LEGISLATIVE COUNCIL.

WEDNESDAY.

THE SPEAKER took the Chair at half-past three o'clock.

MESSAGE.

The *following Message from his Excellency the* Governor-General was received and read :—

REGISTRAR-GENERAL'S SALARY.—The sum of £500, which was placed upon the Estimates for 1856 as the salary of the Registrar-General, was based upon the supposition that this officer would, as is the case in Van Diemen's Land, receive the registration fees which would be paid to him as Acting District Registrar for the city of Sydney. 2. As, however, upon *considering the provisions of the Registration Act*, it was thought advisable that these fees should, in this particular instance, be paid into the Treasury, it will be necessary to make such an addition to the salary of the Registrar-General as will compensate for the loss of this portion of his income, and make his salary in some measure commensurate with the importance of the duties he will be called upon to perform. 3. The Governor-General therefore submits to the Council *the propriety of increasing the salary of the Registrar-*General from £500 to £800 per annum.

Ordered to be printed, and taken into consideration with the Supplementary Estimates.

QUESTION OF ORDER.

Mr. DONALDSON hoped that the House would bear with him whilst he drew attention to a correspondence which appeared in that day's *Empire*, impeaching his character and veracity in reference to *some remarks* he had occasion to make a few evenings ago on a motion for leave to introduce a bill to amend the Insolvent law. The letter was of a very scurrilous nature, and were it not that the writer had taken the liberty to accuse him of using his position as a member of the House to assail his private character he should have treated the letter with most sovereign contempt. It was signed Louis Barber, and pretended to be an answer to certain remarks of his bearing on the insolvency of Yencken, Barber, and Co. Now he (Mr. D.), in the remarks referred to, although he had alluded to several rascally transactions, had carefully abstained from mentioning either the name of this Mr. Barber or any other person. He had no doubt put hypothetically several notorious cases as illustrating the necessity of some amendment in the insolvent law; but if this individual felt the case applied to himself, it was no reason why he (Mr. D.) should be attacked for discharging, as a member of that House, what he believed to be a public duty. If these attacks were to be tolerated, no one holding a public position would be safe. With equal propriety would the hon. and learned Attorney-General be open to have his character assailed, if, in the course of his official duty he should have occasion to enforce his arguments by reference to some notorious case in the Newgate Calendar. He was quite willing to admit that if any member should so far forget himself as to take advantage of his public position to avenge wrong by maligning the private character of particular individuals, he would be no longer worthy of a seat in that House. But, as he said before, he never once mentioned the name of Barber, nor would he even now go into his case, seeing that it was to all intents and purposes *sub judice*, the insolvent being actually on his trial for fraudulent insolvency,—so far as it was in the power of the commissioner to deal with him for that offence. As, however, this fellow had thought proper to accuse him of wilful misrepresentation, he would, without condescending to answer the gross calumnies and falsehoods contained in the letter, submit a few facts to the House, which would at once show whether the statements he had made on a former occasion were true or not. He held in his hand a copy of the depo*sitions, containing the examination of* Mr. Barber, before the Chief Commissioner, from which he would read a few sentences, and then leave the matter entirely in the hands of the House. He would merely add, that he never attacked the character of this person, nor was it his intention to do so now, beyond merely verifying his own assertion that the firm incurred extensive liabilities after it was actually £20,000 below the world. The depositions went on to state as follows :

Louis Barber, being duly sworn, was examined by Mr. Donaldson, and states as follows—The partnership commenced in 1849. I returned from England in 1852; in December, 1853, the debit against Mr. Louis Barber was £3643 4s. 2d.—and against Mr. Yencken £8526 14s. 2d. as appeared in our ledger; in the same year there is a sum of £2259 to the credit of stock; this leaves a balance against the firm of £4685 9s. 7d.; the amount of stock is debited with the amount already stated; the firm at that time was below the world £4685 9s. 7d.; on the 31st December, 1854, I was in debt to the firm £5154 5s. 5d.—and at the same date Mr. Yencken, according to the books, was in debt to the firm the sum of £1701 15s. 6d.; I have no doubt the books are correct; at the 10th September, 1855, my private account was indebted to the firm in the sum of £2590 9s. 7d., this forms part of the other balance; Mr. Yencken's personal account was indebted to the firm at the same date in the sum of £647 7s. 6d.; the profit and loss account of December, 1853, shows a credit of £2289 8s. 10d.; although the profit and loss was £2289 8s. 10d., the concern was at that time to the bad £46,859 7s.; at that time the firm could not meet its liabilities if it had been required, without assistance; he had that assistance. At the end of 1853, profit and loss was debited with £932 16s. 9d.; at June, 1855, the debit profit and loss in the books, deficiency was £20,460 11s. 6d., which was for the whole period. At the same period I retransferred to the debit of profit and loss, and to the credit of myself and Mr. Yencken, £7957 5s. 1d.; when this was transferred, 30th June, 1855, there was nothing at the credit of the partners to meet this deficiency of £20,460 11s. 6d.; on the 30th June, 1855, the liabilities were about £47,000, and the assets about £22,000 or £25,000.

So it would appear, as he had stated, that the firm went on contracting debts when they were actually insolvent to the extent of £22,000 or £25,000. In *answer to further questions, the insolvent stated* that

After 30th June, 1855, I incurred more debts; these amounted to upwards of £7500; up to 11th August, 1855, the balance was not ascertained at that time; the books had not been made up to that time; I knew there was a deficiency of £10,000, but not of the £20,000; the books were not made up, because Yencken's books were in England, and he had carried on business between Calcutta and England, and Mauritius and Madras; the particulars of which transaction I am not acquainted with; with a knowledge of £10,000 deficiency, I incurred debts in the name of the firm to the extent of £75,000, between the 2nd July and the 11th August, as shown by the bill book, there might have been small debts besides: I signed those bills; I accepted a draft of Mr. Yencken upon the firm drawn at Melbourne, for £4239 16s.; after the 30th June, which was due on the 30th August; it was drawn after the 30th June by Yencken, and accepted by me. These acceptances amounted to £11,700.

He would here observe that there was one paragraph in the letter in which it was stated that the partners had not, up to the period alluded to become aware of any deficiency whatever, and yet it was here stated in the evidence of Barber himself that he and his partner "knew there was a deficiency of £10,000, but not of the £20,000."

Mr. CAMPBELL rose to order, contending that it was not parliamentary for hon. members to advert to the addresses of any private citizen as published in the newspapers.

The SPEAKER ruled that the hon. member was quite justified in noticing any matter which he might think had the effect of misrepresenting his opinions or his conduct in the House.

Mr. DONALDSON observed that he was not going to offer more than one or two remarks further when the honorable member for Sydney, who was so cognisant of Parliamentary usage, and so exceedingly terse in his language, thought proper to interrupt him. (Laughter.) As he said before, he did not care one straw for the aspersions cast upon him by the individual in question; but he did think it was due to his character as a member of the House, seeing that the reputation of the House was more or less affected by the conduct of its members—to lay these facts before them, in order that they might see how utterly worthless and false were the charges of misrepresentations imputed to him. He was, therefore, glad that the honorable the Speaker had ruled him to be in order; for if honorable members had not the privilege of speech—although he was afraid they had it in some instances to too great an extent—to defend themselves against misrepresentation beyond the walls of the House, they would be liable to have their opinions perverted and their characters assailed by every fellow who was sufficiently malicious and dishonest to gratify a private spite.

Dr. DOUGLASS was very glad that this question as to the extent to which hon. members were liable to be attacked by the Press, had been brought before the House, as he had on several occasions seen very gross charges preferred against hon. members in the newspapers. In one instance he remembered that a member of the House was positively charged with corruption.

