APPENDIX C.

CONSTITUTION AND FORM OF GOVERNMENT IN THE VARIOUS AUSTRALASIAN COLONIES.

CONSTITUTION OF VICTORIA.

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I.—SEPARATION OF VICTORIA FROM NEW SOUTH WALES, AND THE CREATION OF ONE HOUSE OF LEGISLATURE FOR VICTORIA.

Victoria originally part of New South Wales.

1. Previously to the first day of July, 1851, the colony of Victoria formed the district of Port Phillip of the colony of New South Wales.

Separation effected by Act 13 & 14 Vict. cap. 59.

2. The separation of Victoria was effected in pursuance of an Act of the Imperial Parliament, dated 5th August, 1850, and intituled "An Act for the better Government of Her Majesty's Australian Colonies."

District of Port Phillip to form a separate colony, to be called the Colony of Victoria.

3. Clause 1 enacted—"That, after such provisions as hereinafter mentioned shall have been made by the Governor and Council of New South Wales, *and upon the issuing of the writs for the first election in pursuance thereof* * * * , the territories now comprised within the said district of Port Phillip, including the town of Melbourne, and

bounded on the north and north-east by a straight line drawn from Cape Howe to the nearest source of the River Murray, and thence by the course of that river to the eastern boundary of the colony of South Australia shall be separated from the colony of New South Wales, and shall cease to return members to the Legislative Council of such colony, and shall be erected into and thenceforth form a separate colony, to be known and designated as the Colony of Victoria." (These boundaries have not been altered.)

Boundaries of Victoria.

4. Clause 2 of the same Act provided that there shall be within and for the colony of Victoria a separate Legislative Council, one-third of the number of members to be appointed by Her Majesty, the other members to be elected by the inhabitants of the colony.

A Legislative Council to be established, consisting of one-third nominee and two-thirds elective members.

5. Clause 3 authorized the Governor and Legislative Council of New South Wales by an Act of Parliament—

Governor and Council of New South Wales to establish first electoral districts, and make electoral laws therefor.

(*a*) To determine the number of members of which the Legislative Council of Victoria shall consist; and

(*b*) To make all necessary provisions for dividing the territories to be comprised in the colony of Victoria into convenient electoral districts, and for appointing the number of members for each district, and generally for carrying out the necessary elections.

6. Clause 4 required that electors should be possessed of freehold estate of the clear value of £100, or be occupiers or three years' leaseholders of estates of the clear annual value of £10 a year.

Original qualification of electors.

7. Clause 5 provided that, upon the issuing of writs for the first election of members of the Legislative Council of Victoria, such colony shall be deemed to be established, and the legislative authority of the Governor and Legislative Council of New South Wales, and the powers of such Governor over the territories comprised in Victoria, and the revenues thereof, shall cease.

When separation to be effected.

8. Following out the provisions of the Imperial Act, the Governor and Legislative Council of New South Wales passed the Victoria Electoral Act of 1851, which provided that the Legislative Council of Victoria should consist of thirty members, ten to be appointed by Her Majesty and twenty to be elected.—(Clause 1.) The Act also divided Victoria into sixteen electoral districts, and contained all the requisite electoral provisions.

First Electoral Act in Victoria, 14 Vict. No. 47.

9. On 1st July, 1851, the Governor-General of the Australian possessions (Sir Charles Augustus Fitz Roy) issued the writs for the election of members, and proclaimed and declared the district of Port Phillip to be separated from New South Wales, and to have been erected into a

Declaration of separation.

Vict. Govt. Gazette, No. 1, p. 77.

separate colony, to be known and designated as the Colony of Victoria. The constitution thus established continued until the 23rd November, 1855.

Secretary of State's invitation to legislate for a new constitution, and the creation of two Houses of Legislature.

2 V. & P., 1853-4, pp. 385-9.

10. As early as 15th December, 1852, the Secretary of State for the Colonies (Sir John S. Pakington), by a despatch addressed to Lieutenant-Governor La Trobe, in effect invited the Legislative Council to take steps to pass a Bill more nearly assimilating the form of the colony's institutions to that prevailing in the mother country, particularly in reference to the creation of a second Chamber, and he added that Her Majesty's advisers, on the receipt of such a constitutional enactment by the Colonial Legislature, would undertake to propose to the Imperial Parliament such measures as would be necessary to carry the same into effect.

Constitution Bill passed by the Legislative Council.

1 V. & P., 1853-4, p. 426.

3 ib. p. 21.

11. The suggestion of the Secretary of State was acted on without much delay, and on the 24th March, 1854, a Bill "to establish a Constitution in and for the Colony of Victoria" was passed a third time in the Legislative Council, and submitted to the Lieutenant-Governor, who at once forwarded the Bill to the Secretary of State.

Assented to by Her Majesty.

18 & 19 Vict. c. 55.

By virtue of an Imperial Act.

2 V. & P., 1855-6, p. 562.

12. On 16th July, 1855, the Royal assent was given to an Act of the Imperial Parliament intituled "An Act to enable Her Majesty to assent to a Bill as amended of the Legislature of Victoria to establish a Constitution in and for the Colony of Victoria." The Bill itself formed the first schedule of the Imperial Act, and was assented to by Her Majesty in Council on the 21st July, 1855.

Lord John Russell's despatch *re* New Constitution.

2 V. & P., 1855-6, p. 529.

13. In forwarding the new Act to His Excellency the Governor, the Secretary of State for the Colonies (Lord John Russell), in a despatch dated 20th July, 1855, said that, although, in the opinion of Her Majesty's Government and that of Parliament, "the Legislature of Victoria had exceeded the powers conferred on it in passing their Bills, and although, therefore, Parliamentary enactment was necessary, it was more expedient to preserve in form as well as substance the measure which had been fully considered and fully enacted by that Legislature than to supersede its provisions by direct Parliamentary legislation. In rigorous adherence to the same principle, no alteration has been made in any of those provisions which are simply of a local character. It has been the conviction of Parliament that the Legislature must itself be trusted for all the details of local representation and 'internal administration.'" In a later part of the despatch Lord John Russell says—"I will now conclude with the expression of my earnest hope that this grant of self-government, in more ample measure than has as yet been established in any colony of Great Britain, may

fulfil in its results the anticipations of all friends of liberty and good government both within and without the colony of Victoria."

Proclamation of The Constitution Act.

14. The new Act, which, by the Victorian Act No. 22, is denominated "The Constitution Act," was not to become law until proclaimed in Victoria, and accordingly it was proclaimed by His Excellency the Governor in the *Victoria Government Gazette* of the 23rd November, 1855, and the first meeting of the new Parliament was held on the 21st November, 1856. This Constitution Act is still in force, although its provisions have from time to time been considerably altered by the Parliament of Victoria, as will be shown hereafter.

18 & 19 Vict. c. 55, ss. 3, 5.

II.—The Constitution Act.

(18 and 19 Vict. cap. 55, Sched. I.)

Elective Council and Assembly provided for.

15. This Act provided for the abolishing of the elective and nominee Council, and for establishing in Victoria one elective Legislative Council and one elective Legislative Assembly, and enacted that "Her Majesty shall have power, by and with the advice and consent of the said Council and Assembly, to make laws in and for Victoria in all cases whatsoever" (section 1).

Constitution Act may be altered.

16. Section 60 confers power on the Victorian Legislature to repeal, alter, or vary the provisions of the Constitution Act, subject to certain limitations.

Past alterations.

17. Substantial alterations have from time to time been made; for, out of the original 63 clauses and 6 schedules forming the Constitution Act, 17 clauses and 4 schedules have since been wholly repealed, and others have been amended.

Nature thereof.

18. The repealed clauses relate chiefly to the constitution of the Legislative Council, the constitution of the Legislative Assembly, and the payment of pensions or retiring allowances to holders of certain responsible offices.

As to Council.

19. Thus, under the Constitution Act, the Legislative Council consisted of 30 members, elected for ten years, representing six districts. Now the Council consists of 42 members, elected for six years, representing fourteen districts. The property qualification of members of the Council has since been reduced to about one-fifth, and that of electors to about one-tenth, of the qualification under the Constitution Act.

As to Assembly.

20. Under the Constitution Act the Legislative Assembly consisted of 60 members, representing 37 districts. Now the Assembly consists of 86 members, representing 55 districts. Since the Constitution Act the property qualification of members and electors of the Assembly has been abolished, and the limit of the duration of the Assembly has been reduced from five to three years.

Political pensions abolished. Act No. 235.

21. The provision in the Constitution Act for the payment of pensions or retiring allowances to persons who, on political grounds, retire, or are released from certain responsible offices, was abolished in 1865.

22. Of the unrepealed portions of the Constitution Act, the principal provisions will be noticed under the separate headings relating to the subjects dealt with, such as "The Legislative Council," "The Legislative Assembly," &c.

III.—The Governor.

Office of Governor constituted by Letters Patent.

23. It was formerly the practice here, as in other colonies, for each Governor, on his appointment, to receive a separate Royal Commission and Instructions, addressed to him by name; but, under the new system applied to Victoria, on the appointment of His Excellency the Marquis of Normanby, Letters Patent under the Great Seal of the United Kingdom were issued, on the 21st February, 1879, "permanently constituting the office of Governor and Commander-in-Chief of the Colony of Victoria and its Dependencies."

Vict. Govt. Gazette, 29 April, 1879.

Instructions.

24. At the same time there were issued, under the Royal Sign Manual and Signet, permanent Instructions to the Governor, or, in his absence, to the "Lieutenant-Governor or the officer for the time being administering the government."

Appointment of Governor.

25. On the following day, the 22nd February, 1879, a commission under the Royal Sign Manual and Signet was issued, appointing the Marquis of Normanby to be Governor, with the powers and authorities granted by the Letters Patent of the 21st February, 1879, and in future appointments a like procedure will doubtless be observed; that is to say, the appointment will be made by a short commission incorporating by reference the Letters Patent and Instructions of 1879.

Appointment of Sir H. B. Loch.

26. Such was the procedure in reference to the appointment of His Excellency Sir Henry Brougham Loch, K.C.B., who assumed office on the 15th July, 1884, having been appointed by a commission of four clauses under the Royal Sign Manual and Signet, dated 10 April, 1884.

Letters Patent.

27. The Letters Patent are the Governor's authority, *inter alia*, for—

Having an Executive Council (clause VI.),
Appointing judges, justices, &c. (clause VIII.),
Granting pardons and remissions of sentences (clause IX.),
Summoning and proroguing Parliament and dissolving the Assembly (clause XI.),

according to such Royal Instructions as he may receive, and according to the laws in force in the colony.

28. The Instructions relate, *inter alia*, to— Governor's Instructions.

The sittings of the Executive Council (clauses II. to VII.).

The mode of exercising the power of pardon in capital cases (clause XI.).

The assenting to, dissenting from, or reserving of Bills passed by the Legislature.

29. As the powers of the Governor in relation to Bills are very important, the clauses relating to that subject are here set out in full :—

Rules to be observed in assenting to, dissenting from, or reserving Bills.

"(VIII.) In the execution of such powers as are vested in the Governor by law for assenting to or dissenting from, or of reserving for the signification of Our pleasure, Bills which have been passed by the Legislature of the colony, he shall take care, as far as may be practicable, that in the passing of all laws each different matter be provided for by a different law, without intermixing in one and the same law such things as have no proper relation to each other; and that no clause be inserted in or annexed to any law which shall be foreign to what the title of such law imports, and that no perpetual clause be part of any temporary law.

Description of Bills not to be assented to.

"(IX.) The Governor shall not assent in Our name to any Bill of any of the classes hereafter specified (that is to say):—

(1.) Any Bill for the divorce of persons joined together in holy matrimony:

(2.) Any Bill whereby any grant of land or money, or other donation or gratuity, may be made to himself:

(3.) Any Bill affecting the currency of the colony:

(4.) Any Bill imposing differential duties (other than as allowed by the Australian Colonies Duties Act 1873):

(5.) Any Bill the provisions of which shall appear inconsistent with obligations imposed upon us by treaty:

(6.) Any Bill interfering with the discipline or control of Our forces in the colony, by land or sea:

(7.) Any Bill of an extraordinary nature and importance whereby Our prerogative, or the rights and property of Our subjects not residing in the colony, or the trade and shipping of the United Kingdom and its dependencies, may be prejudiced:

(8.) Any Bill containing provisions to which Our assent has been once refused, or which have been disallowed by us—

Powers in urgent cases.

unless such Bill shall contain a clause suspending the operation of such Bill until the signification in the colony of Our pleasure thereupon, or unless the Governor shall have satisfied himself that an urgent

necessity exists requiring that such Bill be brought into immediate operation, in which case he is authorized to assent in Our name to such Bill, unless the same shall be repugnant to the law of England, or inconsistent with any obligations imposed upon Us by treaty. But he is to transmit to Us, by the earliest opportunity, the Bill so assented to, together with his reasons for assenting thereto."

Effect of Instructions.

30. These clauses are substantially the same as those included in the Instructions previously issued, and, so far as the Governor is concerned, section 40 of the Act 5 and 6 Vict. cap. 76 enacts that "it shall be the duty of the Governor to act in obedience to such Instructions." (See also 18 and 19 Vict. cap. 55, s. 3).

Bills reserved.

31. Since the foundation of the colony, of thirty Bills which have been reserved for the signification of Her Majesty's assent thereon, all have been assented to except the seven undermentioned Bills :—

Short Title of Bill.	When Reserved.
Convicts Prevention Act Prevention Bill	11th October, 1853.
Crown Explanation Bill	4th June, 1858.
Pensions Abolition Bill	18th September, 1860.
Divorce Bill	22nd August, 1860.
Preferable Lien on Crops Bill	18th June, 1862.
Governor's Salary Reduction Bill	14th May, 1862.
Customs and Excise Laws Consolidation Bill ...	20th April, 1864.

Power of Her Majesty in Council to disallow Colonial Acts.

32. By the Act 5 and 6 Vict. cap. 76, section 32, it is provided that an authentic copy of every Bill assented to by the Governor in Her Majesty's name shall be transmitted to the Secretary of State, and that, at any time within two years after the receipt of such Bill, Her Majesty by Order in Council may declare her disallowance of such Bill.

When exercised.

33. This power of disallowance has only once been exercised in respect of Acts sent from Victoria, viz., on the 19th July, 1862, when Her Majesty in Council declared her disallowance of Act No. 95, intituled "An Act to provide for the better regulation and discipline of armed vessels in the service of Her Majesty's Local Government in Victoria," which had been assented to by the Governor on the 8th June, 1860.

Vict. Govt. Gazette, 1863, p. 2607.

Her Majesty's pleasure not signified.

Despatch dated 23 Sept., 1862.

34. In reference to another Act (No. 151, Weights and Measures), assented to by the Governor, the Secretary of State pointed out certain objections, and stated—"In order to make it plain that the first clause of this law is not to be quoted as a precedent, Her Majesty will be advised to refrain from signifying her pleasure respecting the Act, which, however, will remain in force, and two years hence will become incapable of disallowance."

35. Of Bills from time to time presented to the Governor for Her Majesty's assent, the Governor has withheld such assent on the undermentioned occasions only, viz.:— Assent to Bills withheld by the Governor.

(1.) On the 24th November, 1857, when the Governor withheld his assent from a Bill "to assimilate and simplify the Oaths of Qualification for Office, and to recognise and establish, in Victoria, the right of absolute civil equality of all Her Majesty's subjects, irrespective of religious belief."

[The Governor had, in accordance with a power conferred by section 36 of the Constitution Act, recommended the Parliament to make certain alterations in this Bill, but his recommendation was not dealt with.]

(2.) On the 4th June, 1858, the Governor withheld his assent from a Bill "to shorten the duration of the Legislative Assembly."

36. There is one remarkable instance of a Bill, relating to inventors' rights, having, between the 18th and 24th September, 1861, passed through every stage in both Houses, and yet there is no published record showing whether it was ever presented to the Governor, or reserved, or what became of it. Bill apparently not presented for assent.

