, the *Adur*, accompanied the expedition, calling at Esperance Bay, Israelite Bay, and Eucla. After a short trip inland Forrest left Eucla on the 14th July, and passing through South Australian territory he reached Adelaide on the 27th August, 1870.

(ii.) *Overland Journey from the West to Overland Telegraph Line, 1874.* Early in April, 1874, John Forrest, accompanied by his brother Alexander and four others, set out from Geraldton to endeavour to cross to the overland telegraph line. Taking a north-easterly course, he struck and traced the Murchison, and thence reached Weld Springs, where he had an encounter with the blacks. On the 27th September the expedition reached the telegraph line at a point some distance to the north of the Peake Station, and thence arrived at Adelaide on the 3rd November.

(iii.) *Later Explorations, 1883.* In 1883 Forrest landed at Roebuck Bay and examined a large portion of the Kimberley Division. He also investigated Cambridge Gulf and the lowest part of the Ord River.

6. Alexander Forrest, 1871 to 1879.—ALEXANDER FORREST accompanied his brother on two expeditions referred to above. In 1871 he took charge of a private expedition to search to the eastward for pastoral country, and penetrated inland for 600 miles.

(i.) *Overland Journey to Telegraph Line, 1879.* In 1879 Alexander Forrest led an expedition from the DeGrey River to the overland telegraph line of South Australia. He left the DeGrey on the 25th February and reached Beagle Bay on the 10th April. Thence he followed the coast as far as the Fitzroy, which he ascended as far as the King Leopold Range. Following up the Margaret River he reached a tableland which he called Nicholson Plains. After discovering and naming the Ord River he reached the Victoria River on the 18th August, and after much suffering and privation eventually reached the Daly Waters Station.

7. David Lindsay and L. A. Wells, 1891 to 1892.—LINDSAY'S explorations in Arnhem's Land in 1883 have already been referred to (see B. *Central Australia*, 11. v. (c)). In 1891 an expedition was sent out by Sir Thomas Elder, under the leadership of Lindsay, its purpose being to complete the exploration of Australia. Lindsay, accompanied by L. A. Wells and others, left Warrina on the 2nd May, 1891, and proceeded via Fort Müller to Mount Squires, whence a south-west course was taken to Queen Victoria's Spring. Fraser's Range was reached, whence a westerly course to the Murchison was taken. On the 1st January, 1892, the expedition reached its destination.

A flying trip was made by L. A. WELLS into the district lying between Giles' track of 1876 and Forrest's route of 1874. Wells discovered several ranges of hills and some good pastoral country. He completed the examination of what was practically the whole of the still unexplored districts in about six weeks, from the 23rd February to the 4th April, 1892.

8. The Calvert Expedition under L. A. Wells, 1896 to 1897.—On the 16th July, 1896, L. A. Wells, in command of the Calvert Expedition, started from Lake Way to examine the country between the East Murchison and Fitzroy Rivers. Striking a north-easterly course, Wells reached the Fitzroy near Mount Tuckfield on the 6th November, having, however, lost two of his companions—C. F. WELLS and G. LINDSAY JONES—who had been sent on a flying trip to the north-west from Separation Well. The bodies of the missing men were subsequently found by Wells.

9. The Carnegie Expedition, 1896 to 1897.—On the 20th July, 1896, an expedition equipped and led by the HON. DAVID CARNEGIE set off from near Lake Darlôt to strike

across the continent in a north-easterly direction. The objects of the expedition were: (a) extension of geographical knowledge, (b) to discover a practical stock-route between Kimberley and Coolgardie, and (c) the discovery of auriferous country. In the last two objects the expedition was unsuccessful. Carnegie, having discovered several springs on his way, reached the northern settlements at Hall's Creek. He then followed Sturt's Creek as far as Gregory's Salt Sea, and then kept a southerly course to Lake Macdonald. The expedition returned to Lake Darlôt, via the Rawlinson Range, on the 15th July, 1897.

10. Later Exploration in the North-West.—During the latter part of the 19th century various expeditions were sent out to explore those parts of the north-west of the continent, which still remained unknown.

(i.) *O'Donnell and Carr-Boyd, 1883-96.*—In 1883, W. J. O'DONNELL and W. CARR-BOYD, whose explorations have already been referred to (see B. *Central Australia*, 11, v. (d)), explored the country from the overland telegraph line in the direction of Roeburne and found good pastoral country. In 1896, Carr-Boyd, accompanied by DAVID BREARDON, explored the country near the Rawlinson Ranges. He also made several excursions between the southern goldfields of Western Australia and the South Australian border.

(ii.) *H. F. Johnston, 1884.* In the same year H. F. JOHNSTON, G. R. TURNER, and E. T. HARDMAN surveyed the country from Mount Pierre on the Fitzroy to the junction of the Negri and Ord, and discovered and named the Mary and Elvire Rivers. In the following year Johnston, accompanied by C. Y. NYULASY, further examined the country near Spencer Gulf.

(iii.) *F. S. Brockman, 1901.* In April, 1901, the Western Australian Government despatched a party under F. S. BROCKMAN, Controller of the Field Survey Staff, with CHARLES CROSSLAND as second in command, to explore the extreme north end of the State lying between the 17th and 14th parallels of latitude and west from the 128th meridian. The party was accompanied by GIBB MAITLAND, the Government Geologist, and by DR. F. M. HOUSE, as naturalist, and was successful in securing full information as to the geographical, geological, and botanical details of the districts traversed. From Wyndham, Brockman proceeded to the Charnley River, and thence to the tributary waters of the Glenelg and Prince Regent Rivers. The Moran and King Edward Rivers were discovered and traced. A large area (6,000,000 acres) of basaltic pastoral country was also discovered.

(iv.) *F. H. Hann, 1896-1907.* In 1896 FRANK H. HANN, a Queensland squatter, started from Lawn Hill, on the Gulf of Carpentaria, to prospect the north-west interior of Western Australia for pastoral country. Striking the Ord River, he followed it up to Hall's Creek. After an unsuccessful attempt to reach the head of the Oakover River, a course was made for Derby along the Fitzroy River. From Derby, Hann went to Broome, Condon, and Roeburne. Later on he crossed the King Leopold Range and traced and named some of the tributaries of the Fitzroy. In 1903 Hann made the first of several trips from Laverton to Oodnadatta. On the 20th November, 1906, he left Laverton on an expedition to Oodnadatta, with the objects (a) of proving the possibility of opening up a stock route between these two places, and (b) of demonstrating the existence of gold-bearing lodes. Hann reached Oodnadatta on the 13th February, 1907, having followed generally a route some distance to the south of Sir John Forrest's track in 1874. Though large stretches of well grassed country were discovered, many of the so-called "springs" were found to be dry. Hann reported that a practicable stock route between Laverton and Oodnadatta could be opened up by sinking wells, and he also succeeded in obtaining a number of mineral specimens from gold-bearing lodes.

(v.) *Other Explorers.* Other explorers whose names are connected with the exploration of Western Australia are:—GEORGE ELIOT, who, in 1839, explored the country between the Williams and Leschenault; WILLIAM NAIRNE CLARK, who, in 1841, discovered immense jarrah and karri forests in the south-west; R. H. BLAND (1842); H.

LANDOR (1842); LIEUTENANT HELPMAN (1844); CAPTAIN H. M. DENHAM (1858); B. D. CLARKSON, C. E. and A. DEMPSTER, and C. HARPER (1861); C. C. HUNT and RIDLEY (1863); R. J. and T. C. SHOLL (1865); A. MCRAE (1866); PHILLIP SAUNDERS and ADAM JOHNS (1876); H. STOCKDALE (1884); H. ANSTEY (1887); F. NEWMAN and W. P. GODDARD (1890); J. H. ROWE (1895); C. A. BURROWS and A. MASON (1896); HUGH RUSSELL (1897); and JOHN MUIR (1901).

§ 5. The Constitutions of the States.¹

1. **Introduction.**—The subject of "General Government" is dealt with in Section XXV. of this Book, but it has been thought desirable to here give a brief statement of the constitutional history of Australia, with a view to shewing how the present Constitutions of the States have been built up.

2. **Early Constitutional History.**—The earliest statute relating to Australia was passed in the year 1784, for the purpose of empowering the King in Council to appoint places in Australia to which convicts might be transported. By an Order in Council dated the 6th December, 1786, His Majesty's "territory of New South Wales, situated on the east part of New Holland," was appointed such a place. Captain Phillip, who was appointed the first Governor and Vice-Admiral of the territory, was empowered by his commission and letters patent to make ordinances for the good government of the settlement. By an Act passed in 1787 authority was given for the establishment of a court of criminal jurisdiction at Sydney. In the early days of settlement the Governor's power was almost absolute, and his rule virtually despotic, tempered by his own discretion and by the knowledge that he was responsible to the Imperial authorities for any maladministration. By Acts passed in 1819, 1821, and 1822, the Governor was given limited powers to impose local taxation in the shape of Customs duties on spirits, tobacco, and other goods imported into the colony.