The SPEAKER here reminded that hon. member that there was no question before the House, and that it would be out of order for him to offer any further remarks unless he intended to correct some misrepresentation respecting himself.

The matter then dropped.

NEW PARLIAMENT HOUSES.

Mr. COWPER moved that an address be presented to the Governor-General, praying that his Excellency will be pleased to cause to be placed upon the Estimates of Expenditure for the year 1855-6, an additional sum of £5000, to defray the expense of further alterations and improvements to the buildings to be occupied by the new Parliament, suggested by the Colonial Architect, and approved by the Standing Orders Committee since their report on the Local Parliament Houses presented to this Council on 28th August last. He remarked that since the sum of £10,000 had been voted for this service the Colonial Architect had suggested further alterations, so as to render the accommodation for the new legislature more complete and durable than it could possibly be with the alterations and additions originally proposed. It was suggested, among other things, that the roof of the present building should be slated, and the verandah entirely removed, which it was thought would not only make the building more permanent, but also facilitate the additions contemplated. The Standing Orders' Committee had given the matter their best consideration, and the motion now submitted was the result of their deliberations. It was confidently believed that with these extra improvements the present buildings would not only be rendered far more commodious, but would be made to last for a period of fifty years. When the new Parliament assembled, it would of course be competent for them to make more extensive alterations should it be thought desirable: but, in the meantime, it appeared to him that the arrangement proposed was the most economical and the most practicable they could adopt. He understood that some doubts had been expressed as to the strength of the walls, but he had been assured on the authority of the Colonial Architect—the only Government officer to whom they could apply for information on the subject—that there was no ground whatever for any such apprehension.

Mr. HOLROYD seconded the motion.

Mr. FLOOD said that when the sum of £10,000 was asked for on a previous occasion, the Council was scarcely in a proper position to make any objections to the contemplated alterations. Since that vote passed the House, however, he was enabled to judge from a glance at the plans that had been submitted whether or not the proposed alterations were open to objection. From the manner in which those plans had been made out he found that no provision had been made for lighting the passages at either end of the building. The House had been led to believe that the vote of £10,000 would cover the whole cost of the alterations proposed according to the design furnished by the Colonial Architect. Now, however, they were called upon to vote an additional sum of £5000 for the purpose of altering the front of the present building by taking away the balcony. If it was found necessary to remove and alter the present front, he hoped the honorable member (Mr. Cowper) was in a position to inform the House whether it would be necessary to remove the present roof also? He had that day taken the trouble of going up to the roof, and he found, on examination, that it was mainly supported by a beam passing from the front to the back, and resting upon a balcony at either end; therefore he considered, that in taking away the front it would be found a matter of necessity to remove at the same time the roof, inasmuch as the front of the roof rested upon the roof-wall, and if the verandah was taken away the points of the roof would be six or seven feet above the top of the wall, rendering its being taken down a matter of imperative necessity. He had endeavoured to have made a fresh examination of the plans for the additional alterations, but as the Colonial Architect had possession of them he was unable to do so. Another alteration contemplated was the removal of the wall immediately adjoining the refreshment room, and it followed from that circumstance, as a necessary consequence, that the upper story would also require to be removed. He thought the House ought to submit to any inconvenience for the purpose of having the public money properly expended; and although a sum of £15,000, if the present motion was adopted, would be appropriated for alterations, it was more than probable the ultimate cost would exceed £20,000. Of the committee who drew up the report, touching these alterations, of which he recollected the hon. the Speaker had been chairman, he did not entertain the slightest doubt as to the ability to determine upon such matters, with the assistance of the Colonial Architect, or other professional gentleman; but he questioned very much whether they had sufficient data or material to enable them properly to arrive at the conclusion they did. He questioned very much whether the fact was ascertained from the Colonial Architect as to the necessity of removing the roof, which, looking at the general construction of the building, was apparent to any one. This was a matter which ought to receive due consideration from the House. With the permission of the House he would read the minute, which had determined the committee in asking for the additional £5000, which was as follows :—

At a meeting of the Standing Orders Committee, held at the Legislative Council Chamber, on Friday, the 28th day of October, 1855, the Colonial Architect being in attendance, produced designs for improving the appearance and adding to the stability of the present Council Buildings, as well as of the additions thereto, which have been already authorised for the accommodation of the two Houses of Parliament, by means of removing the front verandah—new casing the front—introducing a Grecian pediment in the front centre—ornamenting each wing with columns in corresponding style—covering the whole with a roof of slate and of some few alterations in the interior arrangements. And the committee having inspected and considered those designs, and ascertained from the Colonial Architect that the execution of the whole of the proposed alterations would not cost more probably than £5000, in addition to the £10,000 already placed upon the estimates for the new wing and offices to be added to the southern end of the buildings. Resolved that it is highly desirable, as well for the stability of the Parliament Houses, that the Colonial Architect's designs be acted upon forthwith, provided the whole expense shall not exceed £20,000, already authorised.

These alterations were to cost £5000 in addition to the £1000 previously voted for the same purpose: but he had reason to doubt the future stability of the building if the alterations proposed by the Colonial Architect were carried out; and notwithstanding moreover that £15,000 was demanded, there was a sort of admission that £20,000 would be required; and he was not even convinced that that sum would be sufficient to complete the repairs. He would put the question seriously to the House whether they were prepared to put the country to the expense of £20,000 to make alterations which, when completed, would sweep away almost entirely the present building, leaving no part untouched, but the Chamber they were assembled in? He would suggest that the House should at once determine upon the style and design of the House intended for the accommodation of the new Parliament. He thought, for his own part, that whatever money might be expended, it should be expended in adding to the present building, and irrespective of any alterations thereto. He hoped that anything he said in the matter would be taken in their proper spirit; he did not advance his objections to the proposed alterations from any factious opposition to the motion or the resolutions of the committee, to whom the question of accommodation for the new Parliament had been submitted. He was only desirous that the public money should not be expended in such a way that whatever was done would make the committee a laughing stock to the country. He trusted the hon. member would not persist in forcing his motion, and if not perfectly satisfied in his mind as to the propriety of carrying out the contemplated alterations, that he would take time to consider the question, and inform himself well upon the subject before he would involve the country in such expense.

The COLONIAL SECRETARY said, that sufficient and satisfactory information had been laid before the committee when this question was under their consideration, and from that information they had judged it more expedient to ask for a sum for alterations which, when completed, would render the present building a permanent one for fifty years to come. The committee had preferred this course, rather than put the country to double expense in erecting entirely new buildings. The hon. member who spoke last, he was aware, was not a member of that committee, but he was sure that they would gladly avail themselves of his assistance, not only in carrying out the proposed alterations, but also in selecting a site for the new additions. The alterations were suggested by the Colonial Architect, who submitted plans to the committee, and the latter determined to adopt the plans. He hoped the hon. member who had brought forward the motion would not take further time to consider the matter as proposed by the hon. member for the North-Eastern Boroughs, as there was very little to spare for the carrying out of the proposed works, there being scarcely six months allowed to erect the buildings in question; and during that time it would also be necessary to go on with the alterations to the present building. He agreed with the hon. member (Mr. Flood) that £20,000 was a large sum to expend on the present building; but when they considered the time at their disposal, and the much larger expenditure that would be required even to commence without bringing the new building to perfection, the alterations proposed were recommended on the score of economy. He thought the motion of the hon. member (Mr. Cowper) *ought to be* adopted by the House, and the sum of £5000 now asked for be put on the Estimates in pursuance of that motion.