37. At the time of the granting of the Letters Patent, in 1879, constituting the office of Governor of Victoria, there was also issued a permanent dormant commission, appointing the Chief Justice, or, in the absence of the Chief Justice, the senior judge for the time being residing in Victoria, to administer the government in case of the death, incapacity, removal, or departure from the colony of the Governor. Administration of government in the absence of the Governor.

38. In accordance with the dormant commission, on the departure from Victoria of the Marquis of Normanby, on the 18th April last, the Honorable Sir William Foster Stawell, the Chief Justice, became, for the third time, Administrator of the Government, and acted until the arrival of His Excellency Sir Henry Brougham Loch, K.C.B. *Vict. Govt. Gazette*, 18 April, 1884.

39. The salary of the Governor is determined by Schedule D of the Constitution Act as amended by the Act No. 189. Salary.

40. Section 28 of the Constitution Act empowers the Governor to dissolve the Legislative Assembly by proclamation or otherwise whenever he shall deem it expedient; but he has no power to dissolve the Council. Power to dissolve Assembly.

41. The Governor is *ex officio* the President of the Executive Council, and, in the execution of the powers and authorities granted to him by his Letters Patent, he is bound to consult with the Executive *Ex officio* of President Executive Council.

Council, except in unimportant or urgent cases.—(Clauses iv. and vi. of Instructions.)

Power to act in opposition.

42. The Governor may, however, act in opposition to the advice of the Council if he deem it right to do so ; but in such case he must fully report the matter to Her Majesty.—(Clause vii. ib.)

IV.—The Executive Council.

Executive Council.

43. The Executive Council is not dependent for its existence on any Imperial or Colonial Statute, but is a necessary accompaniment of responsible government established under the Crown of England.

First appointments. *Vict. Govt. Gazette*, 1851, p. 79.

44. In the proclamation of the appointment and swearing in of the first Lieutenant-Governor of Victoria, on the 15th July, 1851, the first appointment of members of the Executive Council of Victoria was notified in these words by His Excellency Charles Joseph La Trobe :—"And I do hereby further proclaim and declare that Her Majesty has been pleased to nominate and appoint the undermentioned officers to be members of the Executive Council of the said Colony of Victoria," &c.

Subsequent appointments.

45. Subsequent appointments of members of the Executive Council have been made from time to time by the Governor, under the authority of his commission or Letters Patent.

Executive Council, constitution of.

46. The Letters Patent of 21st February, 1879, constituting the office of Governor, contain the following provision :—

"VI. There shall be an Executive Council for the colony, and the said Council shall consist of such persons as are now or may at any time be members thereof in accordance with any law enacted by the Legislature of the colony, and of such other persons as the Governor shall, from time to time, in Our name and on Our behalf, but subject to any law as aforesaid, appoint under the public seal of the colony to be members of Our said Executive Council."

Tenure.

47. The instrument appointing an Executive Councillor limits the tenure of the office to the pleasure of the Crown and also to the residence of the appointee in the colony.

Sir H. Barkly's Message to Assembly, dated 11 Jan., 1859.

48. In furnishing the Legislative Assembly with a list of the names of Executive Councillors, Governor Sir Henry Barkly pointed out that "some of the gentlemen so appointed are dead, others have been absent from the colony for longer or shorter periods ; but in no case has the occupation of any seat been expressly determined by the signification of Her Majesty's pleasure." He also referred to the Colonial Service Regulation (which still exists) that it is "understood that councillors who have lost the confidence of the local Legislature will tender their

Regulation No. 57.

resignations to the Governor," and added that "no resignation on this ground has yet been tendered in this colony."

Annual list.

49. Since 1859 very few Executive Councillors have resigned their places as members of the Council on any grounds whatever, and therefore there exists a numerous Council, whose names are published annually in the Blue Book of the colony.

Councillors in and out of office.

50. The return of members' names thus published shows that the Executive Council of Victoria consists of two classes of members, viz.:—

(1.) Members forming the Ministry of the day, whether they hold any office of profit as responsible Ministers, or whether they have a portfolio without office.

(2.) Members not forming the Ministry of the day, and not holding any such office or portfolio.

This latter class comprises all ex-Ministers, who have not actually resigned or vacated their seats.

Governor in Council.

51. The expression "Governor in Council," occurring so frequently in Victorian Acts, means the Governor by and with the advice of such members of the Executive Council as are included in Class 1 of such members.

Governor to preside. Governor to appoint a President. Senior member to preside in the absence of the Governor and President. Seniority of members.

52. The Governor shall attend and preside at the meetings of the Executive Council, unless prevented by some necessary or reasonable cause, and in his absence such member as may be appointed by him in that behalf, or in the absence of such member the senior member of the Executive Council holding a Ministerial Office and actually present, shall preside; the seniority of the members of the said Council being regulated according to the order of their respective appointments as members thereof.—(Clause iv. Instructions.)

Powers of Executive Council.

53. In the Rules and Regulations for the Colonial Service, Rule No. 56 provides that "the Executive Council (whether separate or not from the Legislative) has the general duty of assisting the Governor by its advice." Although the several responsible Ministers are by legislation invested with great power, the Executive Council does not seem apart from the Governor to possess any executive authority, whilst apart from the Executive Council the executive power of the Governor is limited by the statute law.

Legislation.

54. Thus the Constitution Act vests the appointment to public offices (other than political offices), not in the Governor alone, but in the Governor with the advice of the Executive Council. In some Acts "Governor" is interpreted to mean "the person administering the government by and with the advice of the Executive Council"; whilst in the others almost invariably the Governor in Council is named, and not the Governor alone.

V.—Responsible Ministers of the Crown, Officials in Parliament Acts, Ministries.

Officials in Parliament Act. No. 91.

55. The provisions of the Constitution Act, sections 17, 18, and 25, relating to the number of responsible Ministers of the Crown eligible to sit in Parliament, were repealed in 1859 by the Act known as the Officials in Parliament Act.

Officials ineligible.

56. Section 1 of such Act provides generally that no person holding any office or place of profit under the Crown, or employed in the Public Service for salary, wages, or emolument, shall sit or vote in Parliament.

Except responsible Ministers.

57. Section 2, providing for nine members of the Executive Council sitting in Parliament, was repealed in 1883 by the Act No. 780, and the following section was substituted for it:—"Notwithstanding the provisions hereinbefore contained, it shall be lawful for the Governor from time to time to appoint any number of officers, so that the entire number shall not at any one time exceed ten, who shall be capable of being elected members of either of the said Houses of Parliament and of sitting and voting therein. Provided always that such officers shall be responsible Ministers of the Crown and members of the Executive Council, and four at least of such officers shall be members of the said Council or Assembly. Provided further that not more than eight of such officers shall at any one time be members of the Assembly."

Ten Ministers, four to be in Parliament

Salaries of responsible Ministers.

58. The Act No. 780 provides that the additional officer so appointed shall receive £1,500 a year. For the other nine Ministers, the sum of £14,000 per annum in all is appropriated by the Constitution Act.

Power to alter offices and salaries.

59. Although the titles and rates of salaries of the Ministers who may sit and vote in Parliament are set out in Schedule D of the Constitution Act, there is ample power to alter such titles and rates of salaries, provided the number of Ministers and the total amount appropriated for salaries is not exceeded.—(Constitution Act s. 48, Acts No. 65, 91, and 780.) This power has, of course, been largely exercised.

Disqualifications.

60. The Officials in Parliament Acts also disqualify, for election to or sitting or voting in either House, persons who are interested in any bargain or contract entered into by or on behalf of Her Majesty (No. 91 ss. 4, 6), and persons who are or become bankrupt or insolvent or who compound with their creditors (No. 91 s. 5, No. 128 s. 1).

Tenure of Ministries.

61. The changes of Ministry in Victoria have been very frequent. The Ministry in office on the 31st December, 1883, is the twenty-second Ministry that has held office under the present constitution since November, 1855. The shortest-lived Ministry lasted only fifty days, another lasted only sixty-seven days; whilst the longest-lived Ministry lasted scarcely five years.

VI.—The Legislative Council.

62. The Legislative Council of Victoria depends for its existence upon the first section of the Constitution Act, which provides that "there shall be established in Victoria * * * * one Legislative Council and one Legislative Assembly," &c. Constitution

63. By the Legislative Council Act 1881, Act No. 702, sometimes called the Reform Act 1881, the Council consists of 42 elected members. Forty-two members.

64. The colony is divided into fourteen electoral provinces, each of which returns three members to the Legislative Council (Act No. 702 ss. 4, 6.) Fourteen provinces.

65. Members are entitled to hold their seats for six years, one member in each province retiring by effluxion of time every alternate year. Thus one-third of the members retire every two years, but are eligible for re-election if otherwise qualified.—(Act. No. 702 s. 6.) Tenure of seats.

66. At the biennial elections in November, 1882, the seats were contested in seven out of fourteen provinces, and in these, 55 per centum of the electors recorded their votes. At the biennial elections in September, 1884, the seats were contested in four out of eight provinces, and in these 57 per centum of the electors voted. Percentage of voters.

67. Any male person shall be capable of being elected a member if he be of the full age of thirty years and a natural-born subject of Her Majesty the Queen; or, if not a natural-born subject of the Queen, shall have been naturalized for ten years previous to such election and have resided in Victoria during that period, and if he shall for one year previous to such election have been legally or equitably seized of or entitled to an estate of freehold in possession for his own use and benefit in lands or tenements in Victoria of the annual value of £100 above all charges and incumbrances affecting the same other than any public or parliamentary tax or municipal or other rate or assessment. Provided however that— Qualification of members of Council.

(1.) No judge of any court in Victoria:

(2.) Nor any minister of religion, whatever may be his rank or title or designation:

(3.) Nor any person who has been attainted of any treason or convicted of any felony or infamous offence within any part of Her Majesty's dominions or who is an uncertificated bankrupt or insolvent—

shall be capable of being elected or continuing to be a member of the Council.—(Ib. s. 11.)

68. Members of the Legislative Assembly are disqualified from being elected or sitting or voting as members of the Council.—(Constitution Disqualification.

Act s. 16.) As to disqualification by acceptance of office, or being concerned in contracts with the Crown, see the heading "Responsible Ministers, &c.," *ante*.

Qualification of electors for Council Freehold.

69. Every male person of the full age of twenty-one years, and not subject to any legal incapacity, being seized at law or in equity for his own life or for the life of another or for any larger estate of lands or tenements in any one and the same province for his own use and benefit, or being either the mortgagor or the mortgagee of any such lands or tenements, if in the actual possession or in receipt of the rents and profits thereof, or the *cestui que trust* in actual possession, or in receipt of the rents and profits of any such lands or tenements, shall be qualified to vote in the election of members for the province in which the lands or tenements of such owner, mortgagor, mortgagee, or *cestui que trust* respectively are situated if such lands or tenements be situate in some municipal district or municipal districts in one and the same province, and be rated to such municipal district, or in the aggregate to such municipal districts, upon a yearly value of not less than £10.—(Ib. s. 18.)

70. Lessees and assignees for terms originally created for five years, and also occupying tenants rated for municipal purposes upon a yearly value of not less than £25, are also qualified to vote.—(Ib. ss. 19, 20.)

Qualified ratepaying electors inserted on rolls as of course.

71. The names of all such persons are, without action of their own, extracted from the municipal rolls, and placed on electoral rolls, entitling them to vote for the Legislative Council; but certain other persons of full age, if not included in such rolls, are also entitled to vote if they obtain an elector's right, for which one shilling is payable.

Persons entitled to electors' rights.

72. Such electors' rights to vote in any division of any province for the Council may be obtained by any persons resident in such division who are—

Graduates of any university in the British dominions;

Barristers, solicitors, medical practitioners, or duly appointed ministers of religion;

Schoolmasters certified duly qualified by certain public authorities;

Officers or retired officers of Her Majesty's sea or land forces; or

Matriculated students of the Melbourne University.—(Ib. s. 24.)

Qualification of foreigners.

73. No person whatever who is not a natural-born subject of Her Majesty shall be deemed to be qualified to vote in any election of members of the Council, or to be enrolled in any roll of ratepaying electors for the said Council, unless he is a naturalized or denizen subject of Her Majesty, and shall have resided in Victoria for twelve months previous to the first day of January or July in any year, and shall have

been naturalized or made denizen at least three years next preceding that day.—(Ib. s. 25.)

74. Females are not qualified to vote at elections for the Council. Females not qualified.

75. No person shall be entitled to more than one vote for any one and the same province, notwithstanding he may have a plurality of qualifications within such province, and no person shall be entitled to vote in the election of a member for the Council who shall not be possessed of the qualification required by the Act.—(Ib. s. 26.) No person entitled to two votes in same province.

76. Any candidate, or any agent of his, who shall hire or afterwards pay for any conveyance hired for the purpose of bringing or carrying of any elector, other than himself, in order that such elector may vote at any election for the Council, or for the purpose of taking away any elector other than himself, after he shall have so voted, shall be deemed guilty of bribery.—(Ib. s. 42.) Hiring of vehicles at Council elections prohibited.

77. Every polling at any election for the Council shall commence on the day appointed for the same at eight of the clock in the forenoon, and shall, unless lawfully adjourned, finally close at five of the clock in the afternoon of the same day.—(Ib. s. 46.) Time for keeping open the poll.

78. Members of the Legislative Council receive no reimbursement of their expenses in relation to their attendance at Parliament. Members of Council unpaid.

VII.—The Legislative Assembly.

79. Like the Legislative Council, the Legislative Assembly owes its existence to the first section of the Constitution Act. Constitution.

80. By the Electoral Act Amendment Act 1876, No. 548, the Legislative Assembly consists of 86 elected members. Eighty-six members.

81. The colony is divided into 55 electoral districts; of which five districts return three members each, 21 districts return two members each, and 29 districts return one member each to the Legislative Assembly.—(Act No. 548 s. 3.) Fifty-five districts.

82. Members are entitled to hold their seats until the expiration of the Assembly for which they are elected. Tenure of seats.

83. Every Legislative Assembly exists for three years only from the day of its first meeting, unless sooner dissolved by the Governor.—(Act No. 89 s. 2.) Triennial Parliaments.

84. The session which ended in November, 1883, was the second session of the twelfth Parliament, the first Parliament having commenced on the 21st November, 1856. Number of Parliaments.

85. Of the eleven expired Parliaments, six lasted nearly three years each, one over two and a half years, two nearly two years each, one nearly one year, and one for 50 days only. Duration.

Qualification of members of the Legislative Assembly.

86. Any natural-born subject of the Queen, or any alien naturalized by law for the space of five years, and resident in the colony of Victoria for the space of two years, who shall be of the full age of twenty-one years, shall be qualified to be elected a member of the Legislative Assembly (Act No. 12 s. 2), provided that he be not a member of the Legislative Council (Constitution Act s. 16), a judge of any court of Victoria, a minister of religion, and that he shall not have been attainted of any treason, or convicted of any felony or infamous crime in any part of Her Majesty's dominions (Constitution Act s. 11).

Disqualification.

87. Uncertificated bankrupts and insolvents are also disqualified from being elected or sitting or voting in the Assembly.—(Act No. 128.)

Office.

88. As to disqualification by acceptance of office, or being concerned in contracts with the Crown, see the heading "Responsible Ministers," &c., *ante*.

Qualification of electors.

89. Persons are qualified to vote at elections for the Legislative Assembly by virtue of being included in lists of ratepaying electors, or by virtue of being the holders of electors' rights.

Ratepaying qualification.

90. Every male person not subject to any legal incapacity, and being a natural-born or naturalized subject of Her Majesty, who is enrolled upon the citizen or burgess roll of any city, town, or ward thereof, or the burgess roll of any borough or ward thereof, or the voters' roll of any shire, or any riding or subdivision thereof, in respect of rateable property situated in any division of any electoral district, is qualified to vote in the election of members of the Legislative Assembly for such electoral district in such division thereof.—(Electoral Act 1865, No. 279, s. 14, and Act No. 548 s. 9.)