(i.) *The First Constitutional Charter.* In 1823 an Act was passed authorising the creation of a Council, consisting of from five to seven persons charged with certain legislative powers of a limited character. This was the first constitutional charter of Australia, and was later improved and amended by an Act passed in 1828, and applying both to New South Wales and to Van Diemen's Land, which had been politically separated in 1825.

(ii.) *First Representative Legislature.* In 1842 an important measure was passed by the Imperial Government, establishing, for the first time in Australia, a Legislature partly, but not wholly, representative in character. It was enacted that there should be within the colony of New South Wales a Legislative Council, to consist of thirty-six members, twelve of whom were to be nominated by the Sovereign and twenty-four elected by the inhabitants of the colony. The Act contained provisions defining the legislative functions of the Council, and regulated the giving or withholding of the Royal assent to Bills passed by the Council. This Act did not grant responsible government to New South Wales; the heads of the Departments and other public officers continued to hold their offices at the pleasure of the Crown, as represented by the Governor. The new Council was opened by Sir George Gipps, on the 1st August, 1843.

(iii.) *The Australian Colonies Government Act, 1850.* The next important Act relating to representative government in Australia is the Australian Colonies Government Act, passed in 1850. The two main objects of this Act were (a) the separation of the Port Phillip District from New South Wales, and (b) the establishment of an improved system of government in all the Australian colonies. For New South Wales, for the separated Victoria, for Van Diemen's Land, and for South Australia, similar Legislatures

1. See "The Annotated Constitution of the Australian Commonwealth," Quick and Garran; Jenks' "Government of Victoria"; Rusden's "History of Australia."

were prescribed. The general provisions of the Act provided that the existing Legislature in New South Wales should decide the number of members of which a new Council was to consist in that colony, and should perform the same task for Victoria. On the issue of the writs for the first election in Victoria, separation was to be deemed complete. One-third of the number of members of the Council in each colony was to be nominated by the Crown. The existing Legislatures in Van Diemen's Land and South Australia were to decide as to the number of members in the new Council in each, but they were not to exceed twenty-four. Power was given to the Governor and Legislative Council in each colony to alter the qualifications of electors and members as fixed by the Act, or to establish, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to be appointed or elected by such persons and in such manner as should be determined, and to vest in such Houses the powers and functions of the old Council. The powers and functions of the Councils under this Act were as follows:—(a) to make laws for the peace, order, and good government of the colony, (b) to impose taxation, including the imposition of Customs duties, and (c) to appropriate to the public service the whole of the public revenue arising from taxes, duties, rates, and imposts. The restrictions on the powers and functions of the Councils were as follows:—(a) that no such law should be repugnant to the law of England, (b) that no such law should interfere with the sale and appropriation of Crown lands, (c) that no Customs duties of a differential character should be imposed, and (d) that it should not be lawful for the Council to pass any Bill appropriating to the public service any sum of money for any purpose unless the Governor should have previously recommended that provision for such appropriation be made.

3. The Constitution of New South Wales.—After the Act just referred to had been proclaimed, an Electoral Bill for New South Wales was passed increasing the number of members of the Council from thirty-six to fifty-four, of whom thirty-six were to be elective and eighteen nominee members. The extraordinary increase in the wealth and prosperity of the colony owing to the discovery of gold, soon imparted new and unforeseen features to its political and social conditions. In 1851 a remonstrance was despatched by the Legislative Council of New South Wales to the Secretary of State for the Colonies, in which objection was taken to the form of Constitution which the Imperial authorities proposed to grant under the Act of 1850, on the grounds (a) that it did not place the control of all revenue and taxation entirely in the hands of the Colonial Legislature, (b) that all offices of trust and emolument should be filled by the Governor and Executive Council, unfettered by instructions from the Secretary of State for the Colonies, and (c) that plenary powers of legislation should be conferred on the Colonial Legislature. In 1852 the Secretary of State for the Colonies, in a despatch to the Governor of New South Wales, promised to give effect to the wishes of the Legislative Council, and suggested that the Legislative Council should proceed to frame a Constitution resembling that of Canada and based on a bi-cameral Legislature. A select committee of the Council was accordingly appointed to draft a Constitution, and as a result of the deliberations of this body the new Constitution was, on the 21st December, 1853, adopted by the Council and transmitted to the Secretary of State for the Colonies. As it contained provisions in excess of the powers conferred by the Act of 1850, the Bill could not receive the Royal assent, but had to be introduced into the Imperial Parliament. With some amendments the Bill was passed by the Imperial Government and received the Royal assent on the 16th July, 1855. It is now known as the New South Wales Constitution Act 1855, and under its provision a fully responsible system of government was granted. The entire management and control of Crown lands was conferred on the New South Wales Parliament, while the provisions of former Acts respecting the allowance and disallowance of Bills were preserved. Subject to the provisions of the Act, power to make laws amending the Constitution was given to the New South Wales Parliament. The first Parliament, under the new Constitution, was opened by Sir William T. Denison, on the 22nd May, 1856. The Constitution was amended by Acts passed in 1857, 1884, and 1890, these Acts being repealed and consolidated by the Constitution Amendment Act of 1902. The last amending Act was passed in 1908.

4. The Constitution of Victoria.—After the proclamation of the Australian Colonies Government Act of 1850, the old Legislative Council of New South Wales met on the 28th March, 1851, for the purpose of making electoral and judicial arrangements required to bring the new Act into force in Victoria. Two Acts were passed specially concerning Victoria. The first provided for the continuation of the powers and functions of all public officers resident within the Port Phillip District until removed or reappointed by the Government of Victoria. The other Act provided that the Legislative Council of Victoria should consist of thirty members, ten nominees and twenty elective. On the 1st July, 1851, writs for the election of the elective members of the new Legislative Council of Victoria were issued and separation became complete. On the 15th July Mr. La Trobe was appointed the first Lieutenant-Governor of the colony. The powers and functions of the new Council were, under the Act of 1850, similar to those of the reorganised Legislative Council of New South Wales. The next important stage in the constitutional history of Victoria was that which was consummated by the attainment of a fully responsible system of government. Reference has already been made to the rapid advance in the population, wealth, and material prosperity of Australia consequent on the discovery of gold, and to the lead taken by the Legislature of New South Wales in the movement for an extension of constitutional power. In 1853 a despatch, similar to that received by the Governor of New South Wales (see above), was received by the Lieutenant-Governor of Victoria from the Secretary of State for the Colonies. A Constitution was drafted by a committee of the Legislative Council, and it was embodied in a Bill which was passed and reserved for the Queen's assent on the 28th March, 1854. This Bill contained clauses similar to those of the New South Wales Bill relating to the assent of the Governor to bills and the Sovereign's power to disallow the same; to the sale and appropriation of Crown lands; and to the amendment of the Constitution by the Victorian Parliament. As the new Constitution contained provisions beyond those authorised by the Act of 1850 a special Enabling Act was necessary. The Bill was passed and assented to on the 16th July, 1855, and the new Constitution was proclaimed on the 23rd November following. Several amendments have since been made, chiefly with reference to the term of membership and the qualifications of members and electors. In 1890 the Constitution Amendment Act was passed, repealing and consolidating all previous amendments. The last amending Act was passed in 1903.

5. The Constitution of Queensland.—As part of New South Wales, the Moreton Bay District enjoyed the benefits of responsible government under the Constitution Act of 1855. For electoral purposes the district was, in 1856, divided into eight electorates, returning nine members to the Legislative Assembly of New South Wales.

By an Act passed in 1842 the Queen was empowered to erect into a separate colony any part of the territory of New South Wales lying to the northward of 26° south latitude, which was altered by the Australian Colonies Government Act 1850 to 30° south latitude. By the New South Wales Constitution Act 1855 the power previously granted to alter the northern boundary of New South Wales was distinctly preserved, and Her Majesty was authorised, by letters patent, to erect into a separate colony any territory which might be so separated. It was further enacted that Her Majesty, either by such Letters Patent or by Order in Council, might make provision for the government of any such new colony, and for the establishment of a Legislature therein, in manner as nearly resembling the form of government and legislature established in New South Wales as the circumstances of the new colony would permit. The separation was effected by Letters Patent dated the 6th June, 1859, and the Constitution of the new colony was embodied in an Order in Council of the same date.

The Order in Council provided that there should be within the colony of Queensland a Legislative Council and a Legislative Assembly, with the advice and consent of which Her Majesty should have power to make laws for the peace, welfare, and good government of the colony in all cases whatsoever. The powers and functions granted to this Legislature were substantially the same as those granted to New South Wales and Victoria under their respective Constitution Acts, and similar restrictions were imposed. The first Parliament under the new Constitution was convened on the 29th May, 1859.

