



1855-6.

No. 1.

An Act to make further provision respecting the Salary of the Governor of South Australia.

[Reserved, December 26, 1855.]

BE it Enacted, by the Governor of South Australia, with the advice and consent of the Legislative Council thereof, as follows:

1. From and after the passing hereof, an Ordinance passed on the fifteenth day of August, one thousand eight hundred and forty-eight (No. 7), "To make further provision respecting the Salary of the Governor of South Australia," shall be, and the same is hereby repealed, as from the thirty-first day of December, one thousand eight hundred and fifty-four, except in so far as the same repeals the Ordinance therein recited.

Repeal of Ordinance, No. 7 of 1848.

2. The Colonial Treasurer shall and may issue and pay to the Governor the sum of Three Thousand Pounds sterling, upon such days, times, and periods, in each and every year, commencing with the first day of January, one thousand eight hundred and fifty-five, as the Governor shall, by any orders in writing, signed by him, from time to time direct; and the payments so made shall be charged upon, and shall be payable out of, the General Public Revenues of the Province; and the said Treasurer shall in his accounts be allowed credit for any sums paid by him in pursuance of such orders accordingly, not exceeding for any one year the sum hereinbefore mentioned; and the receipts of the Governor shall be a full and valid discharge to the said Treasurer, for the sums for which the same receipts shall have been respectively given, and the amounts thereof shall be placed to his credit in account accordingly.

Salary of the Governor, £3,000, payable out of the General Revenues.

3. All

Payments heretofore
made according to
this scale, valid.

3. All payments which have been heretofore made by the said Treasurer to The Officer Administering the Government, not exceeding the rate aforesaid, and for which receipts shall have been given as herein specified, shall be passed to his credit in account, in like manner, as though this Act had been passed at the time of making such payment.

If there be something in the misfortunes of our best friends which does not displease us, there may possibly be some persons who derive considerable satisfaction from the existing state of things in the United States of America. We do not now speak of those who see in the disruption of the great Confederacy the realization of long cherished anti-democratic theories, nor yet of those who rejoice in the probable withdrawal of a powerful rival, nor yet of those who believe that they see in this contest the extinction of Slavery. We speak of the Colonies and those intimately connected with them and interested in them. In the matter of emigration the United States had fairly got the start of all other countries speaking the British language, and the emigration to our colonies was counted by hundreds, while the emigration to North America was counted by thousands. This was due partly to contiguity, partly to the wish of the friends and relations of persons who had already emigrated to be reunited in their new homes, partly to the prestige of a successful revolt from Great Britain, but, more than any of these things, to the notion that America was a land of perfect liberty, where, free from the King, the noble, the landlord, and the taxgatherer, the people ruled in all their might and majesty, and gave those laws to the rich and the instructed which in less favoured lands they received from them. The introduction of passports, the imposition of an income-tax, the suppression by main force of newspapers which do not speak the language of the Government, the prospect of a commercial collapse, and the foundations which are being laid broad and deep of an enormous national debt, must inevitably check for a time at least, and perhaps for ever, the vast emigration from England, Scotland, and Ireland to the United States. Yet people must emigrate somewhither. In a community like ours there will always be ardent and discontented spirits chafing against the existing order of things, and longing to find in a new society opportunities for which they would seek in vain in an old one. The Colonies naturally expect to secure a considerable portion of this emigration. There is, besides, another emigration of which the Colonies are no less desirous—the emigration of capital. They not unreasonably expect that a considerable portion of those vast sums which now go to redeem the wilderness in North America may be attracted to other and more favoured lands, where, under a better climate and a more orderly Government, the earth may give forth her increase, and a man of wealth receive his own with usury. Probably, by those who do not look narrowly into such things it will be thought that the conjuncture is particularly favourable, and that residence in our Colonies was never so attractive as now. Time was, and that not long ago, when our Colonies were subjected to the meddling despotism of the Colonial-office, but that system has been pulled up by the roots, and has been succeeded by the rule of responsible Ministries, holding office at the pleasure of Assemblies elected by suffrage almost universal, and under the protection of the ballot. Here, then, it may be supposed, we have found apt recipients for that superfluous capital and redundant population with which we are sometimes encumbered. But we fear the picture will not be found so fair upon closer inspection, and that in these younger communities may be already detected most of the vices which have so speedily arrived at a full-grown maturity in the strong soil of the United States.

Let us turn to the intelligence which a single mail brings us from the Australian group of Colonies. In the wealthy and prosperous settlement of Victoria there has just been, as usual, a general election. A Ministry of no great strength and no very high character—as we learn from our local correspondent, who is entirely borne out in his views by the *Melbourne Argus*—was placed in a minority, and obtained the Governor's consent to a dissolution. Once being committed to this step, they bethought themselves of all the topics which were likely to have weight with the lowest and most ignorant of the people, in whose hands, under a franchise thoroughly democratic, the power entirely resides. The result was a programme of opinions to which they had never committed themselves before, and with reference to which the dissolution did not take place. This programme contained, among other things, protection to native industry, payment of members (300*l.* a-year each), and a repeal of the gold export duty. The Protective movement was to secure the support of the populations of large towns. The payment of members was to give, at least until the Bill was carried, the persons returned an interest identical with the existence of the Ministry. All these measures are obviously most injurious to the public interest, and the payment of members is particularly unnecessary and prodigal in a community which is one of the wealthiest in the world. By such means the Administration has obtained something which may possibly turn out to be a bare majority, but in doing this they have greatly degraded the quality of the Assembly, which, not by any means too elevated before, it is agreed on all hands, is now sunk far below its former level. Many of its best members have been excluded to make way for persons of the most indifferent character. Parties are too nearly balanced to carry on the Government with such a body, and what we have to expect is another dissolution,—another scandal—a spectacle of parties bidding against each other for the support of an ignorant rabble, and sacrificing the public interest for a few weeks or months of precarious and degraded official existence. The fact is, that in Victoria and New South Wales, that has come to pass which was foreseen by the founders of the American Constitution. Responsible government is rapidly reducing itself to an absurdity. No doubt the founders of the American Republic would very gladly have included a responsible government in their plan, if they had not been aware that in an unbalanced democracy responsible government is equivalent to no government at all. As soon as one set of men are in possession of power the rest combine against them and eject them, to be in turn ejected by a similar combination. In their efforts to retain or to seize upon office each party seeks to outbid the other, and to supplant it in the good graces of those constituents on whose votes office depends. It was the rivalry at Presidential elections which completely democratized America, and the work would have been done much more speedily if the auction had been always open instead of being restricted to the close of every fourth year.

