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T A S M A N I A.

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SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON OPENING THE SESSION.

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## S P E E C H

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### OPENING THE SESSION.

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HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

1. I HAVE great pleasure in again meeting you in Parliament, and in the opportunity of deriving the benefit of your deliberations on questions which will be brought before you of deep importance to the welfare of the Country.

2. I congratulate you on the soundness of the Trading and Commercial interests of the Colony, and on the sustained value of its principal Exports; and I rely with confidence on your endeavours to promote the general prosperity.

GENTLEMEN OF THE HOUSE OF ASSEMBLY.

3. The Estimates for the ensuing year will be laid before you without unnecessary delay. They will be found to have been prepared with as strict a regard to economy as could be reconciled with a due provision for the Public Service.

4. The Reports of the Commission appointed to enquire into the Public Departments, with a view to the consolidation of offices, an improved administrative system, and a reduction in the general Expenditure, have been laid before me, and will be placed in your hands. They contain many valuable suggestions; and will establish the claim of the Gentlemen, who have devoted themselves with most laudable zeal to the task of enquiry, to the acknowledgments of the Country. Some of their recommendations had been anticipated by the Government; and no time will be lost in adopting others.

5. When I addressed you in this place last year, in opening your proceedings as a Parliament, I was under the necessity of adverting to the inadequacy of the Revenue from existing sources to meet the necessary Public Expenditure. When I closed your proceedings by a Prorogation, no provision had been made to supply deficiencies, unless by two Acts,—the one authorising the issue of Debentures to cover the arrears of 1856, and the other providing partially in the same way for the anticipated deficit of 1857. I need not apprise you that, although a resort to Loans may be justifiable, and even expedient, in exigencies that sometimes arise, they cannot long continue a Financial resource for meeting the current Expenditure of Government without serious detriment to all those interests which are bound up in the Credit of a Country. I would, therefore, earnestly press upon you the adoption of the measures which are necessary to provide a Revenue adequate to the ordinary General Expenditure of the Colony.

6. I am glad to acquaint you that the Debentures which are now issued from time to time, under the Acts passed in the last Session of Parliament, realise a satisfactory price, as it denotes the accumulation of capital among Colonists, who principally purchase the Colonial Securities, and also evinces their confidence in the resources of the Country for the liquidation of the Public Debt. As you are, of course, aware, the Land and General Revenues of the Colony are the security on which Debentures have been issued;

but while the General Revenue remains inadequate for the current expenses of Government, and the Land Fund is liable to appropriation to cover them, I would submit to your serious consideration whether the confidence of lenders is not apt to be shaken; and whether, therefore, it would not be just to the public creditor, and of advantage to the Colony, in respect to future Loans which it may be necessary to contract, that the Land Fund, in its receipt and expenditure, should be kept distinct and separate from the General Revenue. A Bill for that purpose will be submitted immediately to Parliament.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL, AND GENTLEMEN OF THE HOUSE OF ASSEMBLY.

7. Measures will be brought before you for the disposal of the Waste Lands of the Crown in this Colony. The very conflicting and irreconcilable opinions which prevail on this subject must satisfy you, as they satisfy me, of the difficulties by which its settlement is beset; but I indulge the hope that the prevailing acknowledgment of those difficulties will beget moderation, and a disposition not to insist on extreme theories in legislating upon it. When I addressed you last year, in adverting to this question, I intimated the desire that the lands of the Colony should be made available as rapidly as possible, either for occupation as pasture lands, or for sale in small lots upon conditions favourable to those who desire to become *bonâ fide* occupiers and cultivators. I now repeat that wish; and would dwell, in doing so, emphatically upon the social and industrial advantages to be expected from the growth of a small Proprietary Class in the country. It is, perhaps, unnecessary, at the same time, to remind you, that to facilitate the acquirement of land on reasonable and fair terms is all that a prudent Government would contemplate; while any measure which would give an artificial stimulus to its acquisition would assuredly be defeated by the operation of natural causes.

8. The Waste Lands Bill of last Session, as amended in Select Committee, contained clauses applicable to a large portion of the Colony lying to the westward, by which it was proposed to alienate the Lands situate in that locality, without sale, on favourable conditions. The tract of country indicated has hitherto remained unsettled, and in a great measure unexplored, but is believed to contain a large extent of valuable land. It is highly desirable to promote, by every legitimate means, the exploration and settlement of this land; for which purpose the holding out of peculiar advantages to the settler, as suggested by the clauses referred to, seems well calculated; and those clauses have accordingly been embodied, in a somewhat modified and amended shape, in a separate Bill which will be laid before Parliament.

9. It is a cardinal point in the policy of my Government to develop and foster, by the extension of the principles of Self-government, that robust spirit of independence and self-reliance which is so essential to the progress of the Country. Several measures founded on this policy will be laid before you. Among them I would first direct your attention to a Bill facilitating the establishment of Municipal Institutions in the Rural Districts of Tasmania. By this Bill it is proposed to enable the inhabitants of such Districts to form themselves into Corporations with full powers of Local Self-government, one of the most important of which will be the appointment, charge, and control of their Local Police.