There have been several amendments of the Constitution, the dates of the amending Acts being as follows:—1867, 1871, 1874, 1890, 1896, and 1905.

6. The Constitution of South Australia.—The creation of South Australia as a Province has already been referred to above (see p. 15.) In the exercise of the provisions of the Act, by which the Province was created, a governor, a judge, seven commissioners, and other officials, were appointed. The Governor, with the concurrence of the Chief Justice, the Colonial Secretary, and the Advocate-General, or two of them, was authorised to make laws and impose taxes. The control of the Crown lands was placed in the hands of the Commissioners. In 1841 the settlement being involved in financial difficulties, a loan was advanced by the British Government. Under an Act passed in 1842 the system of government was remodelled; the colonisation commissioners were abolished, and the Province became a Crown colony. The Queen was empowered to constitute a nominated Legislative Council, consisting of the Governor and seven other persons resident in the colony, with power to make laws for the good government thereof. This system of government continued in force until the inauguration of a new scheme under the provisions of the Australian Colonies Government Act 1850, referred to above.

In 1838 the Legislative Council of South Australia, in pursuance of the powers conferred by the Act of 1850, passed a Bill to establish a bi-cameral Legislature for South Australia. The Royal assent was, however, refused on the ground that the Bill contained a provision limiting the right of the Crown in respect to the disallowance of Bills, which provision was in excess of the powers conferred by the Act of 1850. In 1855 a new Legislative Council, partly elective and partly nominee, having been duly constituted, a second Bill, based on the Tasmanian Constitution Bill, to create a bi-cameral legislature, was passed and duly received the Royal assent in 1856. This Act, known as the South Australian Constitution Act 1856, confers no legislative powers except by reference to the Act of 1850. In order to ascertain the principal legislative powers and functions of the Parliament of South Australia reference must therefore be made to the Australian Colonies Government Act 1850, defining the legislative powers and functions of the Council for which it was substituted (see p. 35 above). The first session of the new Parliament commenced on the 22nd April, 1857, during the Governorship of Sir Richard Graves McDonnell.

The legislative powers of the South Australian Parliament have been considerably enlarged by several Imperial Acts. In 1855 an Act was passed authorising the Legislature of each of the Australian colonies to sell, dispose of, and legislate with reference to Crown lands in the colony. In 1865 the Colonial Laws Validity Act removed the common law restriction which prevented colonial legislators from passing any law repugnant to the law of England. In 1873 the prohibition contained in the Australian Colonies Government Act 1850 was, by the Australian Colonies Duties Act, abolished as far as intercolonial duties were concerned. There have been a large number of amendments to the Constitution, the dates of the amending Acts being as follows:—1870, 1872, 1873, 1876, 1881, 1882, 1887, 1888, 1889, 1890, 1892, 1893, 1894, 1896, 1899, 1901, and 1902.

7. Constitution of Western Australia.—In 1829 the first Imperial Act relating to the Government of Western Australia was passed. By that Act the King in Council was empowered to make and constitute, and to authorise any three or more persons resident within the settlements to make and constitute laws, institutions, and ordinances for the peace, order, and good government of the settlements in Western Australia. By an Order in Council dated the 1st November, 1830, the first Executive Council was constituted, while in the following year a Legislative Council, which consisted at first solely of members of the Executive Council, was formed. This system of government remained unaltered for many years, though the numbers of members of both Councils were increased from time to time. In August, 1870, the nominee Legislative Council was dissolved and writs were issued (under the Australian Colonies Government Act 1850, the provisions of which did not apply to Western Australia until that colony was able to defray its own expenses) for the election of a Council to consist of twelve elected and six nominated members. These numbers were again increased from time to time until the

last Legislative Council under the old form of government, which expired on the 21st October, 1890, consisted of twenty-six members, of whom four were official members, five were nominees of the Crown, and seventeen were elected by the different constituencies. As far back as 1873 a movement was commenced in Western Australia for responsible government as it existed in the eastern colonies. In 1889 the Legislative Council was dissolved and a general election took place, the principal question being the introduction of responsible government. A resolution in favour of the change was passed by the new Council without dissent, and a Constitution providing for the creation of a bi-cameral Legislature was accordingly drafted. In August, 1890, an enabling Bill received the Royal assent, and responsible government was proclaimed in the colony on the 21st October, 1890. Under this Act the Legislative Council was a nominative chamber, subject to the provision that after the expiration of six years, or as soon as the colony acquired a population of 60,000, the Council should be constituted by election. The first Parliament under the new Constitution met on the 30th December, 1890. On the 18th July, 1893, the population of the colony being then over 60,000, the Legislature of Western Australia passed an Act to amend the Constitution, abolishing the nominee Council and substituting one elected by the qualified inhabitants of the colony. The present Constitution of Western Australia differs but little from those of the other States of the Commonwealth. It has been amended by Acts passed in 1893, 1894, 1896, 1899, and 1900.

8. Constitution of Tasmania.—Under an Order in Council dated the 14th June, 1825, and made in pursuance of the provisions of an Act passed in 1823, Van Diemen's Land, as it was known until the year 1853,¹ was separated from New South Wales and was proclaimed a separate colony. A Lieutenant-Governor was appointed, and an Executive and a Legislative Council were called into existence, the latter being on the same model as that introduced into the other colonies at the earliest stages of their constitutional progress. It was not until the Imperial Act of 1850 was passed, that a system of representative government was introduced into Tasmania. The provisions of that Act have already been briefly indicated (see p. 35) and will not be here repeated. A Constitution Bill was drafted and passed by the Legislative Council, and was assented to and proclaimed on the 24th October, 1856.

The Constitution of South Australia was based upon that of Tasmania, and the remarks made above with reference to the Constitution of the former State apply equally to the Constitution of the latter State.

The first Parliament under the new Constitution was opened on the 2nd December, 1856. The Constitution has been amended by Acts passed in 1870, 1884, 1885, 1890, 1900, 1903, and 1906.

9. Enlarged Legislative Powers.—The legislative powers and functions of the Parliaments of the States of the Commonwealth are in fact larger than they appear in the face of the Constitution Acts, inasmuch as contributory powers have been granted from time to time by Imperial Statutes. It is not within the scope of this work to enter into a consideration of the provisions of these Statutes. Among them, however, in addition to those already referred to (see "Constitution of South Australia" above), the following may be mentioned:—

Admiralty Offences (Colonial) Act 1860
Army Act 1881
Coinage Offences (Colonies) Act 1851
Colonial Copyright Act 1847
Colonial Marriages Act 1865

Colonial Naval Defence Act 1865
Extradition Acts 1870
Merchant Shipping Act 1894
Naturalisation Act 1870

1. In the year 1853, on the acquiescence of the Imperial Government in the cessation of transportation (finally abolished in 1857, by 20 and 21 Vic. c. 3), the name Tasmania was generally and voluntarily adopted instead of Van Diemen's Land. (See Quick and Garran's "Annotated Constitution of the Australian Commonwealth," p. 61.)

§ 6. The Federal Movement in Australia.

1. **Early Stages in the Federal Movement.**—A summary is given in Year Book No. 1 (pp. 17 to 21) of the "Federal Movement in Australia" from its earliest inception to its consummation. Only a synopsis of this will be given here.

Notwithstanding that, owing to the circumstances of their growth, the initial tendency in Australia was naturally toward the individualistic evolution of the several settlements, from the earliest period there was a clear recognition of the importance of intercolonial reciprocity. Governor Fitzroy, in 1846, and Earl Grey, in 1847, saw that there were questions which affected "Australia collectively, the regulation of which in some uniform manner, and by some single authority, may be essential to the welfare of them all," and a "central legislative authority for the whole of the Australian colonies" was actually contemplated. Even as far back as 1849, a Privy Council Committee recommended a uniform tariff, and the constituting of one of the Governors as Governor-General of Australia, Sir Charles Fitzroy being actually appointed as "Governor-General of all Her Majesty's Australian Possessions." The office, however, was nominal rather than actual, and expired in 1861. Dr. Lang's idea of "a great federation of all the colonies of Australia" was put forward in 1852, and a Victorian committee in 1853 advocated the value of the General Assembly of Delegates for the whole of Australia.

The need of union was urged by the *Sydney Morning Herald* in 1854, and, though in 1857 Wentworth sought to bring about the creation of a Federal Assembly, an "Enabling Bill" which was drafted turned out to be unacceptable to Her Majesty's Government. In the same year Mr. (afterwards Sir) Charles Gavan Duffy secured the appointment of a select committee of the Victorian Legislative Assembly to consider the necessity of a federal union of the Australasian colonies. The need for such union was unanimously affirmed, the general opinion being that it should not be longer delayed. In the same year a select committee of the New South Wales Legislative Council also considered this question, fully recognising that antagonisms and jealousies were likely to arise through delay.