Mr. COOPER said that when the motion for the sum of £15,000 was brought before the House for the proposed alterations, he expressed some fears that a larger sum would be required to botch up the present old building. The matter had been so clearly argued by a previous speaker (Mr. Flood), he was now more *firmly convinced than before that it* would be a wasteful and extravagant expenditure of the public money if they persisted in trying to alter as proposed the present building. He was assured from some expenses incurred by himself in alterations, that it was the most costly undertaking they could attempt. It would be far better, both as regarded a saving of time and money, if they swept away the old building altogether and run up new walls. He hoped before *these alterations were attempted, that the committee* would seek further information on the subject, and make all necessary inquiries from practical men, and see whether it would not be better to put up an entirely new building than persist in asking first £10,000, then £5000, and according to the minute read by the honorable member (Mr. Flood) probably another £5000 in making alterations. He had no doubt that if a rough estimate was made out the alterations before completed would require £30,000. If the motion was persisted in he would vote against it.

The CHAIRMAN OF COMMITTEES said he would offer a few remarks to the House with reference to the subject before it. As a member of the committee to whom this matter had been submitted, he would say that the opinions expressed by that committee should not go for more than they were worth. They had, however, acted upon the best information they could *receive on the matter*; but certainly, as one of the committee, he did not pretend to know anything of the particulars spoken of by the hon. member for the North-Eastern Boroughs. If what that hon. member said was correct, the question involved some difficulties that had not previously presented themselves to his mind; for, as far as his own individual judgment went, he had relied upon the opinions expressed by the Colonial Architect. When the sum of £5000 was asked, *to carry out the alterations proposed*, the Colonial Architect was asked if that sum would be sufficient for the purpose, and his reply was, that he could not bind himself to the exact figure necessary, but that he considered £5000 was, as near as possible, all that would be required. When that answer was given he, as well as the committee, understood it to include all the alterations that were then deemed necessary; that was to say, the removal of the roof, walls, and everything necessary to complete the works specified on the plan. With reference to the position of the committee, they were in difficulties in the first instance from the fact that time was pressing very much, and they had not therefore time to take into consideration the site of the proposed new building. As the plan proposed by the hon. member opposite (Mr. Flood) was a new one, it would occupy much time in adopting it, as it was obviously necessary that the design of a general building should be prepared before they commenced to act upon it. That difficulty as to time was before the committee, and after a long discussion upon the best plan to be adopted, the idea of entirely new buildings he believed had been abandoned, and the design of making alterations to the present building adopted. The reason, he would remark, why it was proposed that the Legislative Council under the New Constitution should occupy the present chamber, and that the Legislative Assembly should occupy a chamber to be erected at the other end of the building was, that the present chamber had been erected, in the first instance, to accommodate 36 members, although some inconvenient alterations were subsequently made to increase the accommodation, according to the increased number of members, so that therefore it would easily now accommodate the members of the Legislative Council, while the Assembly, which will consist of 54 members, would remove to a larger chamber erected for the purpose. When the proposed plan was matured, the House further agreed that the front of the present building should be taken down, and an improved ornamental one erected in its stead. It certainly struck him as desirable that the proposed additions and alterations should be such as would render the appearance of the building creditable to the colony, as also make the building itself perfectly *substantial for a considerable period of time to come*; and for this purpose a further sum of £5000 was considered amply sufficient. It was also taken into consideration that, whatever might be contemplated and carried out hereafter, the present buildings would be available for offices, and this consideration weighed with the committee in adopting a plan of alterations. He must say that he had not contemplated the difficulties explained by the hon. member for the North-Eastern Boroughs, and if the sum of £15,000 was not thought sufficient for all the purposes intended, that was a question which should be taken into consideration by the House.

Mr. CAMPBELL said that whatever would most conduce to economical expenditure of the public money should not be lost sight of by that House. He felt that the proposition for the expenditure of £15,000 for an additional wing to the present building, and other improvements, for the accommodation of the new Houses, would on the whole be cheaper and more economical than any proposal for building new Houses for that purpose. He took it for granted that an undertaking of that kind would cost the country some £30,000, while it would take two years at least to complete it. For that reason he would recommend the temporary alterations as proposed, instead of undertaking a costly work of a more permanent character. One advantage that would be gained by adopting this plan was, that the improvements would render the whole building of a permanent and substantial character. He did not see why a sum of £5000 should not be expended in erecting a handsome front to the present building, or why the whole plan of alterations and additions would not answer the desired end. If one portion of the building was to be decorated, he thought so also should the front of the additional wing be likewise ornamented; and if it was not made in harmony with the other in that respect, the omission would not speak much in favour of the good taste of the committee. There had lately been such inquiries into the working and efficiency of the public departments that he expected a great change for the better had been effected in the working of all engaged in them, and he had no doubt but that under the present system the proposed works would be completed at a less cost than supposed. He would understand the circumstances support the motion.

The ATTORNEY-GENERAL would say, as a member of the committee referred to, that when the question under discussion was before them he had differed in opinion from the rest of the committee. He had been anxious from the beginning that whatever was undertaken in this matter the works would hereafter be creditable to the colony. From what he had heard fall from the honorable member for the North-*Eastern Boroughs he was more inclined to the opinion* he had at first formed. He thought £15,000 was indeed a very large sum to patch and botch up an old building, according to the plans of the Colonial Architect; and the propriety of doing so was the question which should be seriously considered by the House. Perhaps it might be thought that they should wait even at a great inconvenience till the new buildings, which could be made commodious, permanent, and creditable to the colony, were erected. He was satisfied that the new Parliament would be content to put up with some temporary accommodation when they saw that such a building was in preparation for their reception. For his own part he would prefer to put up with any temporary inconvenience than patch up the old building, of the stability of which there was much doubt. This consideration weighed with him previously, and the very circumstance of putting up a building temporarily, with the ultimate view of erecting permanent buildings, induced him to go with the Committee. It would be remembered that the old nominee Council had put up with similar temporary inconvenience, and he did not know what objection could be urged against the same inconvenience being suffered for a little time in the present instance.

The COLONIAL TREASURER said they were all aware that it was very easy to make objections to any plan, and to point out its inapplicability in some respect, without pointing out any practical remedy for the evil complained of. He had no doubt that the committee had found many difficulties in their way in coming to a conclusion on this subject, not the least of which was the delay which would occur before they could fix on a site for new Houses of Parliament, on a scale suitable to the requirements of the legislature and the country. The present plan, however, he looked on as objectionable; but he was not prepared to say the committee could have suggested anything better than it; but it did seem a very large sum that was required to do this work. It was stated that at least it would not be under £15,000, and an amount of masonry had been done at the Sydney University beyond what he presumed would

be necessary to afford accommodation for the new House, at a much less cost. However, if the House was prepared to carry out the plan suggested by the committee, he should not feel himself called on to oppose it. The duty had been imposed on them of carefully enquiring what would be the best means of providing accommodation for the new Houses, and no doubt the plan they had agreed on was the best they could in their opinion adopt. With that view he certainly should not feel it *his duty to oppose the proposition*, but at the same time he must say he did not like it.