Persons so qualified are placed on the rolls of ratepaying electors for the Legislative Assembly without any action on their part.—(No. 279 ss. 63–69.)

Qualification by electors' rights.

91. (*a*) *Residential Qualification.*—Every male person of the full age of 21 years, and not subject to any legal incapacity, who is a naturalized subject of Her Majesty, and has resided in Victoria for twelve months previous to the first day of January or July in any year, is qualified to vote in the election of members of the Legislative Assembly for the electoral district in which he resides (and for no other district).—(Electoral Act 1865 ss. 8, 19.)

(*b*.) *Non-residential Qualification.*—Every such male person as aforesaid, who shall be seized at law or in equity of lands or tenements for his own life or for the life of any other person, or for any larger estate of the clear value of £50, or of the clear yearly value of £5,

is qualified to vote in the election of members of the Legislative Assembly for the electoral district in which such lands or tenements are situate.—(Electoral Act 1865 s. 9.) See also sections 12 and 13 as to joint occupiers, trustees, and mortgagees.

Miscellaneous.

92. An elector's right cannot be issued to any person who has a right already for the same district, or who is on the roll of ratepaying electors for any division of the district, or who is receiving relief as an inmate of any charitable institution.—(Electoral Act 1865 ss. 19, 20.)

93. Persons who attempt to vote a second time in the same district at any election are liable to a penalty.—(Ib. s. 116.)

94. Females are not qualified to vote at elections for the Assembly.

95. The time for keeping open the poll at elections for the Assembly is the same as at Council elections.—(Act 548 s. 8.)

96. At every general election for the Legislative Assembly all elections take place on the same day.—(Ib. s. 7.)

Percentage of electors, Hayter, 115.

97. At the general election held in July, 1880, 66 per centum of the electors on the rolls in contested districts recorded their votes, and at the last general election in February, 1883, 65 per centum of the electors voted.

Reimbursement of members.

98. Every member of the Legislative Assembly, who is not in receipt of any official salary or annual payment from the State, is entitled to receive reimbursement of his expenses in relation to his attendance in the discharge of his Parliamentary duties, at the rate of £300 per annum, out of the consolidated revenue.—(Act No. 754.)

VIII.—Powers of the Two Houses of Legislature.

Style of Legislature.

99. The first Act passed in Victoria, 20 Vict. No. 1 s. 3, under the new constitution provided that "The Legislature of Victoria" shall be designated "The Parliament of Victoria."

Privileges.

100. The same Act provides that the Legislative Council and Legislative Assembly, and the committees and members thereof respectively, shall have "the like privileges, immunities, and powers" as at the time of the passing of the Act "were held, enjoyed, and exercised by the Commons House of Parliament of Great Britain and Ireland."

Power to make laws.

101. The first section of the Constitution Act provides that "Her Majesty shall have power by and with the advice of the said Council and Assembly to make laws in and for Victoria in all cases whatsoever."

Still intact.

102. Neither the Constitution Act nor any other Act lessens such power, although alterations of the constitution of the Council and

Assembly, or of the Schedule D, can be made only in accordance with the limitations in section 60 of the Constitution Act.

Limitation of power of Assembly.

103. The only limitation of the powers of the Assembly in reference to originating Bills is contained in section 57 of the Constitution Act, which enacts that—"It shall not be lawful for the Legislative Assembly to originate or pass any vote, resolution, or Bill for the appropriation of any part of the said consolidated revenue fund or of any other duty, rate, tax, rent, return, or impost for any purpose which shall not have been first recommended by a message of the Governor to the Legislative Assembly during the session in which such vote, resolution, or Bill shall be passed."

Appropriations.

104. Every appropriation of revenue and of any duty, rate, tax, rent, return, or impost, is therefore founded on a recommendation from the Governor conveyed by a message to the Assembly.

Limitation of power of Council.

105. As to Money Bills, section 56 of the Constitution Act provides that—"All Bills for appropriating any part of the revenue of Victoria, and for imposing any duty, rate, tax, rent, return, or impost *shall originate in the Assembly*, and may be rejected, but not altered, by the Council."

Alteration of an Appropriation Bill by Council.

106. As to annual Appropriation Bills, one instance only can be found of any alteration being made by the Council, viz.:—

On the 23rd February, 1859, the Legislative Council made a verbal amendment in the fourth clause of the annual Appropriation Bill, and also amended the form in which the vote for Education was sent up by the Assembly. On the Bill being returned to the Assembly, the Speaker called special attention to the amendments, and the House would not entertain them, but sent a message to the Legislative Council acquainting them that "The Constitution Act having prohibited the Legislative Council from making any alterations in the Appropriation Bill, this House refuses to entertain the amendments, and insists upon the Bill in its integrity."

Instances of disagreement *re* Money Bills.

107. No attempt to alter an annual Appropriation Bill has since been made by the Council, but the Council has laid aside or rejected many Bills received from the Assembly coming within the operation of the fifty-sixth section. The following are some of the most notable instances:—

(1.) On the 25th July, 1865, on the motion for the second reading of the Bill intituled "An Act for granting to Her Majesty certain Duties of Customs and for altering certain other Duties and for applying a sum out of the Consolidated Revenue of Victoria to the service of the year 1865 and for appropriating the supplies granted in this session of Parlia-

ment and for other purposes," the Council resolved not to consider the subject-matters of the Bill "until they are dealt with in separate measures," and the Bill was then laid aside.

(2.) On 16th November, 1865, in the same session, the Council rejected a Bill for granting to Her Majesty certain duties of Customs and for altering certain other duties, and ultimately the session was closed, and the House dissolved, without either the Customs Duties Bill or an Appropriation Bill having been passed.

(3.) A new Assembly again sent the Customs Duties Bill to the Council, and it was, for reasons stated, again rejected on the 13th March, 1866, and the session was prorogued.

A new session having commenced, a conference was held between representatives of the two Houses, and, an agreement having been arrived at, a Customs Duties Bill and Supply Bill were at last passed, on the 17th April, 1866, the previous Supply Bill, for a comparatively small amount, having been passed on the 30th June, 1865.

(4.) On the motion for the second reading of the Appropriation Bill for 1867 in the Council, on 20th August, 1867, an amendment was carried that it was contrary to the usages of the Imperial Parliament "that the grant of £20,000 for the separate use of Lady Darling should, under existing circumstances, be mixed with the general supply for the services of the year," and the Bill was rejected.

(5.) On the 16th October, 1867 (a new session having been summoned meanwhile), the Appropriation Bill containing the grant was again rejected by the Council.

(6.) A few days afterwards a Consolidated Revenue Bill was also rejected; and thus the second session in 1867 was also terminated without passing the annual Appropriation Act.

(7.) On the 4th September, 1867, the Council negatived the second reading of the Payment of Members Bill.

(8.) On the 11th December, 1877, the Council negatived the second reading of the Payment of Members Bill.

(9.) On the 20th December, 1877, on the motion for the second reading of the annual Appropriation Bill, an amendment was carried that the Bill be laid aside, among other reasons, because "it included an item of £18,025 for reimbursing members of the Legislative Council and Legislative Assembly their expenses in relation to their attendance in Parliament."

108. The various communications between the Governor and his advisers, and between the two Houses of Parliament, and also other

subsequent proceedings on the foregoing cases, are now matters of history, and may be referred to in the Votes and Proceedings of the Council and Assembly respectively.

Rating Bills. 109. As to Bills sent to the Council imposing rates, there has been much diversity of opinion at various times concerning the Council's powers. The question will be found dealt with at much length in the Parliamentary Votes and Proceedings and Papers relating to the Water-works Bill in 1865.

Legislation extensive. 110. Notwithstanding the difficulties which have from time to time necessarily arisen in interpreting and settling the Constitution, especially in its earlier days, a very large amount of legislation has resulted, as the following paragraphs will show.

Bills sent by Council to Assembly. 111. The first meeting of Parliament under the present Constitution was held on the 21st November, 1856. From that day until the end of the last session of Parliament, on the 3rd November, 1883, the Legislative Council passed and sent to the Legislative Assembly 131 Bills. Of these there were—

Negatived	1	
Laid aside	1	
Lost on motion for postponement	1	
Lost in consequence of non-agreement of the two Houses as to amendments	3	
Lapsed or discharged from notice paper ...	61	
Passed by the Assembly	64	
	——	131 Bills.

Bills sent by Assembiy to Council. 112. During the same period the Assembly passed and sent to the Council 876 Bills. Of these there were—

Laid aside, rejected, or negatived	29	
Lost on motion for postponement	39	
Lost in consequence of non-agreement of the two Houses as to amendments	37	
Lapsed or discharged from notice paper ...	39	
Passed by the Council	732	
	——	876 Bills.

Result. 113. Thus, in 27 years, the Bills that have passed through both Houses are—

Those originating in the Council	64
Those originating in the Assembly	732
Number of Bills passed by both Houses	796

114. Of these Bills—

Her Majesty's assent was withheld from	...	6
The Governor withheld his assent from	...	2
No record of	...	1
Whilst there have become law ...	...	787
		796

115. As all Victorian Acts are numbered consecutively from and after the establishment of the new Constitution, it will be seen that every Act is accounted for in the foregoing tables, as, of the Acts passed up to the end of the 1883 session, the last number is No. 787, "The Marriage and Matrimonial Causes Statute Amendment Act 1883." Acts numbered consecutively.

IX.—Extradition.

116. The extradition of criminals between Victoria and Foreign countries is regulated by the Imperial Extradition Acts 1870 and 1873 (which extend to Victoria) and the several treaties for the time being in force between the Imperial Government and the Governments of Foreign States. For the purpose of carrying out the provisions thereof, police magistrates in Victoria are, by the "Extradition Act of Victoria 1877," authorized to exercise all powers vested in police magistrates or justices of the peace in the United Kingdom by the Imperial Extradition Acts. How regulated by Imperial Acts and treaties. 33 & 34 Vict. c. 52. 36 & 37 Vict. c. 60. No. 588.

117. A list of Extradition Treaties in force is usually published annually in the Colonial Office List, and new treaties are transmtited by the Secretary of State to the Governor, and published *in extenso* in the *Victoria Government Gazette.* Annual list.

X.—Fugitive Offenders in Her Majesty's Dominions.

118. This subject is now dealt with by the Imperial Fugitive Offenders Act 1881. Imperial Ac 44 & 45 Vict. c. 69.

119. Part 1 provides that any person accused of having committed an offence (punishable by not less than twelve months' imprisonment with hard labour) in one part of Her Majesty's dominions, if found in another part of Her Majesty's dominions, may, on the authority of an endorsed or provisional warrant, be apprehended. Arrest of fugitives.

120. He shall then be brought before a magistrate, who shall have power to commit him to prison for fifteen days to await his return, or obtain a *habeas corpus*. Procedure.

Return. 121. At the expiration of fifteen days, or after the final decision of any superior court, the fugitive, if in Victoria, may be returned by order of the Governor to the part of the dominions from which he is fugitive.

Special part. 122. Part II. has been applied recently to all the Australian colonies, New Zealand, Tasmania, and Fiji (*Victoria Government Gazette*, 2nd November, 1883).

Procedure in Australian group. 123. It provides that, where in one colony a warrant has been duly issued for the apprehension of a person *accused of an offence punishable by law* in that colony, and such person is suspected of being in or on the way to any other of the colonies of the group, such person may be arrested and brought before any magistrate endorsing the warrant, or other magistrate in the colony where the person is found.

Return of prisoner. 124. The magistrate may thereupon order the prisoner to be returned to the place where the warrant was issued.

125. The provisions of the Act are simple, particularly under Part II., and will doubtless prove very useful as they become more widely known.

XI.—Application of Laws.

Imperial law 126. Section 24 of the Imperial Act 9 Geo. IV. c. 83 enacted "that all laws and statutes in force within the realm of England at the time of the passing of this Act* (not being inconsistent herewith, or with any charter or letters patent or order in council which may be issued in pursuance hereof) shall be applied in the administration of justice in the courts of New South Wales and Van Diemen's Land respectively so far as the same can be applied within the said colonies."

* 25th July, 1828.

Colonial law. 127. By the Imperial Act 13 & 14 Vict. cap. 59, and section 40 of the Constitution Act, all laws and ordinances in force in the territories comprised in the colony of Victoria at the time of separation from New South Wales, so far as consistent, were continued in force in Victoria; and, to prevent doubts, the New South Wales Parliament also passed an Act (14 Vict. No. 49) continuing in force within Victoria after separation all existing laws and public regulations passed or made for New South Wales or Port Phillip.

1 July, 1851.

Statute law applied. 128. Thus the statute law, which became law in Victoria on its establishment as an independent colony, consisted of—

(1.) So much of the Imperial law, enacted prior to the 25th July, 1828, as was in force in New South Wales on the 1st July, 1851.

(2.) The Acts of New South Wales in force on the 1st July, 1851.

There are also in force in Victoria—

(3.) All Imperial Acts adopted by Acts of the Victorian Legislature.

(4.) All Imperial Acts expressly relating to Victoria.

(5.) All Imperial Acts which apply to every part of Her Majesty's dominions.

Proportion to local Acts.

129. These five classes of laws now bear a very small proportion to the laws enacted by the Victorian Parliament; the first two classes, so far as they were capable of practical application in Victoria, having been largely reduced by express repeal, and their subject-matter dealt with by local legislation.

Victorian Statutes.

130. The latest edition of the Victorian Statutes consists of four volumes:—Volumes I. and II., published in 1875 ; volume III. in 1876 ; volume IV. in 1884; whilst a fifth volume, containing Rules, Regulations, and Indexes, is in course of preparation. These volumes include all Acts (other than Imperial) in force, omitting, however, such Acts as annual Appropriation and Supply Acts, Railway Construction Acts, &c.

XII.—The Ballot.

Mr. Nicholson's motion.

131. Within a month after the proclamation in Victoria of the present Constitution Act, Mr. Nicholson, in the old Legislative Council, moved—"That in the opinion of this House any new Electoral Act should provide for electors recording their votes by secret ballot."

Carried against the Government.

132. The Government of the day voted against the proposal; but, nevertheless, it was carried, on the 19th December, 1855, by 33 votes against 25.

First Ballot Act. 19 Vict. No. 12.

133. Among the last batch of the Acts of the old Council assented to by the Governor was included the Electoral Act of 1856; and in this Act provision was made for conducting all elections for the new Council and Assembly on the principle of the ballot.

Subsequent adoption.

134. In all subsequent Parliamentary Electoral Acts the system has been adhered to, and it is also followed in reference to all elections for members of Municipal Councils, Mining Boards, Boards of Advice under the Education Acts, and Harbour Trust Commissioners.

XIII.—Local Government.

Early local government.

135. Among the various enactments which became law in Victoria on its separation from New South Wales was a provision in the Imperial Act 5 and 6 Victoria cap. 76 (1842) authorizing the Governor, by Letters Patent, "to incorporate the inhabitants of every county," "to

form districts" for the purpose of local government, and to establish elective district councils. Such councils were authorized to frame by-laws for making and maintaining roads, establishing schools, levying local tolls and rates, &c. (ss. 41 to 50).

Discontinuance.

136. Owing, however, to what a select committee of the Legislative Council, in 1852, reported as "the arbitrary and unconstitutional nature of some of the provisions contained in the Act, and to the expensive details which were rendered unavoidable in giving it practical effect," these district councils had discontinued their meetings and practical working under the Act.

Road Districts Act of 1853. 16 Vict. No. 40.

137. The select committee recommended improved legislation, and accordingly, in 1853, an Act was passed establishing a Central Road Board for the whole colony, with an Inspector-General and staff of engineers and surveyors and other officers, and also providing for the creation of local road districts under the management of road boards, such boards having power to levy tolls, rates, &c.