Union was in a fair way toward realisation when the advent of the Cowper Administration destroyed all chance of attaining it, owing to the antagonism of Mr. Cowper and Mr. (afterwards Sir) James Martin. South Australia, also in the same year, and Queensland in 1859, were both unfavourable to the federal scheme. A second attempt by Mr. Duffy to bring about a conference in 1860 failed also.

Tariff differences, however, compelled political attention to the matter, and in 1862 correspondence was opened up by South Australia regarding tariff uniformity. By means of intercolonial conferences between 1863 and 1880 some degree of uniformity in legislation and a measure of concerted administration were realised. In March, 1867, Mr. (afterwards Sir) Henry Parkes expressed himself as follows:—" . . . The time has arrived when these colonies should be united by some federal bond. . . . There are questions projecting themselves . . . which cannot be dealt with by . . . individual Governments. . . . I believe it will lead to a permanent federal understanding." A Bill passed, however, was shelved by the Home Government.

2. **The Federal Council.**—The conference of November, December, 1880, and January, 1881, recommended the creation of a Federal Council, believing that the time had not arrived for a Federal Constitution with a Federal Parliament. Up till 1883, however, every effort proved abortive, but in November of that year a convention, at which the seven colonies and Fiji were represented, met in Sydney. A Bill to establish a Federal Council for Australasia, drafted by Mr. (now Sir) Samuel Griffith, was, after some modification by a committee of the convention, adopted. In July and August, 1884, the Crown was addressed, praying for the enactment of a Federal Council Act. New South Wales and New Zealand, however, held aloof, the view of Sir Henry Parkes being that a "council" would impede the way for a sure and solid federation. The Bill introduced

by the Earl of Derby in the House of Lords on the 23rd April, 1885, became law on the 14th August as "The Federal Council of Australasia Act 1885." The Council's career, however, soon shewed that it could not hope to be effective, and it met for the last time in January, 1899.

3. Formative Stages of the Federal Movement.—So far Australia has happily enjoyed peace, but as early as 1878 the necessity for federal defence was vividly brought into Australian consciousness, and arrangements for naval protection were entered into with the Imperial Government. These were ratified by the Australasian Naval Force Act. Queensland, however, did not come into line until as late as 1891.

Early in 1889 Sir Henry Parkes had confidentially suggested to Mr. Duncan Gillies the necessity for a Federal Parliament and Executive. Unable to accept the latter's suggestion that New South Wales should give its adhesion to the Federal Council, the former statesman urged the institution of "a National Convention for the purpose of devising and reporting upon an adequate scheme of Federal Government." This led to the Melbourne Conference of 6th February, 1890. It was at the banquet on this occasion that, in proposing "A United Australasia," Mr. James Service pointed out that the tariff question was "a lion in the path," which federationists must either slay, or by which they must be slain; in the reply to which Sir Henry Parkes made use of his historic phrase, *the crimson thread of kinship runs through us all*. Certain elements of doubt being expressed as to the motives underlying the movement, Sir Henry Parkes said:—"We desire to enter upon this work of Federation without making any condition to the advantage of ourselves, without any stipulation whatever, with a perfect preparedness to leave the proposed convention free to devise its own scheme, and, if a central Parliament comes into existence, with a perfect reliance upon its justice, upon its wisdom, and upon its honour I think an overwhelming majority of my countrymen will approve of the grand step of uniting all the colonies under one form of beneficent government, and under one national flag."

The first National Australasian Convention, under Sir Henry Parkes' presidency, was convened on the 2nd March, 1891, all the colonies and New Zealand being represented. The Bill then drafted was considered by the Parliaments of New South Wales, Victoria, South Australia, and Tasmania, but not by those of Queensland, Western Australia, and New Zealand, and though the parliamentary process of dealing with the matter failed, federal sentiment was strengthening. The collapse of the "land boom" had made apparent how intimately the interests of each colony are related; and the dangers of disunion became impressively obvious. The Australian Natives' Association took up the federal cause with enthusiasm, Federation leagues were established, the issues were widely and intelligently discussed. The late Sir George Dibbs' unification scheme helped to make the issue a real one.

At the Conference of Premiers at Hobart on the 29th January, 1895, it was agreed that federation "was the great and pressing question of Australian politics," and that "the framing of a Federal Constitution" was an urgent duty. The resuscitation of the whole matter led to the passing of Enabling Acts. In New South Wales the Act received the Royal assent on the 23rd December, 1895; South Australia anticipated this by three days; the Tasmanian Bill was passed on the 10th January, 1896, the Victorian on the 7th March, 1896; Western Australia fell into line on the 27th October. The "People's Federal Convention," held at Bathurst, N.S.W., in November, 1896, gave a considerable impulse to the movement; to wait longer for Queensland was considered unnecessary, and the 4th March, 1897, was fixed as the date for the election of federal representatives for New South Wales, Victoria, South Australia, and Tasmania. Western Australia followed suit, and on the 22nd March the representatives met at Adelaide.

The discussions made it evident that the federal point of view had advanced considerably. Constitutional, Finance, and Judiciary Committees were appointed, and a Bill drafted. This, reported to the Convention on the 22nd April, was adopted on the following day, and the Convention adjourned till September. The Parliaments of New South Wales, Victoria, South Australia, Tasmania, and Western Australia discussed the question before the Sydney Session of the Convention, which opened on the 2nd September, 1897.

The business of the Convention involved the general reconsideration of the whole Bill, and the consideration of no less than 286 suggested amendments. This work gave a definitive character to that of the Melbourne Session of 1898, extending from the 20th January to the 17th March, the necessity of reaching a final decision giving to its deliberations corresponding weight.

4. Votes on the Question of Federating.—Eleven weeks after this last convention the first popular vote was taken on Federation in New South Wales, Victoria, South Australia, and Tasmania. Though the decision was overwhelming in favour of Federation in three of the States, and there was a distinct majority in its favour in New South Wales, the majority was legally insufficient. On the 22nd January, 1899, the Premiers of the six colonies met at Melbourne in a conference initiated by the Right Honourable G. H. Reid, P.C., and seven amendments were made in the Bill. This step virtually effected the solution of the few outstanding difficulties which could in any way be regarded as fundamental.

On the occasion of the second popular vote Queensland also joined in, and the general majority in favour of Federation was more than doubled, that for New South Wales itself having been more than quadrupled when compared with the first vote. The following table shews the two results:—

VOTES FOR AND AGAINST FEDERATION.

		N.S.W.	Victoria.	Sth. Aust.	Tas.	Qld.	TOTALS
1st Vote	{ For Federation ...	71,595	100,520	35,800	11,797	—	219,712
	{ Against „ ...	66,228	22,099	17,320	2,716	—	108,363
	{ Majority ^d ...	5,367	78,421	18,480	9,081	—	111,349
2nd Vote	{ For Federation ...	107,420	152,653	65,990	13,437	38,488	377,988
	{ Against „ ...	82,741	9,805	17,053	791	30,996	141,386
	{ Majority ...	24,679	142,848	48,937	12,646	7,492	236,602

5. Enactment of the Constitution.—The Secretary of State for the Colonies (the Right Honourable Joseph Chamberlain) expressed the hope on the 22nd December, 1899, that a delegation of the federating colonies should visit England on the occasion of the submission of the Commonwealth Bill to the Imperial Parliament. The delegation consisted of Mr. (now Sir) Edmund Barton (N.S.W.), Mr. Alfred Deakin (Vic.), Mr. C. C. Kingston (S.A.), Sir P. O. Fysh (Tas.), and later Mr. S. H. Parker was appointed delegate for Western Australia and Mr. W. P. Reeves for New Zealand. After discussion as to whether there should be some modification in the Bill, it was introduced into the House of Commons on the 14th May; the second reading was moved on the 21st of the same month; the discussion in committee commenced on the 18th June; and the Royal assent was given on the 9th July, 1900.

On the 31st July a referendum in Western Australia on the question of federating gave the result:—For, 44,800; against, 19,691; that is to say, a majority of 25,109 in favour of union. On the 21st August both Houses of Parliament in that State passed addresses praying that it might be included as an original State of the Commonwealth.

On the 17th September, 1900, Her Majesty Queen Victoria signed the proclamation declaring that on and after the first day of January, 1901, the people of New South Wales, Victoria, South Australia, Queensland, Tasmania, and Western Australia should be united in a Federal Commonwealth, under the name of the Commonwealth of Australia.

7. Creation of the Commonwealth.

1. **The Act.**—The Commonwealth of Australia Constitution Act, 63 and 64 Vic., Chapter 12, namely, an Act to constitute the Commonwealth of Australia, which, as already stated, received the Royal assent on the 9th July, 1900, is given in Year Book No. 1 *in extenso* (pp. 21 to 37). The division of the Constitution is as follows:—

Chapter I.—The Parliament:—

Part I.—General.