Mr. HOLROYD said he was also in favour of commencing a building on a grand scale commensurate with the dignity of the colony, and the proposal he had first made was, that they should commence a new building at the cost of some twenty or thirty thousand pounds for the *purpose of the Upper House*, and for a library and conference-room, and that the present building would be used by the Lower House for a time; at the very first meeting of the committee that plan however was overruled, and he was obliged to adopt the principle now suggested; the object of the committee however was not to patch up this building to make it answer the purpose, but to make an addition by building a wing at the other end, and to put a new front to the present one; and the only other alteration was the removal of the wall in the refreshment room, so as it might be used by both Houses; the present House was, they were aware, as inflammable as tinder, and it was highly desirable to make a building, in which were so many matters of great importance, as near fire-proof as possible. He still could have wished that some new building had been erected, but nevertheless the present alterations would make it a handsome building without, and a convenient one within, and would in all probability last for 50 or 60 years; if within that time some other building was erected on the garden facing the Domain, the present one could be well and advantageously converted into public offices. He should support the present motion, as it was the only plan that could be carried out at once expeditiously to obtain the necessary accommodation. He did not see how they could dispense with the new wing as an addition to the new chamber. Offices would be requisite for the officers it would be absolutely necessary to appoint; he hoped, therefore, that the money would be voted to carry out this plan, which was necessary at once for the decoration of the exterior, and rendering convenient the interior of the building.

The DEPUTY-MASTER OF THE MINT said, the object they should have in view was to afford increased accommodation; but he thought the resolution before the House went somewhat further than that, in so much as it pledged the Council to carry out the plan as suggested by the Colonial Architect, and approved of by the Standing Orders Committee. Therefore, if they changed their *opinion, and thought* it desirable to carry out some other plan, they would be pledged to carry out this one, and also, it was rumoured that the Colonial Architect was about to resign, and it was natural to suppose any officer who was appointed after him, would not like to carry out the plan which was matured only in his mind for the patching up, if it be so, or the altering of an old building. He thought therefore it was advisable they should not be bound to any one plan. He should not vote for the motion in its present form, but if amended by omitting the words as to the plan suggested by the Colonial Architect and approved by the committee, he would support it.

The SPEAKER asked if he was to understand the hon. member moved the amendment.

The DEPUTY MASTER OF THE MINT said he would not move it at present.

Mr. COWPER, in reply, said he would not object to the amendment, but he really could not understand the course the Government pursued. Had he brought down so indefinite a motion as this would be if amended as proposed by the Master of the Mint, he would have been charged with asking for money without giving any account of how it was to be spent. But now the Colonial Architect had resigned, as they generally found was the case with officers of the Government, who did resign, it was discovered by the Executive that he was unworthy of confidence.

The DEPUTY-MASTER OF THE MINT said he never said there was any want of confidence in the Colonial Architect, or anything of the kind; but he simply said no officer would like to carry out a work of this kind commenced by his predecessor, in whose *own mind only the plans for completing it* successfully were matured, but of which the in-coming officer was entirely ignorant.

Mr. COWPER continued: He thought the Standing Orders Committee had not been well treated with regard to this matter. His hon. friend the member for the North-Eastern boroughs was not satisfied with *climbing on to the roof to satisfy* himself on this matter, but had got hold of the minutes of the Standing Orders Committee, he having got information somehow of £20,000 being mentioned therein; but with reference to that an hon. member, whose absence they must all regret—the hon. member for Northumberland Boroughs had suggested that that sum should be put down, although the *Colonial Architect had over and* over said £15,000 would be sufficient; but the hon. member suggested that the £20,000 should be put down, and that would be sure to cover all, and it was so put down at the moment. His hon. friend, he said, had got wind of this fact, and on it partly based his opposition, and that was how it had come before them. The hon. gentlemen had also taken the trouble to go on the roof to make examinations, and found it was not practicable to carry out the plan proposed. On this subject the Colonial Architect had been examined over and over again, and had stated confidently it was after having ample time to make his examination, and to consider the matter. He (Mr. Cowper) would not, however, offer any opinion of his own on the subject. Now, with regard to the building itself, it would have been impossible for them, in the short time at their disposal, to have got plans for the erection of a new building altogether. He appealed to the House whether, in a few weeks, they could get plans from which they might select one which would be creditable to the country or creditable to the Legislature? There was an absolute necessity for providing some accommodation to a large extent, and it must also be borne in mind that it is desirable that the building should be in connection with this, as to have it in any other part of the town would be found most inconvenient. The committee, therefore, decided that to erect a new wing for the Chamber, with a library and conferring room was the best plan to adopt. As to cutting up the present building, the only internal alteration necessary was the removal of the wall of the refreshment room, in order that it might be enlarged for the use of both Houses. The hon. member for Sydney seemed to think that they intended to put an ornamental front to the one wing, and leave the present one as it was. This was not, however, the case, as the sum proposed was to include the erection of a new front to the present wing. He would appeal to the House, and ask them if this was not the most economical plan that could be pursued; it made the necessary present accommodation, and if the Legislature should determine not to remain in the building proposed, they could commence new ones at the back, which would not interfere with this, which could be turned into public offices. Even although the Colonial Architect had resigned, if he had not misled them, they could effect the necessary alterations for the sum of £15,000. As to the amendment of the motion, as he had already said, had he brought it forward so indefinitely, the House would have at once rejected it, and asked for an explanation of how the money was to be applied. He hoped the House would support the motion, and so adopt what he thought most hon. members would admit was the wisest and most economical plan.

Mr. FLOOD said in explanation, he certainly did not apply to the hon. member for Durham for leave to inspect the roof, and he must therefore apologise for that piece of presumption on his part. As to the minute he did not apply to him for that either, but he applied to the Speaker for it and obtained it, and he would here observe, not only had he a right to *see and examine it, but he had a right to attend* the committee itself as a member of that House.

The question was then put, the House divided, and the motion was carried by a majority of 14 to 11.

Ayes, 14.	Noes, 11.
The Inspector-General of Police	The Attorney-General
Mr. Barker	Mr. Park
The Surveyor-General	The Deputy Master of the Mint
Mr. Donaldson	Mr. Oakes
Captain King	Rusden
The Postmaster-General	Egan
Captain Dumaresq	Samuel
Mr. Martin	Allen
Campbell	Parkes
Parker	Cooper } Tellers.
The Colonial Secretary	Flood
Mr. Holroyd	
The Colonial Treasurer	} Tellers.
Mr. Cowper	

POSTPONEMENTS.

The further consideration of the Registration Bill in committee was postponed until to-morrow.

The second reading of the Steam Postal Communication Bill was also postponed till to-morrow.

APPOINTMENT OF AN ADDITIONAL JUDGE.

On the motion of the ATTORNEY-GENERAL, the Governor-General's Message was read.

The ATTORNEY-GENERAL said the object of this bill was to carry out what was provided by the Constitutional Act, namely, the appointment of an additional Judge. *The Message of the Governor-General* providing for the better administration of justice at Moreton Bay, and for providing local courts throughout the colony, had been withdrawn because it was considered more expedient to postpone the consideration of these great changes until the new Parliament had assembled. This bill, which was now proposed, did not interfere with the withdrawal of the former message. It was only to enable the Government to carry out what had been provided by the Constitution Act, namely, the appointment of an additional Judge at Moreton Bay. It was to authorize the Governor-General to make this appointment. It was considered desirable that this new Judge should hold assizes at least three times a year until the new Parliament thought it necessary to appoint a resident Judge at Moreton Bay. This Judge would be a Judge of the Supreme Court, and, when not engaged at Moreton Bay, would assist *the other Judges in the* business of the Supreme Court, which, he was sorry to say, was almost at a stand-still at present. There would be four Judges in the Supreme Court; but, notwithstanding the addition, it would not be necessary at any time for more than two Judges to be actually sitting in Sydney in Banco, or for more than two Judges to join in making a general rule, or *in doing any other act* in any case where, but for the passing of this act, two Judges only would have been sufficient. With these few observations, he would now move that this bill be read a first time.

The COLONIAL TREASURER seconded the motion.