When repealed. No. 176.

138. The Act made provision chiefly for local government in country districts, and the greater part of it remained in force until 1863, when its provisions were repealed and re-enacted with amendments in the Roads Districts and Shires Act.

Municipal Institutions Act 1859. 18 Vict. No. 15.

139. Meanwhile, suburban districts and towns were growing up, and in 1859 an Act was passed "for the establishment of municipal institutions in Victoria."

Municipal districts.

140. Under this Act "municipal districts," managed by elective municipal councils, were formed wherever required in areas of not exceeding nine square miles, containing a population of not less than 300 householders.

Municipal Corporations Act 1863. No. 184.

141. This Act also continued in force until 1863, when it was repealed, and its provisions were merged into the Municipal Corporations Act 1863.

Shires and Boroughs Statutes. Nos. 358 and 359.

142. In 1869, further improvements and extensions of the Roads Districts and Shires Act and of the Municipal Corporations Act became necessary, and the Shires Statute and the Boroughs Statute were enacted.

Local Government Act 1874.

143. These last two statutes were, in 1874, repealed, and merged into the Local Government Act 1874, which is, with some modifications in detail, still in force.

Melbourne and Geelong exempted. No. 506.

144. The Local Government Act 1874 applies generally to all municipal districts in Victoria, except the city of Melbourne and the town of Geelong, which are incorporated under and subject to a special series of Acts which do not apply to other parts of the colony,

but which may be referred to in Vol. IV. of the 1866 edition of the Victorian Statutes.

145. The Local Government Act 1874 provides for the constitution of— Act No. 506.

Cities,
Towns,
Boroughs, and
Shires.

146. Any part of Victoria containing rateable property capable of yielding, upon a rate not exceeding one shilling in the pound on the annual value thereof, a sum of £500 may be constituted a shire by the Governor in Council.—(No. 506 s. 19.) Shire.

147. Any part of Victoria not exceeding in area nine square miles, and having no point in such area distant more than six miles from any other point therein, and containing a population of inhabitant householders not less than three hundred, may be so constituted a borough.—(Ib.) Borough.

148. Any borough having a gross revenue of not less than £10,000 a year may be so constituted a town.—(Ib.) Town.

149. Any borough having a gross revenue of £20,000 a year may be so constituted a city.—(Ib.) City.

150. Every municipality (whether a city, town, borough, or shire) is governed by a council of not less than six nor more than twenty-four councillors. If the municipality is divided into wards or ridings, each ward or riding returns three members. Councillors.

151. One-third of the whole number of councillors representing any municipality or subdivision thereof must retire every year. Retirement.

152. Councillors must be male persons rated in the district at not less than £20 a year, whilst ratepayers (whether male or female) of full age are entitled as under:— Qualification of councillors. Electors.

If rated in respect of property in a city, town, or borough, when a value of less than £50 to	1 vote
Over £50, but less than £100 to	2 votes
£100 to	3 votes
If so rated in a shire upon a value of less than £25 to	1 vote
Over £25, but less than £75 to	2 votes
£75 to	3 votes

But no person is entitled to a vote in respect of property of a less annual rateable value than £10, unless such person be the occupier thereof.—(Ib. s. 73.)

General powers.

153. It would not be possible, within the limits of this article, even to mention all the various powers conferred by the Local Government Act and its amendments on the councils of municipalities and their officers. They include—

1. The care, management, and control of the roads, streets, and bridges.
2. The power to make and levy rates.
3. The power to borrow money, for permanent works and undertakings, by the sale of debentures.
4. The power to establish markets, pounds, baths, to make tramways and purchase gasworks ; and
5. The power to make by-laws (with penalties not exceeding £20 for breach thereof, s. 239), regulations, and joint regulations.

Tolls.

154. The Local Government Act continued the power (existing when the Act passed) to collect tolls on roads, bridges, and ferries. This power, however, ceased at the end of 1877.

Endowment.

155. The Local Government Act also provided for the endowment, out of the consolidated revenue, of every municipality (including Melbourne and Geelong) to the extent in all of £310,000 per annum for five years, *i.e.*, until 31st December, 1879. Since that time, a subsidy of like amount has been provided annually by the Appropriation Acts.

156. In addition to the annual subsidy for municipal districts, Parliament also grants various sums to assist particular municipal councils in constructing or maintaining specified roads, works, or bridges. The sums thus voted differ considerably from year to year ; the average during the last six years being about £60,000 per annum.

Extent of local government.

157. At the present time there are in Victoria—

8 Cities (including Melbourne),
4 Towns (including Geelong),
48 Boroughs, and
120 Shires.

These 180 municipal districts include all except about one-nineteenth of the area of the colony, and all except about one per centum of the inhabitants. The total value of the rateable property they contain is estimated at £95,610,959, and the number of dwellings at 192,556. These few figures are quite sufficient to show the success of our system of local government. Other parts of this *Year-Book* furnish full particulars.

Melbourne, November, 1884.

FORM OF GOVERNMENT IN QUEENSLAND.

(*By* W. T. BLAKENEY, ESQ., *Registrar-General of that Colony.*)

The colony of Queensland was formerly part of New South Wales, but was separated from that colony by Her Majesty's Letters Patent, dated at Westminster of the 6th June, 1859. The Letters Patent, amongst other things, provided that a form of government should be established in Queensland in a manner as nearly as possible resembling that which then existed in the colony of New South Wales, and ordered the constitution of a Legislative Council and Legislative Assembly for Queensland, which bodies should have power to make laws for the peace, welfare, and good government of the colony in all cases whatever. The Letters Patent were to come into force so soon as the same had been received and published in the colonies.

On the 10th December, 1859, Sir George Ferguson Bowen, K.C.M.G., the first Governor, landed, assumed the government, and also proclaimed the Letters Patent and Orders in Council by virtue of which the colony was established.

APPOINTMENT OF LEGISLATIVE COUNCIL.

By the Orders in Council it was provided that the Legislative Council should be summoned and appointed by the Governor, to consist of such persons as the said Governor shall think fit, not being fewer than five.

The first members of the Legislative Council so summoned to hold their seats for five years, but all subsequent appointments to that body to be for life. The qualification for appointment to the Council being that the person so nominated should be of the full age of twenty-one (21) years, a natural-born or naturalized subject of Her Majesty.

They also provided that four-fifths of the members nominated should be of persons not holding any office of emolument under the Crown, except officers of Her Majesty's Sea and Land Forces on full or half pay, or retired officers on pension. One-third of the members of the Legislative Council, exclusive of the President, are required to form a quorum for the despatch of business.

CONSTITUTION OF THE LEGISLATIVE ASSEMBLY.

The Orders in Council also authorized the Governor to summon and call together a Legislative Assembly for the said colony, to fix the number of members of which the Assembly should be composed, and to divide the colony into electoral districts. They also declared that

every Legislative Assembly so elected should continue for five years, but subject to be sooner prorogued or dissolved by the Governor. They also fixed the qualification of persons who could be elected to such Assembly, and of persons who could vote for the election of such members as similar, or as nearly as might be, to the qualification then in force in the colony of New South Wales.

The Parliament to be thus constituted had power, as before stated, to make laws for the peace, welfare, and good government of the colony in all cases whatever; also to make laws altering or repealing any of the provisions of the Orders in Council except that portion which related to the giving and withholding of Her Majesty's assent to Bills, the reservation of Bills for Her Majesty's pleasure, the instructions to Governors for their guidance in such matters, and the disallowance of Bills by Her Majesty. The Orders in Council also provided that, in the event of any Bill being passed making the Legislative Council elective, in part or in whole, it should be reserved for Her Majesty's pleasure, and a copy of the Bill should be laid before both Houses of the Imperial Parliament for at least thirty days before Her Majesty's pleasure should be signified.

These Orders in Council further provided that no alteration in the constitution of the colony could be made unless the second and third readings of the Bill which provided for such alterations shall have been passed with the concurrence of two-thirds of the members for the time being of the Legislative Council and Legislative Assembly, and that such Bill be reserved for the signification of Her Majesty's pleasure thereon; also that all Bills for appropriating any part of the public revenue, or for imposing any new rate, tax, or impost, subject to certain limitations, should originate in the Legislative Assembly; the limitation referred to being that it should not be lawful for the Legislative Assembly to pass any such Bill that had not first been recommended to them by a message from the Governor sent during the session in which such Bill should be passed. While referring to this subject, it may be well to state that the power of the Legislative Council to alter Money Bills is doubtful; the Legislative Council of Queensland has, however, done so, but objection to such a course has always been taken by the Legislative Assembly.

The foregoing will give an idea of the constitution under which this colony came into existence.

In the year 1867 steps were taken to legislate on the subject, and an Act was passed by the Queensland Parliament, in that year, which consolidated the law relating to the constitution, and embodied

the Orders in Council, with the exception of two sections, namely, that relating to the giving or withholding of Her Majesty's assent to Bills and the one referring to the power of altering the constitution.

The Act then passed is now the Constitution Act of this colony; it has only once been slightly amended so far as related to the majorities necessary and other steps to be taken to alter the appointment of representatives in the Legislative Assembly.

It will be seen that the Governor has power to veto Bills in certain specified cases, and in some instances Governors have exercised the power by withholding assent to Bills, on behalf of Her Majesty, and reserving them for the signification of Her Majesty's pleasure thereon. One instance within recollection was a Bill, when first passed, to levy a special tax per head on Chinese immigrants to this colony.

The Legislative Council of Queensland at present consists of thirty-four members, nominated by the Governor with the advice of the Executive Council. They all now hold their seats for life, provided they conform to certain rules of the Chamber, such as attendance at each session, &c. The qualification has been already stated.

The number of members to be elected to the Legislative Assembly has been altered, from time to time, by several Acts passed for that purpose. There are now fifty-five members in the House, representing forty-two constituencies; thirteen of the electoral districts return two members and twenty-nine one member each. A person to be elected as a member of the Legislative Assembly must hold the following qualification :—

He must be absolutely free and qualified and registered as a voter in and for any electoral district. The qualification of a voter being, every man who is 21 years of age and a natural-born or naturalized subject of Her Majesty and—

(*a*) Being a resident in any electoral district for six months next preceding the time of making out the electoral roll for such district.

(*b*) Having a freehold estate in any electoral district of the clear value of one hundred (£100) pounds to which he has become entitled at least six months prior to the collection of the electoral roll for such district.

(*c*) Having in occupation in any electoral district for six months previous to compilation of the electoral roll for such district any house, warehouse, counting-house, office, shop, or other building of the clear annual value of ten pounds.

(*d*) Having in possession in any electoral district a leasehold of the value of ten pounds per annum which is held upon a lease having not less than eighteen months to run at the time of making out the electoral roll for the district in which the premises leased are situated; or having a leasehold estate of the same value for eighteen months previous to the roll being made out; or

(*e*) Having a licence from the Government to depasture land within any electoral district, and having held such licence for six months previous to the electoral roll of such district being compiled.

The disqualifications preventing election to the Legislative Assembly are—if the person be a minister of any form or profession of religious faith or worship; or being at the time a member of the Legislative Council; or holding any office of profit under the Crown, except members of the Ministry (to be hereafter specified); or such additional officers, not being more than two, as the Governor in Council may from time to time declare capable of being elected (by notice in the *Government Gazette*); or having a pension from the Crown during pleasure or for a term of years (pensions of officers of Her Majesty's army and navy excepted).

The foregoing is an epitome of the constitution of both our Houses of the Legislature; and, before describing other matters in connexion with our government, it may be well to say that hitherto the relations between both Houses have been almost continuously harmonious.

The Laws of England which are Applicable to this Colony.

All laws and statutes in force in England at the time of passing the Act 9 Geo. IV. chap. 83 were, by section 24 of that Act, applied to New South Wales, of which Queensland was then a part, so far as the same could be applied. In addition, all laws passed by the Imperial Parliament since 9th Geo. IV. made specially applicable to these colonies are in force in Queensland.

Extradition Laws.

The Imperial Extradition Acts of 1870 and 1873 are in force in this colony. In addition to which the Queensland Parliament passed an Extradition Act in 1877, conferring all powers vested in police magistrates or justices of the peace in England in relation to the surrender of fugitive criminals on police magistrates in this colony, but

suspending the operation of the Act until Her Majesty should, by Order in Council, direct the Act to have effect in Queensland. The Imperial Parliament also passed an Act called the Fugitive Offenders Act of 1882, Part II. of which is applicable to this colony.

The Executive Council.

The Executive Council at present consists of—

The Governor, as President,
The Colonial Secretary (and Premier), as Vice-President,
The Attorney-General,
The Colonial Treasurer,
The Postmaster-General,
The Secretary for Public Lands,
The Secretary for Public Works and Mines, and
Mr. R. B. Sheridan (without portfolio).

Of whom, all, except the Postmaster-General, are members of the Legislative Assembly.

The Postmaster-General is a member of the Legislative Council, and represents the Government in that House.

A general election has lately taken place here, and the representation of the several electoral districts has, in most cases, been contested. The percentage of electors who voted in the contested electorates to the number of names on the rolls of such districts was 61·48 per cent.

Having so far explained the arrangements for the general government of the colony, the next matter of importance is the institutions for local self-government.

Local Government.

For this purpose the colony has been divided into municipalities, boroughs, shires, and divisions. Of these, there are 17 municipalities, 5 boroughs, 2 shires, and 85 divisions. The area embraced by municipalities is $230\frac{7}{10}$ square miles, by boroughs $47\frac{3}{10}$ square miles, by shires $11\frac{3}{4}$ square miles, and by divisions $667{,}760\frac{1}{4}$ square miles; these, with a portion of the colony (islands off the coast, &c.), containing 174 square miles, not included in any of the above, gives the total estimated area of Queensland, according to the latest computation, at 668,224 square miles. Owing to the continued increase of population from year to year, and the constant changes that take place in centres of population, it is impossible to estimate the number of inhabitants located in the various subdivisions of the colony.

This information is only obtainable at the time each census is taken.

By the census of 1881 the population enumerated in the subdivisions mentioned was as under :—

In municipalities	67,591
In boroughs	6,880
In shires	2,254
In divisions	135,327

This, with the inhabitants of that part of Queensland not included in any of these subdivisions, viz., 1,473, constituted the population then enumerated, viz., 213,525. Although, numerically, the population must have varied considerably in each subdivision since 1881, yet it is thought that the proportion of inhabitants in the urban, suburban, and what may be called the country districts is about the same, and therefore the figures given may be useful as showing the proportion of the population settled or resident in each description of subdivision.

Up to the year 1878 municipal government formed the only form of local government in existence in the colony, but in that year a measure was passed to consolidate and amend the laws relating to municipalities (of which there were then eighteen in existence), and to provide more effectually for local government. That Act, after providing that all existing municipalities were legally constituted and that they should remain municipalities under that Act, further provided that any country district, or any city or town with or without its suburbs or country immediately adjacent, might be constituted a municipality; but that a country district so constituted should be called a shire, and a town so constituted should be called a borough. Up to the end of 1883 only five boroughs and two shires were constituted under this Act.

In 1879, an Act called the Divisional Boards Act was passed to make provision for local government outside the boundaries of municipalities. This was a very comprehensive measure, and had the effect of greatly relieving the general revenue from the large expenditure necessary to maintain the public roads of the colony, abolished a large and costly department in the Civil Service, and created a direct tax upon property for the maintenance of all the public roads and highways. It made provision for separating that part of the colony not then included in municipalities, boroughs, or shires into divisions, to be managed by a board of not more than nine members nor less than three members, giving authority to the Government to fix the exact number of members who should represent each division when constituted. Members of the board to be elected by the taxpayers in each division; one-third of the board to retire annually. Any vacancy on a board not filled by election in the ordinary manner to be filled by appointment by

tbe Governor in Council. The Act gave the boards power to levy rates annually, but limited the amount of rates to be levied in any one year to one shilling in the pound of the annual value of property within each division. It also provided that a sum should be paid from the revenue of the colony for five years from the establishment of the division as an endowment to each board equal to twice the amount raised in each division, and, after the lapse of five years, in every subsequent year, a sum equal to the amount raised by taxation in each division.