If we turn from Victoria to New South Wales we find that by the intervention of English soldiers the disgraceful riots and outrages practised on the Chinese had been terminated, but we are also told that an Act is sure to be passed prohibiting, in defiance of treaties, the immigration of Chinese into

New South Wales. This movement owes its origin to the same spirit of Protection to which the present Melbourne Ministry owes its success. The Colonies are quarrelling about their tariffs, and the working classes, not content with protecting themselves by laws of exclusion and high import duties, and the emancipation of those who dig gold from taxation, are asserting their domination in another form by having recourse to Strikes.

This is the intelligence brought by a single mail. Although infinitely less disastrous than that which we daily receive from America, we can trace in it the same elements of confusion, which only need time and occasion to develop themselves into results equally lamentable. It is evident that the balance of society and of government in these communities has been overthrown, and that they are now governed by a single class, and that class the most ignorant and the least respectable of all. The grossest fallacies, the most mischievous delusions, are the means, and, as it would seem, the only means, of reaching and retaining power. The Colonies have gone a great way in a few years, but they have further yet to go. Each Assembly, each Government, is worse than its predecessor, and the men who are too bad for the uses of to-day are found too respectable for the purposes of to-morrow. There is no limit to this downward tendency; there is no power in the single class which governs these communities to regenerate itself or reform them. We see in Australia the image of what we have escaped in England, and may well profit by the spectacle. But such things are not calculated to allure colonists or to attract capital seeking investment, and the misfortune of America would have been much more the opportunity of the Colonies if the Colonies had not begun to resemble her a little too closely. What effect these things have on the prospects of the Empire, and what duties they impose on the Home Government, it may be worth while to consider hereafter.

The Governor-General of Canada opened the Provincial Parliament on the 5th with the following address:—

"Hon. Gentlemen of the Legislative Council; Gentlemen of the House of Assembly.—It affords me much satisfaction to meet you. The increase in the members of the Legislative Assembly which has taken place under the statute which came into operation for the first time on the occasion of the recent general election will, I trust, give additional weight to the deliberations of the Legislature, and afford more ample security than has hitherto existed for the due representation in Parliament of all the interests of the provinces.

"Subjects of great magnitude and importance will necessarily come under your consideration during the session which is now commencing.

"The Imperial Parliament, advancing with accelerated speed in the course of liberal colonial policy which it has followed of late years, has recently passed two acts, which impose on this Legislature responsibilities of a very grave character.

"One of these acts empowers the Canadian Parliament to alter the constitution of the Legislative Council. The substitution of the principle of popular election for that of nomination by the Crown for the appointment of members of that body is obviously a task of considerable difficulty, in the execution of which little aid can be derived from experience, as Parliamentary government and Ministerial responsibility, in the British sense of the term, are for the most part unknown to the constitutions of countries where the legislative bodies consist of two elective chambers. In order, however, to give to this important branch of the Legislature the weight and influence which it is most desirable that it should possess, some changes in its constitution seem to be imperatively required; and the difficulties to which I have referred will, I trust, be surmounted by your wisdom and by the patriotism of the members of that hon. body.

ANNO VICESIMO SEXTO ET VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

CAP. LXXXIV.

An Act to confirm certain Acts of Colonial Legislatures. [28th July, 1863.]

WHEREAS doubts are entertained respecting the validity of divers Acts passed by the Legislature of South Australia for the purpose of altering the constitution of the Legislative Council and House of Assembly of the said Colony and respecting the power of Colonial Legislatures to make laws for the above purpose and it is expedient to remove such doubts Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:

1. In this Act of Parliament the term "Colonial Legislature" shall mean the authority (other than Her Majesty in Council) competent to make laws for any of Her Majesty's Possessions abroad except India the Channel Islands and the Isle of Man.

The term "Governor" shall mean the officer lawfully administering the Government of any Colony.

2. All laws heretofore passed or purporting to have been passed by any Colonial Legislature with the object of declaring or altering the constitution of such Legislature or of any branch thereof or the mode of appointing or electing the members of the same shall have and be deemed to have had from the date at which the same shall have received the assent of Her Majesty or of the Governor of the Colony on behalf of Her Majesty the same force and effect for all purposes whatever as if the said Legislature had possessed full powers of enacting laws for the objects aforesaid and as if all formalities and conditions by Act of Parliament or otherwise prescribed in respect of the passing of such laws had been duly observed.