Mr. HOLROYD said he regretted that he *felt* obliged to oppose this bill. He opposed it, because he thought it was inopportune, although he agreed with the learned Attorney-General that some provisions for the administration of justice ought to be made for Moreton Bay. The provision was made for Moreton Bay by the Constitution Act; and if they waited for six months, until they had a responsible Government, they would have a Judge at Moreton Bay. In order to show that this appointment was not absolutely required at present, the House would remember that an act was passed some time ago which gave the Governor-General the power from time to time to appoint some fit and proper person to be judge at the circuits which were holden at Brisbane. The person who was so appointed must be a barrister of not less than five years' standing, he had all the powers given him, and was invested with all the authority of a Judge of the Supreme Court. He had heard during the last few days that it was the intention of the Governor-General that a barrister of five years' standing should go up and hold a Court at Brisbane; therefore the great difficulty which the learned Attorney-General had mentioned would be got over by this simple act by appointing a barrister to act as Judge as often as might be required until the Constitution Act was in force. Although he saw by the third section *of this bill* that a court was to be held at Brisbane not less than thrice during the year, he apprehended that the Governor-General could send a commission up even at the time when the Constitution Bill came into operation. The Constitution Act provided four Judges —one to be resident at Moreton Bay, and not, as the learned Attorney-General had said, that although *there were to be four Judges*, it did not mean that one must be a resident Judge. He recollected that when Mr. Wentworth brought in the Constitution Bill he stated in plain language that the object of having the additional Judge was that he should be a resident Judge at Moreton Bay, and not an itinerant judge going backwards and forwards during the year. He would *call the attention of* the House to the terms of this bill, and the principal reason for having this additional judge. The preamble states that "Whereas by reason of the increase in the judicial business of the Supreme Court, and of the necessity for providing more effectually for the administration of justice in the district of Moreton Bay, the present number of judges of the Supreme Court has become insufficient, and it is expedient therefore to authorise the appointment of an additional judge of the said court, and to make provision for the more effectual administration of justice at Moreton Bay until the time when it shall become expedient to appoint a resident judge, and to establish a separate court for that district." Now, what was more effectual in providing for the administration of justice than, instead of holding two Circuits, to hold three. Was there no gentleman at the bar who could be sent up two or three times, until the Constitution Bill came into operation, to hold a court there. It appeared to him that this difficulty could be easily surmounted, he would venture to say, by the introduction of a short Act, if there was such a pressure of business, that the courts of Goulburn, Maitland, and Bathurst might be provided for in March next, or until the new Constitution came into operation. If he understood right this appointment of judge had been given away already. It was certainly currently reported in the profession that the Master in Equity was to be the new Judge; that office was already cut and dried. He was not going to say anything against this gentleman. He was a first-rate equity lawyer, but he had never heard that he was a first-rate common law or criminal law lawyer. He would make a good Equity Judge, but he did not think he was a proper man to be appointed as Judge, because he would have to decide on criminal and common law cases as well as equity. He understood that it was currently reported (perhaps the learned Attorney-General would contradict him if he was wrong,) that he was actually promised this appointment, and that they were only *waiting to pass this* Act in order to give it to him. Now, what did the Judges say to this? He had reason to believe that they had confirmed the propriety of making this Judge. He did not suppose that the Government, or the learned member, would introduce this bill if they had not had some communication with the Judges of the Supreme Court, nor did he think the *Crown law officers would dare to bring forward this* bill without the concurrence of the Judges. He would call the attention of the House to the observations of the Judges, which were expressed on the 15th May, 1855, with regard to the administration of justice. It was the hobby of the Judges, and the Chief Justice in particular, that there should be no extra Judge appointed to the Supreme Court, and that the *additional* Judge that was to be appointed should reside at Brisbane. He would read what the Chief Justice said in his observations on the subject:

> It seems clear to me, moreover, that, if a fourth Supreme Court Judge be appointed (unless, indeed, he be appointed exclusively for Moreton Bay,) there will still be provision required, for the due administration of justice in the Northern districts. At present, all that extensive tract of country is placed, we may almost say, without the pale of municipal law:—and something much more effectual, and accessible, than a mere Circuit Court, with a Supreme Court in Sydney, has long been required there. But to have a resident Supreme Court Judge at Moreton Bay, would be every way objectionable; and in truth, almost ludicrous. Such a functionary (although, as originally at Port Phillip, he may be called so,) will be in no respect a Judge of the Supreme Court, which is one and indivisible. The measure will be, in effect, a contradiction; and a cutting of one Court in two, for no conceivable purpose. Any separate Court, at and for Moreton Bay, should obviously be so in name as well as in fact—and a separate Judge, (whether an appeal lay or not to the other Judges, in Sydney,) would be to all intents and purposes a separate Court.
>
> But, as a Court of *some* kind for the Northern Districts is indispensible, the only practical question is—(putting aside the question of a Circuit Court, in addition)—what its form shall be. I *humbly recommend* a "Recorder's Court"—with civil and criminal jurisdiction. The Judge to be styled "Recorder for Brisbane." There will be required, a Crown Prosecutor (who might be Crown Solicitor also, and discharge the duties of Clerk of the Peace), a Registrar, and a Sheriff—who might be a person holding some other office also. An appeal to be, by "Special Case," to the Supreme Court, in civil cases, where the question was of importance in itself, or the sum exceeded £50; and, on all "Points Reserved" in criminal cases, in like manner as at present.

That was the opinion of *the Chief Justice*, and Mr. Justice Dickinson said also on this point that,

> If such Courts should be established, I think there would be no necessity for increasing the number of the Judges of the Supreme Court. I consider any such increase highly objectionable.

That was the opinion of Mr. Justice Dickinson, and was not his opinion entitled to some weight? Mr. *Justice Therry also said that*,

> On the above or similar arrangements being acted upon, I do not think that an accession to the judicial strength of the Bench will be required.

Now these opinions showed that the Judges speculated on the appointment of this gentleman. The Government had therefore brought down a bill in *direct opposition to the opinion* of the Judges, or the Judges had changed their minds. If they had changed their minds as far as he was concerned, it would shake his confidence in their opinions: for, on the 15th of May, they thought their judicial staff large enough. He begged to say that he was not opposing this bill, because he did not think the judgeship necessary, but, because *he thought they ought to wait* until the New Constitution Act came into operation. If the Government did not withdraw this measure, he felt himself bound on this occasion to move the previous question.

Mr. FLOOD seconded the amendment.

Mr. COWPER said: He agreed with what had fallen from the hon. member for the *Western Boroughs*. He did not see why, at the late period of the session, the Government should bring forward this important measure, and in direct opposition to the opinions of the Judges. This Act seemed to give enormous power to the new Judge, even more than was given to the puisne Judge at Port Phillip. No doubt the Constitution Bill provided for a resident Judge at Moreton Bay. He was of opinion that no part of the Constitution Bill should be taken into consideration by the Council. That had always been his opinion, and the more he reflected upon it, the more satisfied he was of that opinion. He considered it was highly improper for this Council to consider questions of this kind. The less the Council meddled with the new Constitution the better. Under these circumstances he trusted that the Government would not press this matter; if they did, he would certainly vote against it.