Part II.—The Senate.

Part III.—The House of Representatives.

Part IV.—Both Houses of Parliament.

Part V.—Powers of the Parliament.

Chapter II.—The Executive Government.

Chapter III.—The Judicature.

Chapter IV.—Finance and Trade.

Chapter V.—The States.

Chapter VI.—New States.

Chapter VII.—Miscellaneous.

Chapter VIII.—Alteration of the Constitution.

The Schedule.

2. **Summary of the Commonwealth Constitution.**—These chapters may be summarised as follows:—

CHAPTER I.—THE PARLIAMENT.

PART I.—GENERAL (SECTIONS 1 TO 6).

The legislative power of the Commonwealth is vested in the Federal Parliament, consisting of the Sovereign, the Senate, and the House of Representatives. A Governor-General, appointed by the King, represents His Majesty in the Commonwealth, and exercises, subject to the Constitution, such powers and functions as His Majesty is pleased to assign to him. The salary of the Governor-General is fixed at £10,000 per annum until otherwise provided by Parliament. The Governor-General may appoint the times for holding the sessions of Parliament; he may prorogue Parliament, and may dissolve the House of Representatives.

PART II.—THE SENATE (SECTIONS 7 TO 23).

Until Parliament otherwise provides, there are to be six senators for each original State, chosen by the people of the State voting as one electorate. Equal representation of the original States must be maintained, and no original State may have less than six senators. The senators are chosen for a term of six years. The qualification for electors of senators is the same as the qualification for electors of members of the House of Representatives. Provision is made whereby half the senators for each State vacate their seats at the expiration of three years in the case of the election of a new Senate. The qualifications of a senator are the same as those of a member of the House of Representatives. The place of a senator becomes vacant if he fails to attend the meetings of the Senate, without permission, for two consecutive months of any session. At least one-third of the whole number of senators must be present in order to constitute a meeting of the Senate.

PART III.—THE HOUSE OF REPRESENTATIVES (SECTIONS 24 TO 40).

The number of members of the House of Representatives is, as nearly as practicable, twice the number of senators, and the numbers of members elected in the several States are in proportion to the respective populations of the States, unless otherwise determined by Parliament. The House is elected for three years, but may be sooner dissolved by the Governor-General. Until Parliament otherwise provides, qualifications for membership are as follows:—(a) Members must be of the full age of twenty-one years, must be qualified for the franchise of the House, and must have been resident within the Commonwealth for at least three years, and (b) must be natural-born British subjects or for at least five years naturalised under a law of the United Kingdom, or of a colony which has become or becomes a State, or of the Commonwealth, or of a State. A member vacates his seat if he fails to attend the meetings of the House, without permission, for two consecutive months in any session. Until Parliament otherwise pro-

vided, the qualification for the franchise of the House of Representatives was in each State the same as that for the franchise of the more numerous House of Parliament in the State, but each elector could vote only once.¹

PART IV.—BOTH HOUSES OF PARLIAMENT (SECTIONS 41 TO 50).

Any adult person who is qualified to vote at elections for the more numerous House of Parliament of a State cannot be prevented by any law of the Commonwealth from voting at elections for either of the Commonwealth Houses of Parliament. A person subject to certain disqualifications, such as being attainted of treason, being an undischarged bankrupt, holding an office of profit under the Crown (except as a Minister of State or as an officer or member of the naval or military forces of the Commonwealth), or having a pecuniary interest in any agreement with the Commonwealth Public Service (except as a member of a company), may not be elected or sit as a member of either House. Until the Parliament otherwise provided, each senator and each member of the House of Representatives received an allowance of £400 a year.² The powers and privileges of members of both Houses are as declared by Parliament, and until declared are the same as those of the Commons House of Parliament of the United Kingdom. Each House may make rules and orders with respect to—(a) The mode in which its powers, privileges, and immunities may be exercised and upheld, and (b) the order and conduct of its business and proceedings, either separately or jointly with the other House.

PART V.—POWERS OF THE PARLIAMENT (SECTIONS 51 TO 60).

The Commonwealth Parliament has, subject to the Constitution, power to make laws for the peace, order, and good government of the Commonwealth with respect to—

- (i.) Trade and commerce with other countries, and among the States:
- (ii.) Taxation; but so as not to discriminate between States or parts of States:
- (iii.) Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth:
- (iv.) Borrowing money on the public credit of the Commonwealth:
- (v.) Postal, telegraphic, telephonic, and other like services:
- (vi.) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth:
- (vii.) Lighthouses, lightships, beacons and buoys:
- (viii.) Astronomical and meteorological observations:
- (ix.) Quarantine:
- (x.) Fisheries in Australian waters beyond territorial limits:
- (xi.) Census and statistics:
- (xii.) Currency, coinage, and legal tender:
- (xiii.) Banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money:
- (xiv.) Insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned:
- (xv.) Weights and measures:
- (xvi.) Bills of exchange and promissory notes:
- (xvii.) Bankruptcy and insolvency:
- (xviii.) Copyrights, patents of inventions and designs, and trade marks:
- (xix.) Naturalisation and aliens:
- (xx.) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth:
- (xxi.) Marriage:
- (xxii.) Divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants:

1. The franchise qualification was determined by the Commonwealth Franchise Act 1902.

2. By the Parliamentary Allowances Act 1907, assented to on the 28th August, the amount of the allowance was increased to £600 a year.

- (xxiii.) Invalid and old-age pensions:
- (xxiv.) The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the Courts of the States:
- (xxv.) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States:
- (xxvi.) The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws:
- (xxvii.) Immigration and emigration:
- (xxviii.) The influx of criminals:
- (xxix.) External affairs:
- (xxx.) The relations of the Commonwealth with the islands of the Pacific:
- (xxxi.) The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws:
- (xxxii.) The control of railways with respect to transport for the naval and military purposes of the Commonwealth:
- (xxxiii.) The acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State:
- (xxxiv.) Railway construction and extension in any State with the consent of that State:
- (xxxv.) Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State:
- (xxxvi.) Matters in respect of which this Constitution makes provision until the Parliament otherwise provides:
- (xxxvii.) Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law:
- (xxxviii.) The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia:
- (xxxix.) Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

The Parliament has also, subject to the Constitution, exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to—

- (i.) The seat of Government of the Commonwealth, and all places acquired by the Commonwealth for public purposes:
- (ii.) Matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth:
- (iii.) Other matters declared by this Constitution to be within the exclusive power of the Parliament.

Proposed laws appropriating revenue or moneys, or imposing taxation, may not originate in the Senate, and the Senate may not amend proposed laws either (a) imposing taxation, (b) appropriating money for the ordinary annual services of the Government, or (c) so as to increase any proposed charge or burden on the people.

If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representa-

tives simultaneously. But such dissolution may not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.

The members present at the joint sitting may deliberate and vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.

When a proposed law passed by both Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name, or that he withholds assent, or that he reserves the law for the Queen's pleasure.

The Governor-General may return to the House in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation.

The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by proclamation, shall annul the law from the day when the disallowance is so made known.

CHAPTER II.—THE EXECUTIVE GOVERNMENT (SECTIONS 61 TO 70).

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of the Constitution, and of the laws of the Commonwealth.

The Executive Council advises the Governor-General in the government of the Commonwealth, and the members of the Council are chosen and summoned by the Governor-General and sworn as Executive Councillors, and hold office during his pleasure. The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish. Such officers hold office during the pleasure of the Governor-General. They are members of the Federal Executive Council, and are the Queen's Ministers of State for the Commonwealth. After the first general election no Minister of State may hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives. Until the Parliament otherwise provides, the Ministers of State may not exceed seven in number, and their joint salaries may not exceed £12,000 a year. The command-in-chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Sovereign's representative, while the appointment and removal of all officers of the Executive Government is vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council or by a law of the Commonwealth to some other authority.

On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth :—¹

Posts, telegraphs, and telephones :	Lighthouses, lightships, beacons, and buoys :
Naval and military defence :	Quarantine.

¹ As to departments transferred and dates of transfer, see Section XIX.—COMMONWEALTH FINANCE, § 1, 2, hereafter.

But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

CHAPTER III.—THE JUDICATURE (SECTIONS 71 TO 80).

The judicial power of the Commonwealth is vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes. The Justices of the High Court and of the other courts created by the Parliament—

- (i.) Are to be appointed by the Governor-General in Council :
- (ii.) May not be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity :
- (iii.) May receive such remuneration as the Parliament may fix : but the remuneration shall not be diminished during their continuance in office.