By a late amendment of the Act, the Governor in Council may exempt certain roads as main roads from the jurisdiction of a board, and relieve it from the obligation to construct or maintain any part of such road; but the Governor in Council may entrust a board with the appropriation of any money voted by Parliament for the construction or maintenance of such main road. The same Act gives power to the Governor in Council to appoint inspectors to supervise and report on any public works constructed, or to be constructed, by any board from loans obtained from the Government.

The qualification necessary to be elected as an alderman, councillor, or member of a board is the same, viz.:—Every male (except as hereinafter mentioned) who is 21 years of age, and who is a natural-born or naturalized subject of Her Majesty, and who is qualified and registered as a voter for any municipal district or division.

The disqualifications for electors are, with respect to municipal districts, being a judge of any court of justice (except a justice of the peace), or holding any office or place of profit under the Crown or the municipal council, or being a full-pay officer in Her Majesty's army or navy (except local volunteers), or having his affairs under liquidation by arrangement with creditors, or being an uncertificated insolvent, or being of unsound mind, or attainted of treason. With respect to divisional boards, the disqualifications are similar, with the addition of persons having contracts with the board or holding licences as publicans.

The qualification of electors is as follows:—In municipal districts—Every person, whether male or female, of the full age of 21 years, who, on the 1st November in each year, is rated for any property within the municipal district, and who shall have paid all rates to which he is liable under any rate struck three months or more before the date above-mentioned. Such electors are entitled to a plurality of votes, on the following scale:—

Rated for property value less than	£50	... One vote.
,, ,, ,,	£100	... Two votes.
,, ,, exceeding	£100	... Three votes.

No person is enrolled as an elector who is rated for property of less than £10 annual value. More than one owner being rated for same property (not exceeding three) are entitled to votes, in accordance with the total rateable value divided by three. If the value of the property does not entitle them to three votes, then the person entitled to vote is the person whose name stands first on the rate-book in respect to such property. In divisional board districts the qualification is the same. Rates must have been paid before noon on the day of the nomination of the candidate for election to entitle the ratepayer to vote. Electors are allowed a plurality of votes, on same scale as above-mentioned, in municipal districts; but no ratepayer can vote in respect of property of less annual value than two pounds ten shillings.

Mode of Voting.

In municipal districts the voting is by ballot in the ordinary manner. In divisional districts the ballot-papers are sent by the returning officer to the elector, each paper being initialled by the returning officer before being despatched. On receipt, the elector votes in the ordinary way, by erasing the name of the candidate or candidates he does not wish to vote for, and then sends the paper back through the post to the returning officer, the ballot-paper before posting having been signed by the ratepayer voting in the presence of a magistrate, or another voter of the same division, not being a candidate.

The ballot-paper must be returned by the elector in a closed envelope endorsed "Ballot-paper." The postmaster at the place of nomination holds the ballot-box until four o'clock p.m. on the day of election, and he puts into it all letters addressed to the returning officer marked "ballot-paper" as he receives them, and, at the hour named, he hands the ballot-box over to the returning officer, who applies to him for it. The returning officer opens the box in the presence of his poll clerk (if any) and of the scrutineers of candidates, and then scrutinizes the ballot-papers contained in the box in the ordinary manner.

By a late amendment of the Divisional Boards Act, voting by post may be discontinued by the Governor in Council on a petition being presented under the corporate seal of any division, or signed by a majority of the ratepayers in any division.

The result of the working of the divisional boards has hitherto been very successful. They are accomplishing the difficult task of keeping the roads in fair order over our extensive territory and in some of the more populous divisions. In addition to this, efforts are being made to effect sanitary improvements, drainage, &c.

From the last completed returns, to the end of 1883, it appears that the income of all the divisional boards in the colony for the year mentioned amounted to £153,952 15s. 4d., made up as follows:—

From rates	...	...	...	...	£51,056	4 2
,, other sources...	...	...	...	...	8,748	11 7
,, Government endowments	...	...			94,147	19 7
In municipalities the income raised during 1883 was—						
From rates	...	...	...	...	£57,135	17 7
,, other sources...	...	...	...	...	41,141	8 2
,, Government endowments	...	...			38,002	2 2
In shires—						
From rates	...	...	...	...	814	18 9
,, other sources	...	...	...		1	14 6
,, Government endowments	...	...			1,613	19 2
In boroughs—						
From rates	...	...	...	...	4,521	3 3
,, other sources	...	...	...		1,258	4 11
,, Government endowments	...	...			5,906	18 2

From the foregoing it will be seen that Queensland has made ample and extensive provision for local government of different kinds, the working of which will no doubt tend to the comfort of the public. In course of time, when larger revenues can be raised, to enable the various local government bodies to undertake works of a sanitary kind, their efforts should largely promote the health of our population.

CONSTITUTION OF SOUTH AUSTRALIA.

(*By* E. G. Blackmore, Esq., *Clerk Assistant of the House of Assembly of that Colony.*)

The constitution of the province of South Australia is based upon the Imperial Statute 13 and 14 Vict. c. 59.

Section 32 of that Act gave power to the Governor and to the Legislative Council established thereby to alter from time to time the provisions and laws for the time being in force under the said Act, and to constitute separate Legislative Houses in lieu of the said Legislative Council.

On January 2nd, 1856, the Constitution Bill was read a third time in the Legislative Council, and on January 22nd the Governor intimated by message that he had reserved the same for the signification of Her Majesty's pleasure.

By proclamation dated October 24, 1856, Her Majesty's assent to the Constitution Act, No. 2 of 1855-6, was made known to the colony.

Under that Statute it was provided that there should be a Parliament of South Australia, to consist of two Houses, a Legislative Council and a House of Assembly.

The Legislative Council was to consist of eighteen members, and the qualification of a member was that he must be of the full age of thirty years, a natural-born or naturalized subject of Her Majesty, or legally made a denizen of the province, and a resident therein for the full period of three years.

Each member was elected for twelve years, but it was provided that at the end of each period of four years the first six members on the roll, their place having in the first instance been determined by lot, should vacate their seats, and an election take place to supply the vacancies.

For the Legislative Council the whole colony voted as one grand constituency, the qualification of an elector being the same as that of a member in regard to citizenship. The age, however, of an elector was fixed at 21 years, with a property qualification of a freehold estate of the value of £50, or a leasehold of £20 annual value with three years to run, or occupation of a dwelling-house of £25 annual value.

By Act No. 236 of 1881 the number of members was increased to 24, and the province divided into four electoral districts, each district to be represented by six members.

The principle of periodical retirement is maintained by this Act, one-third of the members retiring at the expiration of three years.

The House of Assembly under the Constitution Act consisted of 36 members elected for three years. The qualification of a member was the same as that of a voter. Every man of the age of 21, being a natural-born or naturalized subject of Her Majesty, and having been registered on the roll of his electoral district for six months prior to the election, was entitled to vote. The Act contained a provision to disqualify felons and traitors.

By Act 27 of 1872 the number of electoral divisions was raised from 18 to 22, with a corresponding increase of members to 46 (forty-six).

By Act No. 278, 1882, the province was divided into 26 electoral districts, with two members to each, thus raising the number to 52.

By the Constitution Act, power was given to the Governor to dissolve the House of Assembly, but no provision was made to render the Council amenable to public opinion.

But the Act of 1881 provides for a penal dissolution of the Council, or increasing the members thereof, in the event of the Council rejecting a Bill which has twice passed the Assembly.

The Constitution Act provided for the election of a President of the Council and a Speaker of the House of Assembly, and for supplying their place temporarily when absent; for a quorum; for resignation of seats; for the casting vote of the Presiding Officer; for elections to fill vacancies; and for making Standing Orders to govern procedure. It empowered Parliament to alter the Act; to define the privileges of members; and disqualified judges and clergymen or officiating ministers from being elected members of either House.

One of its most important enactments is that which provides that all Bills for appropriating any part of the revenue, or of imposing, altering, repealing any rate, tax, duty, or impost, shall originate in the House of Assembly. And another requires that all money votes must be recommended by the Governor. The practical effect of this is that the Legislative Council accepts or rejects a Money Bill *in toto*, or offers suggestions thereon to the Lower House.

The judges hold office during good behaviour, and are removable upon address of both Houses of Parliament.

Responsible government is carried on by six Ministers, who form the Cabinet, and who are, as a rule, members of the Legislature; but in the case of the Attorney-General his presence in the Legislature is not obligatory. If not a member, however, his tenure of office ceases with the Ministry of which he is a member.

The following are particulars as to last general election:—

Number of electors in contested districts	54,610
Number of electors who voted	26,927

Municipal Government.

There are in the province 30 municipalities or corporate towns, containing an area of 35,000 acres, with population (census 1881) 82,525.

Area of province (exclusive of Northern Territory), 39,436,800 acres.

Population of province (exclusive of Northern Territory and shipping, census 1881), 279,865.

Mayor, aldermen (city of Adelaide only), and councillors are elected annually, on December 1st. Mayor every year, by whole body of ratepayers. Aldermen for three years, by whole body of ratepayers; but out of the six aldermen two retire annually, and are eligible for re-election. Councillors are elected by ratepayers of respective wards, viz., two councillors for each ward, one of whom retires annually, and is eligible for re-election.

Females are allowed to vote; that is, widows or spinsters who are ratepayers.

None but ratepayers who have paid their rates for the year in which the elections take place are entitled to vote.

FORM OF GOVERNMENT IN WESTERN AUSTRALIA.

(*From the Colonial Office List*, 1884.)

The Government is administered by a Governor assisted by an Executive Council, composed of the Colonial Secretary, the Attorney-General, the Colonial Treasurer, the Director of Public Works, the Commissioner of Railways, and the Surveyor-General.

There is a Legislative Council of 24 members. Eight are nominated, of whom four are official, viz., the Colonial Secretary, the Attorney-General, the Director of Public Works and Commissioner of Railways, and the Surveyor-General; and sixteen members are elected.

The electoral franchise is £100 freehold, or being a householder of £10 in annual value, or a lessee of Crown lands to the same amount of annual rent. The qualification for members is the possession, beyond all incumbrances, of landed property to the value of £1,000.

The colony is divided into thirteen electoral districts; the two principal towns, Perth and Fremantle, and the North District, returning two members each.

CONSTITUTIONAL GOVERNMENT OF TASMANIA.

(*By* R. M. Johnston, Esq., F.L.S., *Government Statistician of that Colony.*)

(A.) General Government.

The Royal assent to the existing system of responsible government in Tasmania was first proclaimed on the 24th October, 1855. The first responsible Ministry was appointed on the 1st November, 1856, and the first representative Parliament was opened on the 2nd December, 1856.

The principles of the existing system may briefly be stated to have for their object the establishment of such a constitution of Government as would secure to the colony the full management of its own affairs, with such safeguards as might be considered necessary to prevent the Local Legislature from encroaching upon subject-matters which should belong exclusively to Imperial jurisdiction.

The provisions embodying these principles are contained in Act 18 Vict. No. 17, known as the Constitutional Act, and in the amending Acts subsequently introduced, viz., 23 Vict. No. 23 and 34 Vict. No. 42.

The form of Government consists of a Governor, appointed by Her Imperial Majesty; an Executive Council, appointed by the Governor; and a Legislative Council and a House of Assembly, elected by the people. The "Parliament of Tasmania," properly constituted, consists of the Governor, the Legislative Council, and the House of Assembly taken together. Although not directly expressed by any one

clause in the Constitution, or in the Standing Rules and Orders of both Houses approved by the Governor, all enactments binding in law must have passed both Houses of Parliament and have received Her Majesty's assent through the Governor or otherwise.

POWERS OF THE GOVERNOR.

The powers and authorities of the Governor and Commander-in-Chief of the colony and its dependencies are at present determined and defined by Letters Patent, dated 17th June, 1880, passed under the Great Seal of the United Kingdom, and by instructions passed on the same day under the Royal Sign Manual and Signet.

Among the more important functions and powers of the Governor may be enumerated the following, viz.:—

The lawful assent to Bills passed by both Legislative Houses; the custody of the public seal of the colony; the appointment, according to law, of the members of Executive Council, Ministers of the colony, Judges, Commissioners, Justices of the Peace, and other necessary officers. Should he think fit, the Governor may, for the detection of crime or otherwise, grant pardons, or respite or remit the sentences of criminals convicted before any court or before any judge or magistrate; but he may not banish criminals from the colony except in the case of political offenders.

The Governor is also empowered to remit any fines, penalties, or forfeitures due to the Crown.

At such times as he thinks fit, the Governor may summon or prorogue both Houses of Parliament; provided, however, that the period of twelve calendar months from the close of last session shall not have expired before a new session shall have been summoned. He may lawfully dissolve the House of Assembly at any time; but he cannot exercise this power with respect to the Legislative Council, the members of which may hold their seats until the expiry of their full term of six years from date of election.

RIGHT OF VETO.

As regards "the right of veto," the Governor has no power so called, although he may *refuse assent* to any Bill passed by the Local Legislature which in any way contains provisions affecting the following matters, viz.:—The divorce of married persons; grants of land, money, donations, or gratuities to himself; the currency; the imposition of differential duties other than as allowed by the Australian Colonies Act 1873; the introduction of provisions which shall appear inconsistent with obligations imposed upon Her Majesty's Imperial Government by

treaty; provisions which interfere with the discipline or control of Her Majesty's forces in the colony by land or sea; provisions of an extraordinary nature and importance whereby Her Majesty's prerogative or the rights of British subjects not residing in Tasmania, or the trade and shipping of the United Kingdom and its dependencies, may be prejudiced. The Governor may further refuse assent to any Bill containing provisions in respect of which Her Majesty's assent has been once refused.

In cases of extreme urgency, however, the Governor is empowered to assent in Her Majesty's name to any such Bill, provided that its provisions shall not be repugnant to the laws of England, or inconsistent with any obligations imposed upon Her Majesty's Government by treaty. In every such case the Governor is required to transmit to Her Majesty by the earliest opportunity the Bill so assented to, together with his reasons for so doing.

LIMITATION TO THE POWER OF THE GOVERNOR.

In the execution of the powers and authorities granted to the Governor, it is determined, by the instructions already referred to, that he shall in all cases consult with the Executive Council, excepting only in cases which are of such a nature that, in his judgment, Her Majesty's service would sustain material prejudice by consulting the said Council thereupon, or where the matters to be decided upon are too unimportant to require their advice, or too urgent to admit of their advice being given by the time within which it may be necessary for him to act. In all such urgent cases, however, he is required to communicate to the said Council the measures which he may so have adopted, with the reasons thereof.

The Governor may also in extreme cases act independently or even in opposition to the advice of the Executive Council, if he shall deem it right to do so; but in any such case he is required to report the matter to Her Majesty by the first convenient opportunity, giving the grounds and reasons of his action.

In regard to the exercise of the functions of Royal clemency in respect of persons condemned to death, the Governor shall not pardon or reprieve any such offender without the advice of the Executive Council, and without first calling upon the judge who presided at the trial to report upon the case. This report must be taken into consideration by the Executive Council, before whom the particular judge referred to may be summoned to attend and to produce his notes. Notwithstanding this, the Governor must finally act according to his own deliberate judgment, whether the members of the Executive Council

concur therein or otherwise. Where the decision of the Governor is in opposition to the judgment of the majority of the members of the Executive Council, he is required to enter on the minutes of the said Executive Council a minute of his reasons for so deciding, at full length.

The Governor may not quit the colony for more than one month at a time without having first obtained leave from Her Majesty.