Mr. MARTIN said, the Council ought to bear in mind that this bill involved the appointment of three persons to three distinct offices; they were not only dealing with the appointment of a judge, but by the appointment of this gentleman there would be two offices vacant, which he now held, namely, the Commissioner of Insolvency, and also the Master in Equity. Therefore, this bill would involve three appointments. The necessity for a judge, it would be allowed, was not greater than it was three or four years ago. If this was the case, there was no necessity for the appointment of a judge at Moreton Bay. Great inconvenience had been felt for a long time past, arising from the difficulty, if not the impossibility, of finding one person able to discharge the duties of Commissioner of Insolvency and Master in Equity. The business had so increased of late that great delay was caused. He objected to this bill because the Government had brought it forward at this late period of the session, *and when the whole Government was about to be* changed, and when there was no greater necessity for it than there was in the early part of the session. He did not agree with the hon. member for the Western Boroughs that it would not be proper to appoint Mr. Milford as Judge. He thought he was the only person at the bar who ought to be appointed, although there were other *persons whose knowledge and ability* would do credit to the appointment; but it might be found that their views and wishes did not desire such an appointment, or that their income was so large, that the salary attached to the Judgeship was not sufficient to induce them to give up their practice; various circumstances might prevent them from accepting such an offer. *Under all the circumstances*, it appeared to him, that Mr. Milford was the only person that was available; therefore, so far as he was concerned, he thought it was not possible for the Government to pick out a more elligible person. With reference to the other two appointments, he believed that two competent persons could be found. Under all the circumstances, he thought this Act ought to be postponed. The inhabitants of Moreton Bay had been complaining for a long time that they did not have a resident Judge. If they had been suffering for so long a time, surely they could wait a little longer, and make shift until the New Constitution Bill came in force. If it was intended to give this gentleman the appointment of Judge at Moreton Bay as well as at the Supreme Court, he would possess more power than any of the Judges had. The Chief Justice had no such power as he would possess, for he would not only have the powers of a Judge at Moreton Bay, but also in Sydney. The Chief Justice had no greater power than the other puisne judges. This ought not to be permitted. There were several imperfections in the Act; therefore taking all the circumstances into consideration, he thought the best course the Government could adopt would be to withdraw this bill, and wait until the New Constitution came into operation, when the Governor would have *to appoint another Judge*. He for one was of opinion that the number of Judges should be increased, and that there should be a Court of Appeal from the Supreme Court. Now there was *no* Court to appeal to here but the Privy Council at home, and that was a Court where suitors seldom resorted to, owing to the expense and delay. He thought it would be desirable to *increase the number of Judges* in the Supreme Court to not less than six, so that such could appeal from any three to the whole body of judges. If this was carried out, it might be almost desirable to appoint an Equity judge, and make him President of the Council, which would be analagous to the Lord Chancellor in the mother country. Under all these circumstances *he thought they ought not to* press the bill until next year. If they persisted in going on with it, he should certainly vote against it.

Mr. ALLEN said he thought, under all the circumstances, that this matter had better be withdrawn until next session. If a judge was appointed, it was absolutely necessary that he should be a resident judge at Moreton Bay. He must confess that he did not like one of the plans proposed by the Chief Justice, namely, that instead of appointing a judge, we should have a Recorder. (Hear, hear.) He thought, when they appointed a person to a judicial office, it should be the highest instead of an inferior office. If they required County Courts by-and-by, that would be another matter. He considered that those who tried cases of life and death, and other cases of the highest importance, ought to be gentlemen of the highest standing. He trusted, therefore, that the Government would withdraw this bill.

The ATTORNEY-GENERAL said, he must confess that he was very much surprised at the opposition which had been raised to this bill. It was unusual to oppose the first reading of a bill. He could not have anticipated it; he therefore merely gave a few simple explanations when he moved that the bill be read a first time. He had not the slightest idea that any discussion would have been raised. Perhaps if he had he would have stated many things which he neglected to do, but which he would have stated in the second reading. The whole question seemed to be quite misunderstood. By the Constitution Bill, there would be ample provision in the civil list for a judge at Moreton Bay. Therefore such a bill as this could not have been brought on until the Constitution Bill *came over*; such a bill could not have been framed unless the Constitution Bill had been passed. Now, he would tell the hon. member for the Western Boroughs that the law officers did frame this bill without first consulting the judges. He had said that the law officers ought not to have dared to bring in this bill without consulting the judges. He thought it was not *courteous of the hon. member* to have used the word dare in the offensive manner in which he had applied it. By the Constitution Bill there was a Judge provided for Moreton Bay, but the hon. member could not point out a single clause in the act that made any appointment of a Judge for Moreton Bay. There was the salary of £1500—that is to say, £4500 for four Judges, including one for Moreton Bay; *but the Constitution* Bill only provided for the salary, it did not make the appointment—the appointment was to be made by the legislative, and it would require an act of this kind to carry out the intention of the Constitution Bill. Unless such an act as this was passed, no Judge could be appointed at Moreton Bay. He would remind the House that they could not come down with a bill until the Constitution Act was positively passed. He had received a letter from the Chief Justice, dated the 7th of October, in reply to a letter conveying to him the draft of this bill, and it would be seen from the letter what the opinions of the Judges were. He would read a portion of the letter to the House. The law officers of the Crown having invited our attention to a proposed measure to be introduced, with your Excellency's sanction or by your command, into the Legislative Council, for authorizing the appointment of a fourth Judge, in accordance with the Constitution and Civil List Act, who shall, it is contemplated, discharge the duties of the judicial office at Moreton Bay, and also such as he may find time to undertake in Sydney in order to relieve the court there of the pressure on it, we have in conference together carefully considered the matter, and we think it important to lay before your Excellency the results of our deliberations. It appears to us, as we doubt not that it has done to yourself and the Attorney and Solicitor General, that the object of the Constitution Act must be taken to be, in creating a salary and pension for a fourth Judge, to provide for the claims of Moreton Bay; but in express words the judgeship is said to be for Moreton Bay: we therefore submit that the proposed Judge must with equal explicitness be in his commission declared to be appointed for that district. On the other hand, since not only does not Moreton Bay (unless in respect of circuit to be created beyond Brisbane, and in respect of absconding debtors, and the more speedy trial of certain cases) require immediately all the time of a Judge, but a Judge could not possibly establish a court in the district, because no machinery had been provided for it. We quite concur in the propriety of filling up the new Judge's time, by aiding in the despatch of business in Sydney. Considered as a temporary measure, and in connection with the preceding observations, few (if any) persons will, we think, regard such a plan as objectionable." It was in order to carry out the intention of the Constitution Bill that it was proposed to pass this Act, for a Judge could not be appointed without such an Act was passed. There was no power given to the Governor to make such appointment, either at Moreton Bay, or anywhere else. They knew that Moreton Bay was entitled to a Judge under the Constitution Act, and it *was expected that three circuits should be held*, and that the Judge should also preside at the Quarter Sessions, and decide in cases of appeal which could not come before the Supreme Court. All these powers were given by this act to the Judge. Would any hon. member deny that the increase of business at the Supreme Court was so great that it was impossible for the three Judges to keep down the enormous amount of business, and that the expense to suitors in consequence was very great? No doubt the professional men who received fees and refreshers made a good harvest, but it was a miserable harvest for the suitors. It was proposed by the present bill to occupy the time of the Judge appointed for Moreton Bay, until the new Parliament thought it expedient that the Judge should reside in the district, to trying cases in the Supreme Court in order to get up the arrears. The arrears were so great that he doubted very much whether four Judges would be able to get *through all the business during the next six months*. The hon. member had stated that the Governor had the power of appointing a barrister to act as Judge, but he confessed that he did not like the idea of placing a barrister on the bench because he might have acted as counsel in defending a prisoner in Sydney, who, when he was on the bench, would appear before him under different circumstances. It was only in cases of extreme emergency that he considered such a measure ought to be allowed. Whoever was appointed ought to appointed permanently. He thought that the name of the Master in Equity had been unnecessarily introduced; whether he was a person to be selected or not was not the question they had to decide, at any rate he had not yet been appointed, nor had he been named by the only authority who could name him. No doubt he had been suggested, under all the circumstances, as the fittest person to be appointed to the Bench. The hon. member has found fault with their recommending the appointment of the Master in Equity because he was an equity lawyer. Some persons excelled in a particular branch of the law, but that was no disqualification. A good equity lawyer on the Bench was quite as useful as a criminal lawyer on the Bench. (Hear, hear.) He thought that these observations ought to have been spared, they certainly savoured of profes*sional jealousy*, and would have been better left alone, although he believed that at the bar there was less of this feeling than there was in any of the other learned professions. Now it was not stated that these judges would have more power than even the Chief Justice. It was not contemplated by this bill to give him more power than *the ordinary judges. He did hope, notwithstanding* the opposition that had been shown to it, that this bill would be read a first time. He thought when hon. members reflected, they would find that this appointment was only made to carry out what was contemplated by the Constitution Act, and was not made for any particular purposes of the Government, or for the *interest of any particular individual, which had been* insinuated. They were only doing an act of justice to Moreton Bay. He trusted, therefore, that the House would allow the bill to be read a first time.