The High Court has jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences—

- (i.) Of any Justice or Justices exercising the original jurisdiction of the High Court :
- (ii.) Of any other federal court, or court exercising federal jurisdiction ; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of the Commonwealth an appeal lies to the Queen in Council :
- (iii.) Of the Interstate Commission, but as to questions of law only :

and the judgment of the High Court in all such cases is final and conclusive.

Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States are applicable to appeals from them to the High Court.

No appeal may be made to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits *inter se* of the Constitutional powers of the Commonwealth and those of any State or States, or as to the limits *inter se* of the Constitutional powers of any two or more States, unless the High Court certify that the question is one which ought to be determined by Her Majesty in Council.

The High Court has original jurisdiction in all matters :—(i.) Arising under any treaty : (ii.) Affecting consuls or other representatives of other countries : (iii.) In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party : (iv.) Between States, or between residents of different States, or between a State and a resident of another State : (v.) In which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth : while Parliament may make laws conferring original jurisdiction on the High Court in any matter—(i.) Arising under the Constitution or under any laws made by the Parliament : (ii.) Of Admiralty and maritime jurisdiction : (iii.) Relating to the same subject matter claimed under the laws of different States.

CHAPTER IV.—FINANCE AND TRADE (SECTIONS 81 TO 105).

On the establishment of the Commonwealth, the collection and control of duties of customs and of excise, and the control of the payment of bounties, passed to the Executive Government of the Commonwealth. During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of customs and of excise not more than one-fourth is to be applied annually by the Commonwealth towards its expenditure. The balance, in accordance with the Constitution, is to be paid to the several States, or

applied to the payment of interest on debts of the several States taken over by the Commonwealth.

Uniform duties of customs shall be imposed within two years after the establishment of the Commonwealth, and on the imposition of such duties, trade, commerce, and intercourse among the States shall be absolutely free,¹ and the power of the Commonwealth Parliament to impose duties of customs and excise, and to grant bounties on the production or export of goods, shall become exclusive.

Until the imposition of uniform duties of customs it was provided that—

- (i.) The Commonwealth should credit to each State the revenues collected therein by the Commonwealth.
- (ii.) The Commonwealth should debit to each State—(a) The expenditure therein of the Commonwealth incurred solely for the maintenance or continuance as at the time of transfer, of any department transferred from the State to the Commonwealth. (b) The proportion of the State, according to the number of its people, in the other expenditure of the Commonwealth.
- (iii.) The Commonwealth should pay to each State month by month the balance (if any) in favour of the State.

During the first five years after the imposition of uniform duties of customs, and thereafter until the Parliament otherwise provides—(i.) The duties of customs chargeable on goods imported into a State and afterwards passing into another State for consumption, and the duties of excise paid on goods produced or manufactured in a State and afterwards passing into another State for consumption, shall be taken to have been collected not in the former but in the latter State: (ii.) Subject to the last sub-section, the Commonwealth shall credit revenue, debit expenditure, and pay balances to the several States as prescribed for the period preceding the imposition of uniform duties of customs.

After five years from the imposition of uniform duties of customs, the Parliament may provide, on such basis as it deems fair, for the monthly payment to the several States of all surplus revenue of the Commonwealth, and during a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit.

The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to the State Government railways. The Commonwealth may not, however, by any law or regulation of trade, commerce, or revenue give preference to one State over another, nor by any law or regulation of trade or commerce abridge the right of a State to the reasonable use of rivers for conservation or irrigation.

CHAPTER V.—THE STATES (SECTIONS 106 TO 120).

The Constitution of each State of the Commonwealth, subject to the Constitution, continues as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State. Every power of the Parliament of a Colony which has become or becomes a State, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continues as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, and every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth, subject to the Constitution, continues in force in the State: and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State has such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.

1. Uniform customs duties were imposed by the Customs Tariff Act 1902 (see Section XV., COMMERCE, § 2, hereafter).

When a law of a State is inconsistent with a law of the Commonwealth, the latter prevails, and the former, to the extent of the inconsistency, is invalid.

The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State becomes subject to the exclusive jurisdiction of the Commonwealth.

After uniform duties of customs have been imposed, a State may levy on imports or exports, or on goods passing into or out of the State, such charges as may be necessary for executing the inspection laws of the State; but the net produce of all charges so levied shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.

CHAPTER VI.—NEW STATES (SECTIONS 121 TO 124).

The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.

The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth, or of any territory placed by the Queen under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.

A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof, and a new State may be formed by the union of two or more States or parts of States, but only with the consent of the Parliaments of the States affected.

CHAPTER VII.—MISCELLANEOUS (SECTIONS 125 TO 127).

The seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and shall be in the State of New South Wales, and be distant not less than one hundred miles from Sydney. Such territory shall contain an area of not less than one hundred square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor. The Parliament shall sit at Melbourne until it meet at the seat of Government.

The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth.

CHAPTER VIII.—ALTERATION OF THE CONSTITUTION (SECTION 128).¹

The Constitution may not be altered except in the following manner:—

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law must be submitted in each State to the electors qualified to vote for the election of members of the House of Representatives.

¹ The Constitution has been altered by the following Acts:—The Referendum (Constitution Alteration) Act 1906; The Constitution Alteration (Senate Elections) Act 1906.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote is taken in such manner as the Parliament prescribes. And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it is presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, can become law unless the majority of the electors voting in that State approve the proposed law.

3. The Royal Proclamation.—The preceding Act received the Royal assent on the 9th July, 1900. This made it lawful (see Sec. 3) to declare that the people of Australia should be united in a Federal Commonwealth. This proclamation, made on the 17th September, 1900, constituted the Commonwealth as from the 1st January, 1901: it reads as follows:—

BY THE QUEEN.

A PROCLAMATION.

(Signed) VICTORIA R.

WHEREAS by an Act of Parliament passed in the Sixty-third and Sixty-fourth Years of Our Reign intituled, "An Act to constitute the Commonwealth of *Australia*," it is enacted that it shall be lawful for the Queen, with the advice of the Privy Council, to declare by Proclamation, that, on and after a day therein appointed, not being later than One Year after the passing of this Act, the people of *New South Wales, Victoria, South Australia, Queensland, and Tasmania*, and also, if Her Majesty is satisfied that the people of *Western Australia* have agreed thereto, of *Western Australia*, shall be united in a Federal Commonwealth under the name of the Commonwealth of *Australia*.

And whereas We are satisfied that the people of *Western Australia* have agreed thereto accordingly.

We therefore, by and with the advice of Our Privy Council, have thought fit to issue this Our Royal Proclamation, and We do hereby declare that on and after the First day of *January* One thousand nine hundred and one, the people of *New South Wales, Victoria, South Australia, Queensland, Tasmania, and Western Australia* shall be united in a Federal Commonwealth under the name of the Commonwealth of *Australia*.

Given at Our Court at *Balmoral* this Seventeenth day of *September*, in the Year of Our Lord One thousand nine hundred, and in the Sixty-fourth Year of Our Reign.

GOD SAVE THE QUEEN.

§ 8. Commonwealth Legislation.

1. The Commonwealth Parliaments.—The first Parliament of the Commonwealth was convened by proclamation dated 29th April, 1901, by His Excellency the late Earl of Hopetoun, Governor-General. It was opened on the 9th May by H.R.H. the Duke of Cornwall and York, who had been sent to Australia for that purpose by His Majesty the King; the Rt. Hon. Sir Edmund Barton, P.C., G.C.M.G., K.C., being Prime Minister. It was dissolved on the 23rd November, 1903. The second Parliament was convened on the 2nd March, 1904, by His Excellency the Rt. Hon. Baron Northcote, G.C.M.G., G.C.I.E., C.B.; the Hon. Alfred Deakin being Prime Minister. The third session closed on the 12th October, 1906, and Parliament was dissolved on the 8th November, 1906. The third Parliament was convened on the 20th February, 1907, and met on that day and the following day only. It was prorogued on the 22nd February, the prorogation eventually extending to the 13th July, 1907, on which day the second session commenced. The Debates of these Parliaments will be found in Volumes I. to XXXV. of the Parliamentary Debates, as follows:—

First Parliament,	1st Session	Vols.	I. to	XII., pp. 1 to 16,744
"	2nd Session	"	XIII. "	XVII., " 1 " 6,440
Second Parliament,	1st Session	"	XVIII. "	XXIV., " 1 " 8,618
"	2nd Session	"	XXV. "	XXX., " 1 " 7,461
"	3rd Session	"	XXXI. "	XXXV., " 1 " 6,491
Third Parliament,	1st and 2nd Sessions	"	XXXVI.	

2. The Several Administrations.—The following tabular statements shew the names of the several Governors-General, and the constitution of the Ministries which have directed the administration of the affairs of the Commonwealth since its creation:—

(a) GOVERNORS-GENERAL.