By virtue of a commission issued under Her Majesty's Sign Manual in the year 1880, it is provided, in the event of the death, incapacity, or removal of the Governor or of his departure from the colony, that the Chief Justice, or, in his absence, the Senior Judge for the time being, shall assume the office of Administrator of the Government.

THE LEGISLATIVE COUNCIL OR UPPER CHAMBER.

The Constitution and Powers of the Legislative Council.

The Legislative Council was originally designed as a check upon the more democratic branch of the Legislature.

The framers of its constitution, however, based it upon the elective principle, as it was considered by them that the liberties of the people would be jeopardised by vesting great power in a small and irresponsible body appointed according to the nominee system. To secure a greater measure of cautious deliberation and a more effective resistance to needless or harmful change than might be expected from the less conservative body, it was thought that it was only necessary (1) to restrict the franchise for the Upper House mainly to those who represent freehold property; (2) to broaden the area of the electoral districts; (3) to secure that the members be elected for a longer period than the Lower House. Accordingly, the existing Legislative Council now consists of sixteen elected members, representing thirteen defined electoral districts. It is presided over by one of their number elected by themselves. Every properly qualified member may hold his seat for the period of six years, and the Council, as such, cannot be dissolved at any time. Originally, the constitutional powers and privileges of the Council were much more restricted. The number of members was limited to fifteen, and it was imperative that a dissolution of one-third of the whole Council should take place at the end of every three years; the members who thus retired consisting of such as held their seats continuously for the longest period. The original intention of the framers of this Act, however, was frustrated to some extent by certain of those who should naturally retire at the regular period electing to resign at a time just sufficiently distant from the end of the period to

admit of their re-election. The provision now in force not only prevents this objectionable course, but it has the effect of adding greatly to the privileges of the Council as a body, inasmuch as it also freed one-third of its members from the responsibility connected with an appeal to the constituencies once in every three years.

The Legislative Council may, within constitutional limits, *originate* legislation in respect of any matter, with the exception of Bills for the appropriation of any part of the revenue, or Bills for imposing any tax, rate, duty, or impost. Although the Constitution Act limits the privileges of the Legislative Council as regards the *origination* of all Bills for appropriating any part of the revenue, or for imposing any tax, rate, duty, or impost, it is empowered by clause xxix. of the Constitution Act to make Standing Orders for regulating business and for determining the manner in which Bills shall be introduced, passed, numbered, and intituled, and for the proper presentation of the same to the Governor for Her Majesty's assent, and generally for the conduct of all business and proceedings of the said Council. Thus, apart from the limitation in respect of the *origination* of Money Bills, the significance of which in itself is a source of confusion,* the Constitution Act leaves to either branch of Legislature the difficult task of determining the form and extent of their own relative legislative powers and privileges.

The Legislative Council, by virtue of its adopted Standing Rules, has formed its system of procedure more in accordance with the powers and privileges of the House of Commons than with the House of Lords, and, consequently, as regards the modification of the details of all Bills introduced, it claims to be co-ordinate in legislative power with the House of Assembly.

THE CONSTITUTION AND POWERS OF THE HOUSE OF ASSEMBLY.

The constitution of the House of Assembly, based mainly on the principle of household suffrage and limited wages qualification, consists of 32 members, each representing a distinct electoral ward or district. Every Assembly shall continue for five years from the day of the return of the writs for choosing the same, subject, nevertheless, to be sooner dissolved by the Governor.

It is thus more widely and directly representative than the Legislative Council, whose base of suffrage is mainly upon freehold property ownership. It is especially the *responsible* Representative Chamber, inasmuch as a general appeal to the country, the result of an

* See Todd's Parliamentary Government in the Colonies, pp. 447, 500. See also "Constitutional Functions of a Legislative Council." Paper 112. House of Assembly, Tas., 1881.

adverse vote to the Ministry of the day, may bring each member before his constituents at any time. Naturally, therefore, as described by one of the principal framers of its constitution (Sir R. Dry), it reflects rapidly and instinctively the current life and aspirations of the whole people, and, as a consequence, the initiation of nearly all movement, progress, and innovation takes place within its walls.

In the House of Assembly originate all Bills for appropriating any part of the revenue, or for imposing any tax, rate, duty, or impost; always provided that all votes or Bills in respect of such money matters shall in the first place be recommended by the Governor (*i.e.*, the responsible Ministry of the day) during the session in which such vote, resolution, or Bill shall be passed.

Although the legislative powers of the House of Assembly are in practice little more than co-ordinate with those of the Legislative Council, its responsibilities are immeasurably greater. For while each individual member of the Legislative Council need only come before his constituents singly, yet, the Council, in itself, may now be said to be permanently established, and quite independent of the Executive or of any constituency.

The House of Assembly, on the contrary, both individually and collectively, must certainly be brought before the electors once in every five years, while it is also individually and collectively liable to dissolution at any time. For these reasons, it is tacitly assented in practice to be fit and proper that all important monetary measures should originate in the more directly responsible House of Assembly, while the exercise of those necessary functions, which might be impaired by timidity or by unduly casting side-glances at consequences personal to individual members, is more fitly carried on in the more protected sphere of the Legislative Council.

SETTLEMENT OF DIFFERENCES ARISING BETWEEN THE TWO REPRESENTATIVE HOUSES.

There is no constitutional provision for the final settlement of serious differences, should they arise, between the two Representative Houses. That no serious or prolonged deadlock in politics has resulted hitherto from this want is, in a large measure, due to the circumstance that a spirit of conciliation and compromise has always pervaded the leading statesmen of both Houses.

It may seem extraordinary that the two Houses, almost co-ordinate in power, but differently constituted as regards representation and

responsibility, should not have more seriously paralysed each other's operations hitherto; but a reference to the qualifications of their respective electors show that, in a large measure, the same individuals and the same interests are common to them both, and in this way a common pressure is brought to bear upon individual members of the Legislative Council when the general feeling is strong in favour of certain schemes brought under their consideration. Indirectly, therefore, the element of a common representation conduces to lessen the friction caused by the differences or independent action of the respective Houses in dealing with matters of legislation. Possibly another reason why "deadlocks" of an inconvenient nature have been avoided hitherto may be due to the very circumstance that the powers assumed by the Legislative Council in amending or eliminating any item of a Money or other Bill, *without rejecting it as a whole*, prevent the abuse of tacks to Bills of Supply, which have occasionally caused so much trouble elsewhere.

It must be clearly understood, moreover, that although the Legislative Council claims to have powers co-ordinate with the House of Assembly in altering or amending Money Bills when presented, and although the latter branch have in practice tacitly assented to the claims of the Upper House, under ordinary circumstances, it must be confessed that there is a division of opinion between the members of both Houses generally as regards the strict legality of the claims and practice of the Upper Chamber in respect of Bills dealing with money matters.

Judging from frequently expressed opinion, and from the practice and relations which have hitherto prevailed—although in this matter I desire to express myself with the greatest diffidence—it would seem that the more democratic Chamber tolerates or accepts, under protest, what is deemed by them an encroachment upon their rightful and exclusive privileges, when the modifications introduced by the Upper Chamber are small or unimportant; but on several occasions, when the matters so dealt with were of more than ordinary importance, somewhat rancorous feelings had been aroused.

Therefore, it may be urged by some, that, so long as a legitimate mode of terminating any seriously prolonged difference of opinion between both Houses is lacking, the constitution is theoretically imperfect, and serious difficulty may yet arise.

To many minds it may seem to be too hazardous to rely entirely upon the chance existence of that spirit of conciliation and compromise which have fortunately prevented serious difficulties hitherto.

QUALIFICATION OF MEMBERS.

No person is capable of being elected a member of either branch of the Legislature who is not a natural-born or naturalized subject of Her Majesty, or who has not received letters of denization or a certificate of naturalization. In addition, no person is capable of being elected who is under the age of 30 years for the Legislative Council, and under 21 years for the House of Assembly.

The following list of disqualifications also applies to both Houses as regards the election of persons or the right of membership, viz.:—

(1.) All members who shall accept any office of profit or any pension from the Government, Ministerial offices excepted.

(2.) Provided the contract be not one generally entered into by any incorporated or trading company of more than six persons, all contractors* with the Government, directly or indirectly, for or on account of the public service.

(3.) Failing to give attendance in Parliament for one entire session, without formal permission.

(4.) Declaring allegiance or subjection to any Foreign Prince.

(5.) Holding the office of Judge of the Supreme Court.

(6.) Members who shall become bankrupt or shall take the benefit of any law relating to insolvent debtors, or become public defaulters, or be attainted of treason, or be convicted of felony or any infamous crime, or shall become of unsound mind.

QUALIFICATION OF ELECTORS.

(1.) *For the Legislative Council.*

The following persons are entitled to vote at the election of a member to serve in the Legislative Council, viz.:—

Every man of the age of 21 years, being a natural-born or naturalized subject of Her Majesty, and every man of the like age who has received letters of denization or a certificate of naturalization—

(*a*) Having a freehold estate in possession,† legal or equitable, of the clear annual value of twenty pounds sterling money.

(*b*) Having a leasehold estate in possession† of the annual value of eighty pounds.

(*c*) Being a graduate of any university in the British dominions, or an Associate of Arts in Tasmania.†

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* Does not apply to purchase, sale, or lease of lands or hereditaments.

† Located or residing, as the case may be, in the district for which the vote is to be given.

(*d*) Being a barrister or solicitor on the roll of the Supreme Court of Tasmania.*

(*e*) Being a legally qualified medical practitioner.*

(*f*) Being an officiating minister of religion.*

(*g*) Being an officer or retired officer of Her Majesty's Land or Sea Forces not being on actual service.*

(2.) *For the House of Assembly.*

The following persons are entitled to vote at the election of a member to serve in the House of Assembly only:—

Every man of the age of 21 years, being a natural-born or naturalized subject of Her Majesty, and every man of the like age who has received letters of denization or a certificate of naturalization—

(*a*) If his name is included in the Assessment Roll as the owner or occupier of any property.*

(*b*) If he is in receipt of income, salary, or wages at the rate of sixty pounds sterling a year, and has received income, salary, or wages equal to thirty pounds sterling during the period of six months next before the first day of November in any year.* A house allowance or rations to be regarded as wages. House allowance, legal value, £10 per year; rations, £20 per year; both, £30 per year.

NUMBER OF ELECTORS, ETC.

The limits of the franchise for both Houses of Parliament, as shown in the foregoing abstracts of the "Qualification of Electors," have been greatly extended by special enactment during the present session (1884) of Parliament, and, consequently, no figures, as yet, can be given showing the proportions of electors to population. It is estimated, however, that the new franchise for the House of Assembly will practically embrace all males of mature age who are not either paupers or criminals. The following table shows the effect of the old system of franchise in operation hitherto :—

MEAN POPULATION, 1883, 124,350; ESTIMATED NUMBER OF MALES, 21 YEARS AND OVER, 33,435.

Particulars.	Upper House.	Lower House.
Districts	13	32
Members	16	32
Electors (1883)	3,458	16,625
Do. per Member	216	520
Do. per cent. to Total Mean Population	2·78	13·36
Do. per cent. to Males 21 Years and over	10·34	49·72
Percentage of Electors who exercised privilege at last General Election (contested seats)	69·71	65·19

* Located or residing, as the case may be, in the district for which the vote is to be given.

(B.) Local Government.

MUNICIPALITIES AND POLICE DISTRICTS.

For purposes of Local Government,* the colony of Tasmania is divided into 34 distinct districts, 21 of which are municipalities, and 13 are police districts. The latter, however, are still directly under the control of officers appointed by the Central Government.

The following table gives fuller particulars regarding the area, population, and relative extent of the several divisions:—

Municipal and Police Districts.

——	Municipalities.		Police Districts.	Total.
	Urban.	Rural.		
Districts, 1884 ... No.	2	19	13	34
Area... ... square miles	7·36	11,799	14,409	26,215·36
Per cent. to Total	9·03	45·01	54·96	100·
Population, 1881 ... No.	33,387	43,127	38,494	115,008
Per cent. to Total	29·03	37·50	33·47	100·
Valuation of Property, 1882 ...	£211,389	£375,199	£158,832	£745,420
Ditto per cent. to Total ...	28·36	50·33	21·31	100·

URBAN MUNICIPALITIES.

Each of the urban municipalities are governed by a council composed of nine elected aldermen, one of whom is chosen as mayor by the said aldermen on the last Friday in December in each year. Three aldermen who have been longest in office without re-election retire, but are eligible for re-election. The election of three aldermen to supply the vacancies takes place in each year on the preceding day. The mode of election is by ballot.

Persons entitled to Vote at Elections of Aldermen of Urban Municipalities.

Every male of the full age of 21 years named in the assessment roll for the time being in force as the occupier of any land or building, or any portion of any building, of the annual value of eight pounds or upwards, is deemed to be a citizen, and all such who have paid all municipal rates payable up to the day of election shall be entitled to vote at the election of aldermen according to the following scale, viz.:—

	Number of Votes.
£8 and under £40	1
£40 ,, £80	2
£80 ,, £120	3
£120 ,, £160	4
£160 ,, £200	5
£200 ,, £240	6
£240 and upwards	7

* Cross and bye roads, ports and lighthouses, rabbit destruction, hospitals, &c., are also more or less under control of local bodies. There is also a Bill now (1884) before Parliament granting powers to rural "Town Boards," somewhat similar to those enjoyed by existing municipalities.

Qualifications of Mayor and Aldermen.

Every citizen who is entitled to vote at the election of aldermen, and is seised of real estate, or possessed of some chattel interest therein, to the amount of five hundred pounds, or assessed under an existing assessment for the city in respect of property of the annual value of not less than one hundred pounds, shall be qualified to be elected an alderman.

The following persons are expressly disqualified, viz :— Judges, chairmen of courts of justice, clergymen, any person holding any office of profit under the Crown, or in the gift or disposal of the municipal council other than that of mayor, officers of the army or navy on full pay, persons interested directly or indirectly in any contract connected with the corporation, with the exception of joint stock companies, shareholders or proprietors,* declared insolvents, aldermen who are absent from city for more than three months except in case of illness.

RURAL MUNICIPALITIES.

Form of Government.

The government of each rural municipality is somewhat similar to that described in respect of urban municipalities, with the exception that the members elected are termed councillors. The number elected of such is limited to seven, one of which is chosen by the council, for a yearly period only, as principal, under the title of warden. Two councillors who have been longest in office without re-election shall retire, save that in every third year the three who have been longest in office without re-election shall retire. Those who thus retire are eligible for re-election.

Persons entitled to vote at Elections of Councillors in Rural Municipalities.

The following persons are qualified to vote at elections of councillors :—

Every male or female of the age of 21 years and over whose name is on the assessment roll, and who has paid all municipal rates due before four o'clock of the day prior to day of election—

(*a*) Holding property within the municipality.

(*b*) Being an occupier of property within the municipality.

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* All such are liable to a penalty of not less than fifty and not exceeding one hundred pounds, and shall be further liable to be disqualified for seven years after conviction of any such offence from holding any office in or under the corporation.

The following is the scale according to which the various classes of electors may vote, viz.:—

Annual Value of Property.			Number of Votes.*
Under		£30	1
£30	,,	£80	2
£80	,,	£160	3
£160	,,	£240	4
£240	,,	£360	5
£360	,,	£460	6
£460 and over			7

Qualification of Councillors for Rural Municipalities.

The following persons are qualified to be elected as councillors of any rural municipality, viz.:—All properly qualified electors, provided that they are not judges, clergymen, persons holding any office or place of profit in the disposal of the municipal council other than warden, being a councillor of more than one municipality; persons directly or indirectly interested in any contract† with the municipality, shareholders or proprietors of joint stock companies as such excepted; all such are disqualified from being elected as councillors.

POWERS AND FUNCTIONS OF MUNICIPAL COUNCILS.