The previous question was then put from the Chair, namely, "Shall the question be now put."

Ayes, 17.	Noes, 9.
The Colonial Treasurer	Mr. Parkes
The Surveyor-General	Cooper
Mr. Barker	Bligh
Park	Richardson
Captain Dumaresq	Oakes
Mr. Mitchell	Campbell
The Solicitor-General	Cowper
The Deputy Master of the Mint	Holroyd } Tellers.
The Inspector-General of Police	Martin }
Mr. Samuel	
Egan	
Donaldson	
The Postmaster-General	
Mr. Parker	
The Colonial Secretary	
The Attorney-General	} Tellers.
The Auditor-General	}

The original motion was then put and carried, and on the motion of the ATTORNEY-GENERAL, the second reading was fixed for Wednesday next.

INTEMPERANCE.

Mr. COWPER laid upon the table of the House the report of the select committee on intemperance, together with the evidence, and on his motion they were ordered to be printed.

ELECTORAL ROLLS ALTERATION BILL.

The SOLICITOR-GENERAL, before moving that the House resolved itself into a committee of the whole, for the further consideration of the Electoral Rolls Alteration Bill, said he would make a few observations. The matter had been postponed on a former occasion in order to give the hon. member for Sydney (Mr. Campbell) time to state his views clearly in favour of the expediency of a new roll, instead of supplementing the present one; and he would suggest to his hon. friend the expediency of moving some distinct proposition embodying his views, in order that *some specific plan* might be adopted, or that the present plan might be adhered to. Such a course would be much more convenient. If the House was in favour of a new electoral roll, then it would be his duty to accede to the wishes of the House, and assist in carrying out that view. He was in favour of the bill as it at present stood, and he *thought the electoral roll lately made might* be taken to represent fairly the rights of those who were entitled to vote at that period; and he thought all having had an opportunity of establishing their rights according to law, that the electoral roll, as far as they were concerned, ought not to be interfered with; for, even *supposing a new roll to be made, it was probable some* names might be left out either intentionally or accidentally, and others would have their vested rights disturbed probably by a new revision of the list; or new names might be proposed to be admitted which ought not to be. The only other question was, whether the case of those who by accident or oversight, had permitted themselves to be excluded from the electoral roll, ought to be taken into consideration. He thought as they had had every opportunity—as they had slept upon their rights—they had forfeited all claim to such indulgence. Such instances, however, were not likely to be frequent, and where they had occurred, the parties suffering must blame themselves. He thought the electoral rolls were now as clearly a reflex of the state of representation as a new electoral roll would be. Unless the sense of the House was decidedly against it, he should not feel justified in proposing any alteration now in the bill before the House.

Mr. CAMPBELL, in rising to give an exposition of his view upon the subject of the electoral rolls' alteration, thought it was very desirable a new electoral roll should be made. In this opinion several legal gentlemen who had seats in that House concurred. He thought as those electors who had acquired qualifications since the new electoral rolls had been made, had been provided for, the Government should not hesitate to go to the extent of providing for those who had negligently allowed their names to be left out of the rolls, or whose names had been left out in consequence of the neglect of the returning officer. As an instance of neglect he might mention that the name of Mr. Parkes was left out, and only placed in the electoral rolls in consequence of the interference of several of his friends. Besides those whose names had been left out in consequence of neglect, there was another class whose names did not appear on the rolls, although entitled to vote; he alluded to those who did not at all interest themselves to have their names placed upon the electoral rolls, because they were of opinion that when the New Constitution Bill came into operation a new electoral roll would be made. He believed there were many in this position, and he thought it but right that they should be provided for. He would therefore move as an amendment on the original motion, "That it be an instruction to the committee *to prepare a bill to make out a new electoral* roll, including all classes of electors, for the several electoral districts provided for in the New Constitution Bill." The expense of such an arrangement would not be very large; but really the question of money should be no consideration when the rights of the community were concerned. *The county of Cumberland, in accordance with the* provisions of the New Constitution Bill, would be divided into two Ridings; and it was, therefore, essentially necessary that provision should be made to afford facilities to those who possessed a vote in each of those Ridings to exercise such votes.

Mr. BLIGH seconded the amendment.

Mr. ALLEN expressed his intention of supporting the amendment of the hon. member for Sydney, for he believed it could be effected with as little expense as the supplementing of the present list—although in such a matter mere expenditure ought not to be much a consideration, for the rights of the people were concerned in a great degree.

Mr. BLIGH said he was of opinion the electoral roll should be supplemented by the new class of voters, or a new one should be made. The bill before the House contemplated the admission of other persons who might have acquired the qualifications of voters since the last list was prepared, but he could not conceive why an entirely new roll should not be made out. The expense incurred in making a new electoral roll would scarcely exceed the cost which would be incurred in supplementing the one already in existence. He should, therefore, support the motion of the hon. member for Sydney.

Mr. PARKES was rather sorry the amendment of the hon. member for Sydney had been moved, because he did not think the result would be satisfactory. As he had before stated, he did not think a new electoral roll would be more complete than the present one supplemented in the manner proposed. But while he saw no good which could arise from an entirely new electoral roll being formed at the present time, some little evil might arise, in consequence of the short period of time which would intervene between its formation and the electoral roll made a short time ago. It was well known that the more frequently an act was performed, the more negligently was it attended to. Some who had placed their names on the list already in existence, might not place their signatures *to the new list at all*. By the bill as amended, however, the whole of those persons who had become entitled, either by the possession of freehold properties or occupation, since the last electoral rolls had been made out, would be taken in, so that those included *in the present electoral roll would be included in the* electoral roll, as well as those who had become entitled to vote since in consequence of the provisions of the New Constitution Act. What more could be obtained by a new electoral roll he was at a loss to see. To make out such a roll now simply for the sake of including those who, in consequence of their own negligence, or the negligence of the collector, had been omitted a few months ago, would be futile, because it was impossible for the House to provide by legislation against similar neglect when the new roll was made, because they were not in a position to reconstruct the Electoral Act. They could not, therefore, impose fines for neglect. At the same time, if his hon. colleague pressed his amendment, he did not say he would not vote for it, although he did not see any good could be effected by it. It could, however, do no harm, except that which he had pointed out: some might by oversight or neglect be left out of the new roll. A new electoral roll would have this advantage: it would appear to the public more complete, having been made out on the new basis provided by the New Constitution Act.

Mr. FLOOD said the election which would shortly take place would be a very important one, and it became the more necessary that a complete electoral roll should be provided which would include all, prevent much hindrance, and involve the country in very little extra expenditure. He should support the amendment of the hon. member for Sydney.

Mr. RUSDEN thought it would be no more trouble to make a new electoral roll than to supplement the present one, and expressed himself in favour of the amendment.