- Rt. Hon. EARL OF HOPETOUN, P.C., K.T., G.C.M.G., G.C.V.O. Sworn 1st January, 1901; recalled 9th May, 1902, left Melbourne 2nd July, 1902.
- Rt. Hon. HALLAM BARON TENNYSON, G.C.M.G. (Act. Governor-General). Sworn 17th July, 1902.
- Rt. Hon. HALLAM BARON TENNYSON, G.C.M.G. (Governor-General). Sworn 9th January, 1903; recalled 21st January, 1904.
- Rt. Hon. HENRY STAFFORD BARON NORTHCOTE, G.C.M.G., G.C.I.E., C.B. Sworn 21st January, 1904; recalled
- Rt. Hon. WILLIAM HUMBLE EARL OF DUDLEY, P.C., G.C.M.G., G.C.V.O., etc. Sworn 9th September, 1908.

(b) BARTON ADMINISTRATION, 1st January, 1901, to 24th September, 1903.

DEPARTMENTS.	MINISTERS.
External Affairs	Rt. Hon. SIR EDMUND BARTON, P.C., G.C.M.G., K.C.
Attorney-General	Hon. ALFRED DEAKIN.
Home Affairs	{ Hon. SIR WILLIAM JOHN LYNE, K.C.M.G. (to 11/8/'03).
Treasury	{ Rt. Hon. SIR JOHN FORREST, P.C., G.C.M.G. (from 11/8/'03).
Trade and Customs	{ Rt. Hon. SIR GEORGE TURNER, P.C., K.C.M.G.
Defence	{ Rt. Hon. CHARLES CAMERON KINGSTON, P.C., K.C. (resigned 24/7/'03)
Postmaster-General	{ Hon. SIR WILLIAM JOHN LYNE, K.C.M.G. (from 11/8/'03).
Vice-President Executive Council	{ The Hon. SIR JAMES ROBERT DICKSON, K.C.M.G. (died Jan. 1901).
Without Portfolio	{ Rt. Hon. SIR JOHN FORREST, P.C., G.C.M.G. (to 10/8/'03).
	{ Hon. JAMES GEORGE DRAKE (from 10/8/'03).
	{ Hon. JAMES GEORGE DRAKE (to 10/8/'03).
	{ Hon. SIR PHILIP OAKLEY FYSH, K.C.M.G. (from 10/8/'03).
	{ Hon. RICHARD EDWARD O'CONNOR, K.C.
	{ Hon. SIR PHILIP OAKLEY FYSH, K.C.M.G. (till 9/8/'03).

(c) DEAKIN ADMINISTRATION, 24th September, 1903, to 26th April, 1904.

DEPARTMENTS.	MINISTERS.
External Affairs	Hon. ALFRED DEAKIN.
Trade and Customs	Hon. SIR WILLIAM JOHN LYNE, K.C.M.G.
Treasury	Rt. Hon. SIR GEORGE TURNER, P.C., K.C.M.G.
Home Affairs	Rt. Hon. SIR JOHN FORREST, P.C., G.C.M.G.
Attorney-General	Hon. JAMES GEORGE DRAKE.
Postmaster-General	Hon. SIR PHILIP OAKLEY FYSH, K.C.M.G.
Defence	Hon. AUSTIN CHAPMAN.
Vice-President Executive C'ncl	Hon. THOMAS PLAYFORD.

(d) WATSON ADMINISTRATION, 27th April to 17th August, 1904.

DEPARTMENTS.	MINISTERS.
Treasurer	Hon. JOHN CHRISTIAN WATSON.
External Affairs	Hon. WILLIAM MORRIS HUGHES.
Attorney-General	Hon. HENRY BOURNES HIGGINS, K.C.
Home Affairs	Hon. EGERTON LEE BATCHELOR.
Trade and Customs	Hon. ANDREW FISHER.
Defence	Hon. ANDERSON DAWSON.
Postmaster-General	Hon. HUGH MAHON.
Vice-President Executive C'ncl	Hon. GREGOR MCGREGOR.

(e) REID-MCLEAN ADMINISTRATION, 18th August, 1904, to 5th July, 1905.

DEPARTMENTS.	MINISTERS.
External Affairs	Rt. Hon. GEORGE HOUSTOUN REID, P.C., K.C.
Trade and Customs	Hon. ALLAN MCLEAN.
Attorney-General	Hon. SIR JOSIAH HENRY SYMON, K.C.M.G., K.C.
Treasury	Rt. Hon. SIR GEORGE TURNER, P.C., K.C.M.G.
Home Affairs	Hon. DUGALD THOMSON.
Defence	Hon. JAMES WHITESIDE MCCAY.
Postmaster-General	Hon. SYDNEY SMITH.
Vice-President Executive C'ncl	Hon. JAMES GEORGE DRAKE.

(f) SECOND DEAKIN ADMINISTRATION, 5th July, 1905.

DEPARTMENTS.	MINISTERS.
External Affairs	{ Hon. ALFRED DEAKIN. Rt. Hon. SIR JOHN FORREST, P.C., G.C.M.G. (acting from 12/3/'07). Hon. SIR WILLIAM JOHN LYNE, K.C.M.G. (acting from 10/7/'07).
Attorney-General	{ Hon. ISAAC ALFRED ISAACS, K.C. (to 12/10/'06). Hon. LITTLETON ERNEST GROOM (from 13/10/'06).
Trade and Customs	{ Hon. SIR WILLIAM JOHN LYNE, K.C.M.G. (to 30/7/'07). Hon. AUSTIN CHAPMAN (from 30/7/'07).
Treasurer	{ Rt. Hon. SIR JOHN FORREST, P.C., G.C.M.G. (to 30/7/'07). Hon. SIR WILLIAM JOHN LYNE (from 30/7/'07).
Postmaster-General	{ Hon. AUSTIN CHAPMAN (to 30/7/'07). Hon. SAMUEL MAUGER (from 30/7/'07).
Defence	{ Hon. THOMAS PLAYFORD (to 24/1/'07). Hon. THOMAS THOMSON EWING (from 24/1/'07).
Home Affairs	{ Hon. LITTLETON ERNEST GROOM (to 13/10/'06). Hon. THOMAS THOMSON EWING (from 13/10/'06 to 24/1/'07). Hon. JOHN HENRY KEATING (from 24/1/'07).
Vice-President Executive C'ncl	{ Hon. THOMAS THOMSON EWING (to 13/10/'06). Hon. JOHN HENRY KEATING (from 13/10/'06 to 20/2/'07). Hon. ROBERT WALLACE BEST (from 20/2/'07).
Honorary Minister	Hon. J. HUME COOK (from 28/1/08).

3. **The Course of Legislation.**—The actual legislation by the Commonwealth Parliament is indicated in alphabetical order in "Vol. VI. of the Acts of the Parliament of the Commonwealth of Australia, passed in the session of 1907, with Tables, Appendixes and Indexes." A "Chronological Table of Acts passed from 1901 to 1907, shewing how they are affected by subsequent legislation or lapse of time" is also given, and further "A Table of Commonwealth Legislation," for the same period, "in relation to the several provisions of the Constitution," is furnished. Reference may be made to these for complete information. The nature of this legislation, however, and its relation to the several provisions of the Constitution of the Commonwealth are set forth in the following, specially prepared, tabular statement:—

(a) ANALYTIC TABLE OF COMMONWEALTH LEGISLATION.

FROM 1901 TO JUNE, 1908, IN RELATION TO THE SEVERAL PROVISIONS
OF THE CONSTITUTION.¹

Section of Constitution.	Short Title of Commonwealth Act.*
	AMENDMENT OF THE CONSTITUTION. Constitution Alteration (Senate Elections) 1906.
	PARLIAMENTARY AND ELECTORAL LAW.
8—30	PARLIAMENTARY FRANCHISE— Commonwealth Franchise Act 1902.
9—34	ELECTIONS— Commonwealth Electoral Acts 1902-1906. Senate Elections Act 1903.
24	DETERMINATION OF NUMBER OF MEMBERS OF HOUSE OF REPRESENTATIVES— Representation Act 1905.
47	DISPUTED ELECTIONS AND QUALIFICATIONS— Commonwealth Electoral Acts 1902-1906. Disputed Elections and Qualifications Act 1907.
48	ALLOWANCES TO MEMBERS— <i>Parliamentary Allowances Act 1902.*</i> Parliamentary Allowances Act 1907.
49	PRIVILEGES OF PARLIAMENT— Parliamentary Papers Act 1908.
	GENERAL LEGISLATION.
51—(i.)	TRADE AND COMMERCE—EXTERNAL AND INTERSTATE— Sea Carriage of Goods Act 1904 [Bills of Lading]. Secret Commissions Act 1905. Commerce (Trade Descriptions) Act 1905 [<i>Merchandise Marks</i>]. Australian Industries Preservation Acts 1906-1907 [<i>Trusts and Dumping</i>].
(ii.)	TAXATION— <i>Machinery Acts—</i> Customs Act 1901. Beer Excise Act 1901. Distillation Act 1901. Excise Act 1901. Spirits Act 1906. Excise Procedure Act 1907. <i>Tariff Acts—</i> Excise Tariff 1902; amended by Sugar Rebate Abolition Act 1903, Excise Tariff 1905, Excise Tariff (Amendment) 1906, and Excise Tariff 1908. Excise Tariff 1906 [<i>Agricultural Machinery</i>]. Excise Tariff 1906 [<i>Spirits</i>]. Excise Tariff 1908; amended by Excise Tariff (Starch) 1908. <i>Customs Tariff 1902.*</i> <i>Customs Tariff 1906 [Agricultural Machinery].*</i> Customs Tariff (South African Preference) 1906; amended by Customs Tariff 1908 (s. 9). Customs Tariff 1908; amended by Customs Tariff Amendment 1908.