Subject to the approval of Parliament, each municipal council may make and amend by-laws for the purpose of regulating all matters properly pertaining to Local Government within the limits of its own municipality, to enable municipalities to carry on their functions effectively. They are empowered, within definite limits, by Parliament, to assess property, levy rates and fees, borrow moneys, make contracts, and otherwise provide for necessary revenue and expenditure. Rural municipal accounts are yearly audited by the Colonial Auditor. Urban municipal accounts are still audited by officers appointed by the electors of the particular district; but the system of appointing local auditors is open to many objections, and, consequently, there are frequent appeals made in the local newspapers to have all municipal accounts placed yearly under the examination of the Colonial Auditor, whose system of check upon the rural municipal accounts is most effectual, and meets with general approval.

During the year 1882, the rates in rural municipalities ranged from 7d. to 11d. in the £1; in urban, exclusive of water rates, the rate was 2s. 1d. in the £1. The taxation in municipalities altogether, during

* Any one person can only vote in respect of one qualification within the same district.

† All such, as councillors, are further liable to a penalty not exceeding fifty pounds for any such offence, and are disqualified for seven years after conviction from holding any office in or under such municipality.

1882, represents 15·49 per cent. of total taxation, general and local, which amounts to 72·72s. per head of mean population for the year. The police force within each municipality is under the immediate control of the warden or mayor. The Central Government merely exercise supervision, and grant supplementary aid, if necessary, to keep the local force up to a given standard of strength and efficiency.

The police force in police districts, known as the "Territorial Police," is immediately under the control of the Central Government.

Extradition Laws, and the Extent of the Application of the Laws of England to Tasmania.

With regard to these subjects, the Attorney-General has kindly favoured me with the particulars contained in the two following sections:—

Extradition Laws.

With respect to extradition, the Act of the Tasmanian Parliament (41 Victoria No. 29), "The Extradition Act 1877," provides that all powers vested in and acts authorized or required to be done by a police magistrate, or any justice of the peace, in relation to the surrender of fugitive criminals in the United Kingdom, under "The Extradition Acts 1870 and 1873" (England), should be vested in, and might be exercised and done by, the police magistrates at Hobart and Launceston respectively, in relation to the surrender of criminals under the said Acts. This Act came into force on the second day of July, 1878.

The local Acts of 2 Vict. No. 16, 15 Vict. No. 6, and 23 Vict. No. 5 (called respectively "The Intercolonial Apprehension of Offenders Act No. 1, the Intercolonial Apprehension of Offenders Act No. 2, and the Intercolonial Apprehension of Offenders Act No. 3), passed with the object of facilitating the apprehension of offenders escaping to the colony of Tasmania from the other Australian colonies, are still unrepealed. Since the first day of January, 1884, however, the provisions of Part II. of the "Fugitive Offenders Act 1881" (England) have been applicable to Tasmania in common with the rest of the Australian colonies.

How far the Laws of England apply to the Colony of Tasmania.

With reference to this subject, it would appear that the Act of the Imperial Parliament (9 George IV. chapter 83), known as "The Huskisson Act," provides that all laws and Statutes in force within the realm of England at the time of the passing of that Act be applied in the administration of justice in the courts of the colony of Tasmania,

so far as the same could be applied within the said colony; and as often as any doubt should arise as to the application of any such laws or Statutes, that it should be lawful for the Legislature to declare whether such laws or Statutes should be deemed to extend to the colonies, and to be in force within the same, or to make and establish such limitations and modifications of any such laws and Statutes within the colony as might be deemed expedient.

FORM OF GOVERNMENT IN NEW ZEALAND.

(Abridged and rearranged from an account contained in the Official Handbook of New Zealand, by the Hon. William Gisborne, *Agent-General of that Colony.)*

Early Form of Government.

No colony in the world, probably, has presented a more difficult problem of Government than has been presented in New Zealand. When the colony was founded, there was in it an Aboriginal race, roughly estimated at about 80,000 souls, more than nine-tenths of whom resided in the Northern Island. The men were very warlike, and many were armed with European guns. The land was claimed by different tribes, and each tribe had, here and there, its own cultivations. The Maoris, as the race is called, had been recognised by the British Government as an independent nation, and had been presented by it with a national flag. An irregular influx of British subjects into the country at last compelled the active interference of the British Government. The assumption of British sovereignty was in itself singular. It was founded, partly on a treaty of cession, and partly on the right of discovery. The colonization of the country was also exceptional, and was conducted in a manner wholly different from that of other colonies. There were, from the beginning, various unconnected centres of settlement. Auckland, in the northern part of the North Island, was established by the first Governor, Captain Hobson, R.N., in 1840. Wellington, in the southern extremity of the same island, was founded in the same year by the New Zealand Company. New Plymouth, on the west coast of the North Island, and Nelson, in the north of the South or Middle Island, were founded by the same company, in the following year, 1841. In 1848, Otago was founded in the southern part of the South Island, by a Scotch association, working in connexion with the New Zealand Company; and, in 1850, Canterbury, in the central part of the east coast of the South Island, was founded by a Church of England association, similarly working. These settlements greatly

differed from each other in essential features. Each had its distinct foundation and plan of operation, and was invested with other important specialties. Moreover, there was infrequent and irregular communication between them. Overland intercourse was almost impracticable; and the few coasters were small sailing vessels. The trade of the ports was not with each other, but was with Australia and England. Auckland, the seat of Government, was then practically more separated from the southern settlements than each of them was from Melbourne or Sydney. Under these circumstances, it is obvious how perplexing it was to devise a scheme of government that would satisfy the requirements of such dissimilar, and almost conflicting, conditions. There was the native race, formidable for many reasons, whose rights had been recognised by treaty, and whose interests the Imperial Government was, at the time, specially bound to watch and maintain. There were no waste lands of the Crown, in the sense of the term in Australia, and they had to be bought from the natives by the Crown, in whom the exclusive right of purchase was then vested. Private purchases, both by individuals for their own purposes, and by the New Zealand Company for the purpose of colonization, had been negotiated, but were not valid till recognised by the Crown under the authority of law. The settlements which had sprung up, as has been stated, so widely apart, both territorially and socially, from each other, were justly clamouring for some kind of substantial government. Except at Auckland, government, in the early years of the colony, was the mere shadow of a name, and at Auckland the form of government was unsatisfactory. The constitution was that of Crown colonies. The Governor, except in so far as he was controlled by the Imperial Government, was almost despotic. The Executive Council was composed of the Governor and three Government officers. The Legislative Council consisted of the Executive Council and of three men who did not hold office, but who were nominated by the Governor. The Government could always, if necessary, command a majority. The other settlements were under the same authority, acting through local officers appointed by the Governor. In 1847, the Imperial Government, when Earl Grey was Secretary of State for the Colonies, issued a new charter, making a material change in the constitution of the colony. The chief features were the division of the colony into two provinces, the appointment of Lieutenant-Governors, the granting of Provincial Representation, the appointment of a Governor-in-Chief, and the creation of a Colonial Parliament with a Representative Chamber. Before, however, this charter could take effect, the greater part of it was, on the representation of the then Governor, Sir George Grey, suspended for some years, and the colony

was governed, during that suspension, by a Governor-in-Chief with a nominated Legislative Council, and the two provinces had Lieutenant-Governors with two nominated Provincial Councils.

New Constitution.

In 1853, before the suspension ended, a new constitution, framed, with some alterations, on a plan proposed by Sir George Grey, and granted in the previous year by the Imperial Parliament, came into force. That constitution was based on the popular principle, and was as free as any Colonial constitution in the British Dominions. The Governor, a Legislative Council composed of members nominated by the Crown for life, and a House of Representatives elected by the people on a liberal franchise for five years, but subject to dissolution by the Governor at any time, constituted the Colonial Legislature. Power was given generally to make laws for the peace, order, and good government of the colony, provided that such laws were not repugnant to the law of England, did not levy duties on the supplies of Her Majesty's Forces, and were not at variance with Imperial treaties. All Acts were subjected to disallowance by the Queen within a certain time after their passing in the colony; and, in a very few cases, they were reserved for the signification of Her Majesty's pleasure thereon. Except in regard to certain payments specially authorized by the Constitution Act, the whole revenue was made subject to the control of the Colonial Legislature; and the surplus revenue was made divisible among the provinces in like proportion as the gross proceeds of such revenue should have arisen therein respectively. The Legislature was also given, with a few exceptions, ample power to modify the constitution of the colony. The colony was also divided into six provinces, each of which was allowed to have an elective Superintendent and an elective Provincial Council. In each case the election was for four years; but the power of dissolution at any time was vested in the Governor, and, on its exercise, a fresh election, both of the Council and of the Superintendent, was requisite. The Superintendent was eligible by the electors of the whole province; the members of the Provincial Council by those of electoral districts. The franchise was made the same as in the case of the election of a member of the House of Representatives. A qualification to vote in any of these cases was made also a qualification to be elected. The Acts of Provincial Legislatures were subject to disallowance by the Governor, or, when reserved, to the signification of his pleasure thereon. There were certain subjects, such as customs, superior courts of law, coinage, postal service, lighthouses, Crown and

native land, &c., respecting which Provincial Legislatures were not authorized to make laws. On all other matters their legislation was liable to be controlled and superseded by any Act of the Colonial Legislature inconsistent therewith. Otherwise, the Provincial Legislatures could legislate for the peace, order, and good government of their respective provinces, provided that such laws were not repugnant to the law of England. Since the Constitution Act came into force, the Colonial Legislature has made, from time to time, under the authority granted to it by that Act, or by subsequent Imperial Acts, various modifications in the constitution. In 1875, a Colonial Act was passed abolishing the whole provincial system; and in the following year another Act was passed making provision for the division of the colony into counties, and for machinery for their local self-government.

The Governor.

The usage of responsible government on the English model is in full force within New Zealand. The Governor, like Her Majesty, is bound to act in conformity with the principles of that system, which, for all practical purposes, vests the direction of affairs in the representatives of the people. The Governor represents the Crown. He can appoint and dismiss his Ministers, but his Ministers must possess the confidence of the majority in the House of Representatives, which holds the strings of the purse. The Governor is appointed by the Queen. His salary and allowances are provided by the colony. The salary is £5,000 a year, and the allowances are £2,500 a year. The Governor, as a branch of the Legislature, can assent to Bills, or withhold assent therefrom, or can reserve them for the pleasure of Her Majesty thereon. He must send all Bills assented to, or reserved, to the Secretary of State for the Colonies for the signification of Her Majesty's pleasure thereon. He can summon, prorogue, and dissolve the Colonial Parliament. He can send drafts of Bills to either House for consideration; but in case of appropriations of public money he must first recommend the House of Representatives to make provision accordingly before any appropriation can become law. He can return Bills to either House for specific amendment, after they have been passed by both Houses, and before they are assented to or reserved by him. In his action as a branch of the Legislature, the Governor is bound by the usage of responsible government. The Executive administration is vested in the Governor, and is conducted according to the practice of responsible government. The commission from the Queen delegates to the Governor certain powers of the Royal Prerogative, and provides for the constitution of an Executive Council to advise him in important matters.

Imperial and Colonial Acts also, from time to time, vest in him a variety of powers for the purposes of administration.

The Executive Council.

The Executive Council consists of the responsible Ministers for the time being, who practically conduct public business, advising the Governor, and receiving his sanction when his action is required. In some matters the law requires the more formal authority of the Governor in Council, and in these cases the Executive Council meets. The responsible Ministers must hold seats in the Legislature, and must possess the confidence of a majority in the House of Representatives. The maximum number of responsible Ministers is by law limited to ten, including in that number one Minister, without office, in the Legislative Council, and two Maori, or half-caste, Ministers. The chief departments in the colony are distributed among the Ministers holding portfolios. The salary of the Premier is £1,750 per annum, and that of other Ministers is £1,250 per annum each, except one Minister without office, who receives no salary, and except the Maori, or half-caste, Ministers, who, if appointed, are each allowed £400 per annum. No attempt is made by the Imperial Government to interfere with the Colonial Executive in matters of colonial concern, though, no doubt, in cases of direct Imperial interest, the Governor would receive, and be bound to act under, the orders of the Imperial Government. The risk of such a contingency is, however, practically infinitesimal.

The Parliament.

The Colonial Parliament, or, as it is called in the Act, the General Assembly, is composed of the Governor, the Legislative Council, and the House of Representatives. The functions of that Legislature have been enlarged. The Imperial Parliament has, from time to time, enabled it to deal with parts of the Constitution Act which originally it was unable to touch. The whole tendency of the Imperial authorities has been, for the last thirty years, to give the colony absolute self-government in its domestic matters. Out of more than 2,000 Acts passed by the Colonial Legislature, there have not been more than half-a-dozen instances of disallowance or refusal of assent; and those few instances have arisen from technical reasons, and not from grounds of policy.

The Legislative Council.

The Legislative Council (Upper House) is composed of men appointed for life by the Governor. A Legislative Councillor can at any time resign his seat by writing, under his hand, addressed to the

Governor, and, on such resignation and acceptance thereof by the Governor, the seat becomes vacant. Every Legislative Councillor, before he sits or votes, is required to take and subscribe the oath of allegiance to Her Majesty, or, in cases where affirmation or declaration is authorized by law, to make such affirmation or declaration. If a Legislative Councillor is absent without leave of Her Majesty or of the Governor for two successive sessions, or makes any acknowledgment of obedience or allegiance to any foreign power, or becomes a citizen of any foreign state, or becomes in law bankrupt or insolvent, or is convicted of certain crimes, his seat thereby becomes vacant. The Speaker of the Legislative Council is appointed by the Governor. The number of Councillors in the Legislative Council is not limited by law. The present number is 47. There are two native, or Maori, members in the Council. The Legislative Council can, and often does, initiate legislation, with the exception of Money Bills. It cannot amend or alter Money Bills sent up by the House of Representatives.

The House of Representatives.

