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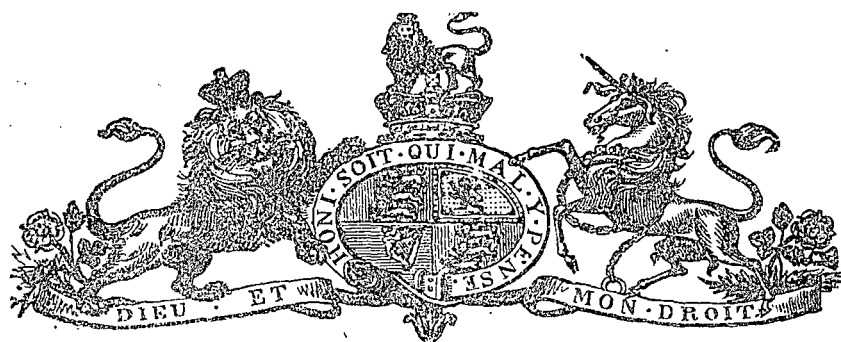
SESSION III.

T A S M A N I A.

H O U S E O F A S S E M B L Y.

P R I V I L E G E.

Laid upon the Table by the Colonial Secretary, and ordered by the House to be printed, August 7, 1877.



Tremayne, 4th August, 1877.

SIR,

IN to-day's *Mercury* your late Advisers are again charged with having "tricked your Excellency into granting a dissolution, and Parliament into granting supplies, through the suppression of a verbal message which you desired me to deliver to the Assembly simultaneously with the reading of a memorandum which you entrusted to me."

The Editor says:—"We repeat our statement in connection with this matter, notwithstanding the denials of Mr. Reibey, the Premier, which we have always read as subject to some mental reservation on the part of that gentleman; and we shall continue to so regard them unless some assurance to the contrary comes to us from a source that must be considered as well informed in the matter as is Mr. Reibey."

I am not aware that your Excellency desired me to deliver any message when asking for supplies other than I did. Considering the important position which I have held, it is only right that I should, with as little delay as possible, be relieved by your Excellency from an imputation which is as unjust as it is false. I have, therefore, to request that your Excellency will be pleased to favour me with a reply in order that I may refute an offensive and unjustifiable libel.

I have the honor to remain
Your obedient Servant,

THOS. REIBEY;

His Excellency the GOVERNOR.

MEMORANDUM for the Hon. T. REIBEY, Premier.

Government House, Hobart Town, 6th August, 1877.

I HAVE the honor to acknowledge your letter of the 4th August, 1877, in which you state that you have been accused of having "tricked" me "into granting a dissolution, and Parliament into granting supplies, through the suppression of a verbal message which" I "entrusted to you,"—and you ask me to enable you to refute that imputation.

The circumstances connected with the dissolution referred to have been reported on by me to Her Majesty's Secretary of State for the Colonies, and I have no objection if my despatch be called for to allow it to be laid before Parliament should Ministers so advise; but as the acknowledgment has not yet been received, I cannot, in accordance with the regulations, produce it at the present moment.

But I have no hesitation in stating that I gave you no verbal message, nor did I even request you to lay any memorandum before Parliament; though when I heard that it was your intention to do so I made no objection.

I have never said, nor authorised any one to say, anything that might convey a different impression. With your full concurrence I have, however, unofficially stated the facts of the case.

The action taken in regard to that dissolution has, to the best of my judgment, been in strict accordance with constitutional usage and true precedent. My intended action in the case of Parliament refusing supplies is another question. It is a constitutional axiom that the Crown ought not beforehand to be advised to state its proposed course of conduct under circumstances that have not actually arisen. I relied on the constitutional action of Parliament, dealt with the circumstances then existing, and presumed that Parliament would rely upon my constitutional action under any fresh circumstances they might create. It appeared inadvisable for me by inference to invite Parliament to review my decision, or to interfere with the exercise of a prerogative of the Crown which experience has found to be useful; or, on the other hand, to point out to Parliament, by reference to precedent, the course which I might think it proper for it to pursue, but which it had the undoubted right to disregard.

Should, however, Lord Carnarvon differ from my reasons and conclusions, he will undoubtedly say so; and I shall then consider that the public service will be promoted by his opinion upon a nice question of constitutional practice being made public, should Ministers see fit.