1. This Table has been specially prepared by the Secretary of the Attorney-General's Department, Robert Randolph Garran, Esquire, M.A., C.M.G., Barrister-at-Law, etc.

* Acts whose short titles are printed in italics with a * have been repealed.

Section of Constitution.	Short Title of Commonwealth Act.*
(iii.)	BOUNTIES ON PRODUCTION OR EXPORT— Sugar Bounty Act 1903. Sugar Bounty Act 1906. Bounties Act 1907.
(v.)	POSTAL, TELEGRAPHIC, AND TELEPHONIC SERVICES— Post and Telegraph Act 1901. Wireless Telegraphy Act 1905. Post and Telegraph Rates Act 1902. Tasmanian Cable Rates Act 1906.
(vi.)	NAVAL AND MILITARY DEFENCE— Naval Agreement Act 1903. Defence Acts 1903-1904.
(viii.)	ASTRONOMICAL AND METEOROLOGICAL OBSERVATIONS— Meteorology Act 1906.
(ix.)	QUARANTINE— Quarantine Act 1908.
(xi.)	CENSUS AND STATISTICS— Census and Statistics Act 1905.
(xiv.)	INSURANCE— Life Assurance Companies Act 1905.
(xviii.)	COPYRIGHT, PATENTS, DESIGNS, AND TRADE MARKS— Patents Act 1903. Ptent's Act 1906. Trade Marks Act 1905. Copyright Act 1905. Designs Act 1906.
(xix.)	NATURALIZATION AND ALIENS— Naturalization Act 1908.
(xx.)	CORPORATIONS—FOREIGN, TRADING, AND FINANCIAL— Australian Industries Preservation Act 1906.
(xxiii.)	INVALID AND OLD-AGE PENSIONS— Invalid and Old-age Pensions Act 1908.
(xxiv.)	SERVICE AND EXECUTION THROUGHOUT COMMONWEALTH OF PRO- CESS AND JUDGMENTS OF STATE COURTS— Service and Execution of Process Acts 1901-1905.
(xxv.)	RECOGNITION OF STATE LAWS, RECORDS, ETC.— State Laws and Records Recognition Act 1901.
(xxvi.)	PEOPLE OF ANY RACE, OTHER THAN ABORIGINAL—SPECIAL LAWS— Pacific Island Labourers Act 1901-1906. Commonwealth Franchise Act 1902 (s. 4). Naturalization Act 1903 (s. 5).
(xxvii.)	IMMIGRATION AND EMIGRATION— Immigration Restriction Acts 1901-1905. Pacific Island Labourers Act 1901-1906. Contract Immigrants Act 1905.
(xxix.)	EXTERNAL AFFAIRS— Extradition Act 1903.
(xxx.)	RELATIONS WITH PACIFIC ISLANDS— Pacific Island Labourers Act 1901-1906.
(xxxi.)	ACQUISITION OF PROPERTY FOR PUBLIC PURPOSES— <i>Property for Public Purposes Acquisition Act 1901.*</i> Seat of Government Act 1904. Lands Acquisition Act 1906.

* Acts whose short titles are printed in italics with a * have been repealed.

Section of Constitution.	Short Title of Commonwealth Act.*
(xxxii.)	CONTROL OF RAILWAYS FOR DEFENCE PURPOSES— Defence Act 1903 (ss. 64-66, 80, 120).
(xxxv.)	CONCILIATION AND ARBITRATION FOR THE PREVENTION AND SETTLEMENT OF INDUSTRIAL DISPUTES EXTENDING BEYOND THE LIMITS OF ANY ONE STATE— Commonwealth Conciliation and Arbitration Act 1904.
(xxxix.)	MATTERS INCIDENTAL TO THE EXECUTION OF POWERS— Acts Interpretation Act 1901. Acts Interpretation Act 1904. Amendments Incorporation Act 1905. Rules Publication Act 1903. Commonwealth Public Service Act 1902, <i>amended by</i> Commonwealth Public Service Amendment Act 1903. Jury Exemption Act 1905. Royal Commissions Act 1902. Evidence Act 1905. Commonwealth Salaries Act 1907.
	EXECUTIVE GOVERNMENT.
67	APPOINTMENT AND REMOVAL OF OFFICERS— Commonwealth Public Service Act 1902, <i>amended by</i> Commonwealth Public Service Amendment Act 1903
'71—80	THE JUDICATURE.
	CONSTITUTION AND PROCEDURE OF THE HIGH COURT— Judiciary Act 1903-1907. High Court Procedure Act 1903, <i>amended by</i> High Court Procedure Amendment Act 1903.
73	APPELLATE JURISDICTION OF THE HIGH COURT— Judiciary Act 1903-1907. Papua Act 1905 (s. 43). Copyright Act 1905 (s. 73). Designs Act 1906 (s. 39).
76	ORIGINAL JURISDICTION OF HIGH COURT—
(i.)	(1) <i>In matters arising under the Constitution or involving its interpretation</i> Judiciary Act 1903 (s. 30).
(ii.)	(2) <i>In matters arising under Laws made by the Parliament—</i> Customs Act 1901 (ss. 221, 227, 245). Excise Act 1901 (ss. 6, 109, 134). Post and Telegraph Act 1901 (ss. 29, 43). Commonwealth Electoral Act 1902 (s. 193). Defence Act 1903 (s. 91). Patents Act 1903 (ss. 47, 58, 67, 84-87, 111). Commonwealth Conciliation and Arbitration Act 1904 (s. 31). Trade Marks Act 1905 (ss. 4, 34, 35, 44, 45, 70-72, 95, etc.). Australian Industries Preservation Act 1906 (ss. 10, 11, 13, 21, 22, 26). Referendum (Constitution Alteration) Act 1906 (ss. 27, 31). Lands Acquisition Act 1906 (ss. 10, 11, 24, 36-39, 45, 46, 50, 54, 56, 59).
77—(ii.)	EXCLUDING JURISDICTION OF STATE COURTS— Judiciary Act 1903-1907 (ss. 38, 38A, 39, 57, 54).
(iii.)	INVESTING STATE COURTS WITH FEDERAL JURISDICTION— Judiciary Act 1903 (ss. 17, 39, 68). Customs Act 1901 (ss. 221, 227, 245). Excise Act 1901 (ss. 6, 109, 134). Post and Telegraph Act 1901 (ss. 29, 43). Commonwealth Electoral Act 1902 (s. 193). Defence Act 1903 (s. 91).

* Acts whose short titles are printed in italics with a * have been repealed.

Section of Constitution.	Short Title of Commonwealth Act.*
	Patents Act 1903 (ss. 30, 47, 58, 67, 75-77, 84-87, 111). Trade Marks Act 1905 (ss. 34, 35, 44, 45). Copyright Act 1905 (s. 73). Designs Act 1906 (s. 39).
78	RIGHT TO PROCEED AGAINST COMMONWEALTH OR STATE— Judiciary Act 1903 (ss. 53-67).
	FINANCE.
93	PAYMENT TO STATES—TRANSITION PERIOD— Surplus Revenue Act 1908.
94	DISTRIBUTION OF SURPLUS— Surplus Revenue Act 1908.
	THE STATES.
118	FAITH AND CREDIT TO STATE LAWS, RECORDS, ETC.— State Laws and Records Recognition Act 1901.
119	PROTECTION OF STATES FROM INVASION AND VIOLENCE— Defence Act 1903 (s. 51).
	TERRITORIES.
122	GOVERNMENT OF TERRITORIES— Papua Act 1905.
	MISCELLANEOUS.
125	SEAT OF GOVERNMENT— Seat of Government Act 1904.
128	ALTERATION OF CONSTITUTION— Referendum (Constitution Alteration) Act 1906. Constitution Alteration (Senate Elections) Act 1906.

* Acts whose short titles are printed in italics with a * have been repealed.