The House of Representatives (Lower House) consists of 95 members, 4 of whom are Maoris, elected by Maoris for four native districts respectively, specially made for the purpose. The other 91 members represent severally 91 electoral districts into which the colony is divided. The House of Representatives is now only elected for three years from the time of each general election, but at any time the dissolution of Parliament by the Governor necessitates such general election. Thus, Parliaments in New Zealand are now triennial, subject to dissolution at any time by the Governor. The qualification of electors is, substantially, manhood suffrage. Every adult man of sane mind, and not in gaol, can, provided he has been one year in the colony and six months in one electoral district, be registered as an elector. Freehold property, also, of £25 value, held for six months preceding the day of registration, entitles a man to be placed on the electoral roll of the district within which such property is situated, if he be not already registered for the same district under the residential qualification. The Maori qualification for other than native districts is a £25 freehold, individually held under Crown title, or enrolment on any ratepayers' roll The number of European electors registered under the freehold and residential qualifications respectively on the rolls for 1881–2 was 45,166 under "Freehold," and 75,097 under "Residential." The Maori electors registered as freeholders were 682, and as ratepayers 236. The total number of electors then registered for European districts was 121,181. Every elector is qualified to become a member of the House

of Representatives. For the election of Maori members for native districts, the right of voting is given to every adult male of the Maori race residing within the district. Registration is not required in native districts. In European districts, only persons whose names are on the electoral roll are entitled to vote; and the law provides the machinery for the registration of electors. A registrar, appointed by the Governor, in each district receives at any time claims to vote; and it is his duty to make the roll as complete and as accurate as possible. Any disputed claim is determined by a resident magistrate. Provision is made for purging rolls from time to time, for their periodical publication, and for their sale in print at moderate prices. "The Regulation of Elections Act 1881" makes provision for the regulation and conduct of elections of members of the House of Representatives. Polling-places are appointed by the Governor, but cannot be altered during the interval between the issue of a writ for an election and the election itself. Polling is taken by ballot, and commences at nine o'clock in the forenoon of the day of election, and closes at six o'clock in the afternoon of the same day. Provision is made for the secrecy of the ballot. The polling at a general election must be held on the same day throughout the colony. The result of the poll for each district is declared by the returning officer. Nomination days are appointed, and, if there be no more candidates proposed and seconded than the number of members to be returned, the returning officer declares such candidates to be duly elected. In the event of there being more candidates than that number, a show of hands is taken, and the returning officer declares in whose favour the show of hands appears to be. A poll can then be demanded by a candidate or any two electors. If no poll is demanded, the returning officer declares the person in whose favour the show of hands was declared to be duly elected. "The Corrupt Practices Prevention Act 1881," modified by an Amendment Act of 1882, provides for the prevention of corrupt practices at elections of members of the House of Representatives. Bribery, treating, undue influence, and personation are made corrupt practices, and are punishable as misdemeanors. Upon conviction, the persons committing them are liable to a fine not exceeding £400, and are made incapable of voting at any public election, of holding any public or judicial office, and of sitting in the House of Representatives, for a term not exceeding three years from the date of conviction, and, if already elected, their seats are made void. Payments for canvassing, for conveying electors to and from the poll, and for other specified services are made, together with other things named in the Act of 1881, illegal practices. Illegal practices are also made misdemeanors, but the fine to be imposed on conviction must not exceed £100. Candidates

reported by the Election Court, on trial of election petitions, to have been guilty, by their agents, of corrupt practices, are made incapable of sitting in the House for the electoral district concerned for three years after their election, and their seats are made void. In cases of similar report for illegal practices, the same incapacity attaches during the Parliament for which the election was held, and the election is made void. "The Election Petitions Act 1880" constitutes a court of two judges of the Supreme Court for the trial of election petitions complaining of the undue election of any member of the House of Representatives. The judges who try the petition finally determine the questions raised, and certify their determination to the Speaker. In case of charges of corrupt practice, the judges are to report to the Speaker whether any such charge has been proved, and against whom and to what extent. The judges may also specially report as to any matter arising in the course of trial. The House of Representatives, on receiving the report, is to take such action as the circumstances may require. The Speaker of the House of Representatives is elected, subject to confirmation by the Governor, by the House, at the commencement of each Parliament, for the term of its continuance. In case of vacancy occurring, the election must be repeated and confirmed. A member of the House can resign by writing, under his hand, addressed to the Speaker; and, on such resignation, the seat becomes vacant, and a new writ is issued. If any member is absent for one whole session without the permission of the House, his seat becomes vacant. The provisions relating to the vacation of a seat in the Legislative Council by foreign allegiance, by foreign citizenship, by bankruptcy, and by the commission of certain crimes, apply also to seats in the House of Representatives. The oath of allegiance, or affirmation, as in the case of the Legislative Councillors, must be taken by members of the House of Representatives.

Payment of Members.

Members of both Chambers are paid £210 each for every session, in consideration of the expenses of their attendance; those usually residing where Parliament meets receiving a less amount.

Judicial Authority.

Judicial business is administered by judges of the Supreme Court, by district judges, by resident magistrates, by wardens on gold-fields, and by justices of the peace. There are five judges of the Supreme Court—the Chief Justice and four puisne judges. The Chief Justice and one other judge reside at Wellington, one judge resides at Auckland, one at Christchurch, and one at Dunedin. The salary of the Chief Justice is £1,700 a year, and the salary of each of the other judges

is £1,500 a year. The judges, as in England, hold office during good behaviour, and the salary of no judge can be reduced during his tenure of office. The salaries of other subordinate judicial officers are voted yearly by the House of Representatives, except in the case of justices of the peace without office, who are unpaid. Subordinate judicial officers hold office during pleasure.

Local Government.

Before the abolition, in 1876, of the provincial system of local government, there had sprung up in different parts of the colony more localized forms of self-government. The larger towns had been made municipalities, with elective mayors and city councils. In many parts of the country, road districts, with elective road boards and what were called town boards, had been constituted. There were also, at some of the principal ports, harbour boards, and at other places river boards. Generally, it may be said that city councils had charge of the streets, lighting, and drainage of cities; that road boards undertook the formation and maintenance of by-roads; that town boards were hybrid bodies between city councils and road boards; that harbour boards conducted the internal arrangement of their harbours; and that river boards looked after the conservation of the banks of certain rivers. The incomes of these several bodies chiefly arose from rates and dues which they were empowered to raise. In 1876, "The Abolition of Provinces Act 1875" came into complete force, and in the same year, 1876, the Counties Act was passed. The latter Act was amended by subsequent legislation. It will be covenient, with the view of showing more clearly the present position of local government, to begin with the county, and then proceed with others *seriatim*.

The colony is divided into 65 counties, six of which, being either purely native or uninhabited districts, are at present only counties nominally. Each county is subdivided into ridings. The governing body of the county is an elective council and an elective chairman. The ratepayers in the road districts within each county are the electors, and have, in each riding, for rateable property valued at less than £50, one vote; for more than £50 and less than £100, two votes; for more than £100 and less than £150, three votes; for more than £150 and less than £350, four votes; and for more than £350, five votes. Holders of miners' rights are also entitled to vote. The council is triennial, and the chairman, who must be a member of the council, is elected by the council annually. Provision is made for constituting new counties, for union of counties, for altering boundaries, and for merging road districts into counties. These changes cannot, however, be made without the declared consent of a specified proportional majority of all ratepayers concerned. Upon

petition of three-fifths of the electors of any county, the Governor may declare the County Act not to be in force within such county ; and, in that case, provision is made for substituting road boards and town boards. The county council may levy general rates on all rateable property within its county; but the total amount of such rates for any one year must not exceed three farthings in the pound on the rateable value in counties in which there are road districts or town districts, or six farthings in the pound if there are no road districts or town districts in the county. The council may in place of, or in addition to, any general rate, levy separate rates upon all rateable property within every or any riding of its county ; such separate rates to be equally levied within any riding, but may vary as between one riding and another. No separate rates in any one year together with the general rates may exceed in any riding which is also a road district or town district three farthings in the pound, or in any riding which is not such a district six farthings in the pound. The council may also levy special works rates over the whole county or, in certain cases, over a part ; such rates for any one year not to exceed three farthings in the pound, and only to be levied upon petition from three-fifths of county electors concerned. The council may also make special rate for payment of interest and sinking fund on any loan raised by it under authority of law. Rates and other income to be expended on county works and services. Overdrafts, to the amount of one year's income, exclusive of Government aids and separate rates, may be incurred. Special loans, for special works, may, with express previous consent of majority of ratepayers, be raised at yearly interest not greater than 7 per cent. Such special loans must not exceed in any county four times the amount which may be levied as general rates in one year. Provision must first be made for securing payment of interest and principal of such loans. The functions of the council are to execute and maintain county works ; to aid, if it thinks fit, road boards ; to establish and support charitable institutions and public libraries ; to manage reserves vested in its control ; to provide for county markets, slaughter-houses, and pounds ; and to make by-laws for these purposes, and also for the regulation of water supply from county works, of pedlars and hawkers, of public traffic, and generally for the good government of the county in its local matters. "The Roads and Bridges Construction Act 1882" makes provision for colonial financial aid to county councils, among other local bodies, in the exercise of their functions. For the financial year 1882–3, the sum of £100,000 was transferred out of the Public Works Fund to a separate account called the "Main Roads Account." The Act also provided that in each financial year the land fund should,

after certain deductions, contribute to that account a sum not exceeding £100,000, or as much less as should be received from Crown lands' sales after such deductions. Grants might be made out of this account to county councils for the constructions of main roads upon certain conditions, the chief of which was, that the council to which an advance was made makes provision, with the consent of the ratepayers, for a special rate to repay one-fourth of the amount granted within ten years by ten equal yearly payments without interest. If the council satisfies the Government that it will itself supply the one-fourth in question, the full and special rates are not necessary. In the poll, when taken, the council of a county in which there are Crown lands rateable may exercise one vote for every £5,000 of rateable value of such Crown lands. Crown lands and native lands within certain districts are rateable under the provisions of the "Rating Act 1882" and the "Crown and Native Lands Rating Act 1882," on the conditions specified therein in aid of county councils and other local bodies. The present financial position of county councils is substantially shown in the return of their receipts and expenditure for the year ended 31st March, 1882. Their collective revenue was £220,356. This was made up as follows:—Government subsidy, £127,763 ; rates, £45,898; and other sources, such as rents, tolls, licences, &c., £46,695. Their other receipts, not revenue, were £26,949, making thus their total receipts £247,305. Their total expenditure during the same year was £318,989. The sum of £222,275 was spent on public works, on management £39,954, and on what is classed as other expenditure, £59,760. No outstanding loans have been incurred. The cash in hand at time of balancing was £60,579, and the overdraft at the bank at the same date was £32,787. These, of course, are collective results. Road board districts were originally established in provinces under provincial laws. These laws, and other laws of the Colonial Legislature affecting road districts, are now repealed, and "The Road Boards Act 1882" reconstitutes the existing districts, provides for their future con-situation, and defines the powers and duties of the boards. There are about 320 road districts in New Zealand, and they may be said to cover its whole settled territory. The power of constituting new districts and of altering boundaries is vested in the council of the county comprising the land affected; but the power can only be exercised upon the petition of two-thirds of the ratepayers of each district concerned in the change. The members of each road board are elected by the ratepayers of the district. The board is elected every three years. One of its members is every year elected chairman. The board can levy general rates on all rateable property, but the total amount of

such rates for any one year must not exceed three farthings in the pound on the rateable value. Separate rates may be levied within every or any subdivision of the district; such levy must be equal within a subdivision, but may vary as between one subdivision and another. Separate rates and general rates together must not exceed in in any subdivision three farthings in the pound. Special rates may, upon petitions of two-thirds of the ratepayers, be levied for special works. The board has the care and management of all district roads, and has full power to make and maintain all such district roads and all bridges and ferries thereon. The board can make by-laws for the purpose of carrying on its duties. The board may borrow, by way of overdraft at the bank, to an amount not exceeding the income of the board for the preceding year, exclusive of Government aids and of moneys borrowed or moneys received for separate or special rates. "The Roads and Bridges Construction Act 1882" makes provision for aiding road boards. £100,000 from the Public Works Fund is transferred for the financial year 1882-3 to a "District Roads and River Works Account." The Governor in Council may also borrow out of certain trust moneys a sum not exceeding £100,000, at 5 per cent. yearly interest, such sum also to be placed to credit of that account. Out of these sums, aids may be given to the road boards and to boards for river works, as advances to be repaid by special rates in fifteen equal yearly instalments, each of which shall be equal to £9 for every hundred on the whole amount received by the local body. The special rates must, before the advance is obtained, be agreed to by a majority of the ratepayers at a poll. "The Rating Act 1882," and "The Crown and Native Lands Rating Act 1882," also provide aid on certain conditions to road boards and other local bodies. A return for the financial year ended 31st March, 1882, gives the following information as to the financial state of the road boards. Their local receipts amounted to £181,253. Government subsidies contributed to that sum £65,828; rates, £77,412; other sources, such as rents, tolls, &c., £28,396; receipts, not revenue, £9,617. Their total expenditure for the same time was £244,381, consisting of expenditure on public works, £207,397 ; on management, £27,504 ; and on other expenditure, £9,480. The return estimates their collective assets at £246,530, and their liabilities at £57,615. Another return for the same year gives the estimated net annual value of rateable properties throughout all the road districts as £2,517,189. Town districts are in some parts of New Zealand formed where towns are not large enough to be constituted boroughs. They include towns and a small part of the surrounding country. The boards are elective, and have many of the municipal functions relating to cities, and also

relating to cattle trespass, fencing, public pounds, roads, and other matters of social economy. The boards can levy general rates on rateable property, but the total amount of such rates for any one year shall not exceed one shilling in the pound on the rateable value. They can also levy separate rates, upon petition from a majority of ratepayers; but the amount in any one year must not exceed one shilling in the pound. The "Town Districts Act 1881" is now the law under which such local boards are established. There are also river boards established in places where the banks of rivers require conservation. These boards have powers of rating in their respective districts for this special object. There were in 1881 twelve in existence. Their total receipts for the year ended 31st March, 1881, were £13,738 5s. 5d., and their total expenditure during the same time was £11,015 9s. 10d. Their assets were estimated at £6,837, and their liabilities at £55,848. The total estimated net annual value of rateable property in their collective districts is estimated at £520,925. Harbour boards are constituted under special Acts in subordination to the general provisions of the "Harbour Boards Act 1878." The boards are either local bodies already constituted, or are elective or partly elective and partly nominated. They can impose wharfage dues and other charges. Their functions are to provide for all harbour service. There were at the end of 1881, 24 harbour boards. Their aggregate income for that year was £341,320, and their aggregate expenditure was for the same year £427,102. Their estimated assets were £2,105,394, and their estimated liabilities were £1,462,418. They had outstanding loans to the amount of £1,336,900, for which the yearly interest was chiefly at 6 per cent. Municipalities were formed in New Zealand almost from the commencement of the colony for the local self-government of boroughs in certain matters. The principal Act under which they are now formed is "The Municipal Corporations Act 1876," but that Act has in some parts been modified by subsequent legislation. The mayor and council are elected by the burgesses. In the election of members of the council the burgesses have votes according to a scale of their rateable properties, but in the election of mayor each burgess has only one vote. Councillors retire by rotation every year; the election of mayor is annual. The council has the usual powers in relation to streets, drainage, nuisances, prevention of fires, lighting, tramways, markets, waterworks, and other municipal matters. The council has power to levy general rates, separate rates for municipal purposes, and also special rates for providing interest and sinking fund on loans. The general and separate rates must not respectively exceed in any one year one shilling in the pound. Loans can be raised for special works, but first special consent in each case of

burgesses must be ascertained by poll, and the interest for each year must not exceed 7 per cent. At the end of March, 1882, there were in the colony 69 boroughs. Their total receipts for the year ended 31st March, 1882, were £627,972. This sum was made up of—Government aid, £21,700; from rates, £166,212; from other sources, such as rents, tolls, licences, &c., £208,392; from receipts, not revenue, £231,668. Their total expenditure for the same time was £635,849; consisting of expenditure on public works, £497,221; on management, £47,258; and other expenditure, £91,370. The assets, exclusive of value of public buildings, furniture, waterworks, &c., are given as £1,284,661; and the liabilities, including outstanding loans, as £2,097,059. The outstanding loans were £1,940,684, chiefly bearing a yearly rate of interest at 6 and 7 per cent. The total estimated net annual value of rateable property within all the boroughs in March, 1882, was £1,949,422. There are also central and local boards of health, established with a view to the prevention of epidemic diseases and to provide against infection. The central board is at the seat of Government, and is appointed by the Governor. The local boards are the local elective bodies already existing in different boroughs and other districts. Where they do not exist, the central board appoints them. The Governor may delegate to the local boards his powers in regard to quarantine. It will be convenient to state here, in connexion with the subject of local government, that "The Rating Act 1882" provides for the making and levying of rates. It is made applicable to local bodies. The term "rateable property" is defined to mean all lands, tenements, or hereditaments in the colony with certain exceptions. "Rateable value" is defined to mean the sum at which the fee-simple of any rateable property, if held in possession free from incumbrances, is hereafter assessed under "The Property Assessment Act 1879," and under any Act amending the same, as appearing on the assessment roll. Whenever a limit is placed by any law on the rating power of a local body, and in certain other cases, one shilling in the pound on the annual value is equal to three farthings in the pound as rateable value under the Rating Act of 1882. There is a qualification in case of fixed rates in security of any loan. References in former Acts to rateable value of property shall mean, unless such references expressly refer to the value under the Rating Act of 1882, that every £5 of rateable value shall equal £100 of rateable value under that Act. In water rates or other rates fixed by law, when an annual value must be fixed on rateable property, then such annual value shall equal 6 per cent. on the rateable value. The Act also provides for the recovery of rates. Boroughs, in certain cases, are excepted from the operation of the Act.