The CHAIRMAN OF COMMITTEES said he was sorry the hon. member for Sydney had concluded by stating his intention to vote diametrically opposite to his speech. He thought reason was with the speech, but would not be with the vote. He certainly thought it desirable the list of electors should be drawn up as perfectly as possible, and he also agreed that *much weight should not, concerning so important* a matter, be given to arguments in reference to trouble or expenditure. If it could be made consistently with the law, and there was time for its execution, it would be desirable to form an entirely new list; but he begged to call the attention of the hon. and learned Solicitor-General to the 15th clause of the bill passed to confer a Constitution on the colony, which had now become part and parcel of an Act of Parliament, and therefore, he apprehended, was not to be tampered with by any act of this Legislature. It set forth that "until further provision shall be made by the Legislature, all the provisions contained in the Electoral Act of 1851, passed by the late Legislature, in the 14th year of Her Majesty's reign numbered forty-seven, except so much of the first clause thereof as relates to the number and constitution of the present Legislative Council, and so much of the third and other clauses thereof as is repugnant to this act, shall be in force and apply to the election of members to serve in the Legislative Assembly constituted under this act." It certainly appeared to him that it would be hazardous to deviate from this part of the law under the present circumstances, because a very serious and grave difficulty would arise if it should be found, by any act that the Council had passed, the whole of the elections which took place under this proposed new Election Roll were held to be null and void. There was a possibility of such a point being raised, and, under all the circumstances stated by Mr. Parkes as to the probability of the new roll containing a list not more complete than the old one supplemented, he did think it was very doubtful whether the House *ought not to hesitate before it proceeded* further in the present direction, instead of merely supplementing the present list by the new class of voters; in the 16th clause of the new Constitution Act, it was stated distinctly that "the new classes of electors entitled to vote by this act at the election of members of the Legislative Assembly shall be inserted in the electoral *lists appointed to be made by the Electoral Act of* 1851 in the electoral districts in which they shall be respectively resident." The 15th clause, therefore, provided that the Electoral Act of 1851 should continue in force, with the exception of the power given to supplement the list by the names of the new voters who will derive their franchise from the provisions of the new Constitution Bill. If there was any doubt about the meaning of the section it would behove hon. members to reflect before they ran the risk which he had pointed out.

The House divided on the amendment of the hon. member for Sydney, which was negatived by the following division.

Ayes, 11.	Noes, 18.
Mr. Park	The Colonial Secretary
Holroyd	The Inspector-General of Police
Cowper	The Auditor-General
Rusden	Mr. Barker
Bligh	Cooper
Oakes	The Colonial Treasurer
Parkes	Mr. Martin
Samuel	Mitchell
Flood	Donaldson
Allen	Captain Dumaresq
Campbell } Tellers	Mr. Osborne
	The Surveyor-General
	The Postmaster-General
	Mr. Parker
	The Attorney-General
	The Deputy Master of the Mint
	Dr. Douglass } Tellers
	The Solicitor-General }

The House then went into committee for the further consideration of the Bill.

The SOLICITOR-GENERAL was about to make a proposition, when

Mr. MARTIN moved the omission of the words contained in the first clause—providing that the proposed supplementary lists of electors should include the names, &c., "of all persons within the said previous classes of electors, who may have acquired or completed their qualifications since the collection of the lists from which the said lately proposed Electoral Rolls were made up."

The SOLICITOR-GENERAL said, it appeared to him that he was placed in a false position. He had yielded to the wish of hon. members in reference to the present Bill, and now he found an amendment, thus made, voted against by some who had proposed to support it. He therefore moved that the chairman leave the chair, report progress, and ask leave to sit again to-morrow, in order that the matter might be brought under the notice of the Government in the mean time. Seeing so many representative members against him, it was exceedingly desirable to keep within the strict letter of the law.

Mr. DONALDSON thought the bill in question, was a very good bill, and free from dangers which had been alluded to by some hon. members. It was the duty of the House to extend the franchise as much as possible in accordance with the law. He thought it desirable the measure should be immediately proceeded with, and, the bill being public property, having been sub*mitted to that House, he should oppose* the proposition of the hon. and learned Solicitor-General for the resumption of the House.

Mr. PARKES was at a loss to know why the bill could not now be proceeded with. He hoped the hon. and learned members would adhere to the amendments formerly proposed.

Mr. ALLEN was satisfied to go on with the bill as it at present stood, and he hoped the hon. and learned Solicitor-General would confine himself to that class of electors who would receive their qualifications under the New Constitution Bill.

The ATTORNEY-GENERAL said, the object of the Government in acceding to the wishes of the *House was to increase the number of voters as much* as possible. Under the altered circumstances of the House, he thought his hon. and learned colleague was justified in the course he was now taking. He admitted there was force in the observations of the hon. Chairman of Committees.

Mr. MARTIN said the measure before the House was not the private bill of the honorable member opposite, therefore he had no right to withdraw it; but even if he had the right, it would not be expedient to do so, because it would involve waste of time.

Mr. COWPER said the representative members were not so much to blame as the Government seemed to suppose. They were told formerly that there was no objection in law to the amended bill; but it now appeared that such was not the case. If the honorable and learned member wished for a postponement on that account, of course he had a right to make his proposition.

Mr. ALLEN thought if there was a legal difficulty in the way, it was by no means desirable to proceed with the present bill with amendments, as formerly introduced for the sanction of the House.

The ATTORNEY-GENERAL said the bill was really the bill of the committee, who seemed to be unanimous on the subject; but he thought a postponement desirable under the circumstances. It would not be expedient for the Government to go beyond the strict letter of the law, in the absence of a majority of the representative members, whose object appeared to be to shift the responsibility off their shoulders on to the shoulders of the Government.

The SOLICITOR-GENERAL said, having considered the matter, he thought a postponement ought to take place, and when the subject was again brought forward to-morrow, the amended bill should be dropped and the original bill proposed.

After a further conversation, in which Mr. Rusden, and Mr. Allen took part, the Chairman left the chair, *reported progress*, and *obtained leave to sit again to-*morrow (this day).

NEW LEGISLATIVE COUNCIL.

The consideration of the Governor-General's Message, No. 90, respecting the salaries of the President and officers of the New Legislative Council, was postponed till to-morrow, this day.

GOVERNMENT RAILWAYS BILL.

On the motion of the COLONIAL SECRETARY, the Message of the Governor, with Government Railways Bill, was read.

The COLONIAL SECRETARY said, that as intimated in the Message, it was not the intention of the Government to press the measure forward during the present session. It was a very long bill, and it was desirable that full time should be given for its consideration, and with this view the bill had been printed. The object having been accomplished he would beg to withdraw the order from the paper.

Order withdrawn.

The SOLICITOR-GENERAL moved that the Governor General's Message, with the Government Railways Bill, No. 2, be read.

Message read.

The SOLICITOR-GENERAL moved that the bill be read a first time. This bill was a comparatively short one, although it was a pretty long one; in fact *it was almost impossible that any measure for the* regulation of railways could be long. The bill, however, was intended only to supply several deficiencies in the Sydney Railway Act, some of which were imperative, and others desirable.

Mr. COWPER agreed that some legislation was absolutely necessary, and though it was late in the *session, he had no doubt they would find time to pass* this bill.

The bill was then read a first time, and the second reading fixed for to-morrow (this day).

FINANCE.

On the motion of the AUDITOR-GENERAL to go into committee on the Estimates, the attention of the Speaker was *called to the state of the House* by Mr. COWPER, and a quorum not being present, the Speaker adjourned the House at twenty minutes to eight o'clock, till three o'clock to-morrow (this day.)