FRED. A. WELD, *Governor.*

THE "MERCURY," SATURDAY MORNING, AUGUST 4, 1877.

PARLIAMENT met after the General Election on the 12th day of July, and on the 1st day of August they were met by a vote declaring that the House of Assembly had no confidence in them. The intervening period has been almost entirely devoted to squabbling and party struggles, to the complete obstruction of all public business. We may, therefore, confine ourselves, in our review of the month's Parliamentary proceedings, to the first and last stages of the proceedings. The Governor's Speech in opening Parliament, which was very severely criticised outside and inside Parliament, and the Treasurer's Budget Speech, which filled up the cup of Ministerial delinquencies, and led to the vote of want of confidence from which there was not that escape by a general election which served the purpose of Ministers in May last when they tricked the Governor into granting a dissolution, and Parliament into granting supplies, through the suppression of a verbal message which His Excellency desired should be delivered to the Assembly simultaneously with the reading of a memorandum with which he entrusted Ministers. We repeat our statement in connection with this matter, notwithstanding the denials of Mr. Reibey, the Premier, which we have always read as subject to some mental reservation on the part of that gentleman; and we shall continue to so regard them, unless an assurance to the contrary comes to us from a source that must be considered as well informed on the matter as is Mr. Reibey.

TO THE ELECTORS OF WESTBURY.

GENTLEMEN,

As my speech at Westbury has been misconstrued, and as I am accused of misleading Parliament and His Excellency, it is due to my position as Premier that I should make the following statement:—

When I applied for a dissolution, the Governor, believing that the position of affairs and constitutional precedents justified him in granting it, expressed his willingness to comply with my request. "The Crown," as Lord Palmerston said in 1859, and when he was in opposition, "*has an unquestionable right to give a dissolution at any period of the year, and at any stage of the public business;*" therefore the representative of the Crown exercised his "right," and relied upon the constitutional action of Parliament to give the necessary temporary supplies. His Excellency had no right to *anticipate* any but constitutional action on the part of Parliament—and did not. Had His Excellency said to me, "I will not grant you a dissolution until you go to Parliament and obtain supplies, then come back to me and I will give you my answer," I should have felt that he declined to exercise his "right" and responsibility; and, as I said at Westbury, "I should have resigned at once." It was clearly the Governor's "right" to act as he did under the circumstances of the case, and neither His Excellency nor I had any "right" to *anticipate* adverse and factious opposition—opposition, which for the honour of the country ought not to have been even contemplated.

I have never said either in or out of Parliament that the Governor *would* grant a dissolution *if supplies were refused*. I have never said that it would be the Governor's *duty* to do so. I have never led any one to believe that such would have been his action had the occasion arisen. Whatever my opinion may have been, it would have been unconstitutional in me to announce the Governor's action on a future contingency.

There is no English precedent, and, as far as I know, only one Colonial precedent, of a Minister going to Parliament and saying, "The Crown has consented to grant a dissolution, but only on condition that you grant supplies first." With an adverse and factious majority I could not have consented to adopt such a course. It would simply have been to *invite* the House to refuse, and to over-ride the decision of the Governor.

Mr. Alpheus Todd, in his work on Parliamentary Government, says:—"The House of Commons cannot resist the exercise of the prerogative (of dissolution) by withholding the grants of money necessary for carrying on the public service till a new Parliament be assembled, without incurring the reproach of faction." In 1859 the late Lord Derby announced, during the session of Parliament, that "Her Majesty had been pleased to grant a dissolution," and on the question of the "confidence of the country in Ministers personally." He did not say what course Her Majesty would pursue if supplies were refused after the Queen's pleasure had been made known. The circumstances are to some extent parallel. The Governor's action in granting me a dissolution, and my action in the House, are supported not only by this, but by every high constitutional authority. The charge against me that "I did not act fairly or loyally to the Governor, and obtained a dissolution under false pretences, and by playing on the forbearance of the Opposition," is, as I said to you at Westbury, "false and foul."

I am,

Gentlemen,

Your obedient Servant,

THOS. REIBEY.

June 2nd, 1877.