10. Other measures of analogous character are Bills to incorporate the Citizens of Hobart Town, and to confer enlarged powers upon the Municipal Council already established, which have been prepared, and will be submitted for your consideration. Similar Bills in respect to Launceston would also have been prepared; but the Municipal Council of that Town, with necessarily the best information as to its peculiar interests and requirements, has entrusted the duty to one of its Representatives in Parliament.

11. A Bill transferring to the Municipal Councils of Hobart Town and Launceston, respectively, the execution of the Common Lodging-house Act is in harmony with other measures that will engage your attention, by which the duties and responsibilities of Local Bodies are enlarged, and the province of the General Government is reduced.

12. A more important measure, dictated by the same policy, is a Bill vesting in the Municipal Bodies of Hobart Town and Launceston the charge and control of their Police Force. Care has been found requisite in this Bill, as well as in the provisions relating to Police in the Country Municipalities Bill, to ensure uniformity and general efficiency in the government and regulation of the Constabulary throughout the Colony,—the oversight of which objects, in the earlier legislation of England on this subject, was found to engender serious inconveniences which have with difficulty been redressed in recent enactments.

13. A Bill to vest the general control and management of Ports, Pilots, Light-houses, and other matters relating to Navigation in Marine Boards, will commend itself to the adoption of Parliament, as another step in the policy of reducing the province of the Central Government, and entrusting to Local Bodies duties which they can far more satisfactorily perform. It is contemplated that the Board for Hobart Town shall have control in the matters adverted to in all Ports and Harbours on the Eastern, Southern, and part of the Western coast; while to that established at Launceston will be confided the same custody and responsibility in respect to the Ports and Harbours on the remaining part

of the Western and on the Northern coast. For the objects of the intended enactments the revenues derived from Wharfage, Light-house Dues, and other Port Charges, which have hitherto been received and expended by the General Government, will be transferred to the Marine Boards.

14. The Law regulating the relation of Master and Servant, so important in its social bearing, has engaged the anxious consideration of my Government; and it has come to the conclusion that previous Legislation on this question has proceeded on an erroneous principle. There appears no sufficient reason why the agreement of service should be dealt with differently from any other civil contract, nor why it should render one of the parties liable to penalties of a criminal character. Laws of undue severity defeat their own object; and, as respects this subject, are felt to be peculiarly inexpedient, on the ground that they tend to embitter a relation which should rest upon mutual confidence and forbearance, and to separate men into distinct and antagonistic classes. A Bill has been prepared in accordance with these views, by which it is hoped that the law of Master and Servant will be, at length, established on a sound and satisfactory basis. It adopts the law of England so far as that law regards the agreement of service as a civil contract, but rejects the penal legislation of England by which breaches of engagement between Master and Servant are treated as criminal offences. The relation between Master and Servant is dealt with throughout the Bill on the footing of a civil contract, both in its character and consequences. To the provisions of this Bill I invite your earnest attention, as being second in importance to none of those which will engage your attention during the Session.

15. The Law relating to the sale of Liquors and the regulation of Public-houses has been subjected to a thorough revision, and a Bill to amend it will be laid before Parliament. This Bill has been framed with the view of relieving the Licensed Victuallers of such penalties and restrictions as may reasonably be considered vexatious and unjust, while, at the same time, it provides sufficiently for the maintenance of good order in Public-houses.

16. The imperfect state of the Law relating to the Cross and Bye Roads has not escaped attention; and it is hoped that a measure of systematic and general amendment may be matured in time for the adoption of Parliament during its present Session. Should that, however, be found impracticable, a short Bill will be submitted, making such alterations in the mode of levying rates as seem to be generally called for.

17. The defectiveness of the clauses of the present Road Act which relate to the purchase and taking of land, for the construction of Roads and other purposes, has led the Government to prepare a Bill on the model of the Imperial Lands Clauses Consolidation Act, by which a more effectual and uniform mode of facilitating the purchase of lands for public purposes will be established. The provisions of this Bill, being of universal application, may be incorporated with any Act which may be hereafter passed authorising the acquisition of lands for useful objects; as in the instance of the Marine Board Bill already mentioned, by one of the clauses of which provision is made for acquiring land which may be necessary for the construction or extension of Wharfs and Docks.

18. The Electoral Act has been found by experience to require amendment in so many respects, that it has been considered desirable to prepare a new Bill, which will be brought before Parliament in the present Session.

19. In the spirit of other measures to which I have alluded, the Government will introduce a Bill vesting the right of election of the Chairman of the several Courts of General Sessions of the Peace throughout the Colony in the Magistrates resident in each District. As this right would be incompatible with the continuance of such courts as Courts of Criminal Jurisdiction for the trial of felonies and the graver class of misdemeanors, it is proposed to abolish the Criminal Jurisdiction of Courts of General Sessions, except in cases where the court is held before a competent person, appointed as Recorder by the Governor in Council. Thus, Courts of Sessions of the Peace for general purposes will be established, and Chairmen elected, for every District; and a Recorder appointed, irrespective of such Courts, to hold a Court of Criminal Jurisdiction in such places as may from time to time be found desirable. It is intended that the Supreme Court should be the sole Court of Criminal Jurisdiction for the Southern part of the Colony; and that a Recorder should be appointed to hold Courts of Criminal Jurisdiction for the Northern part. A Bill for carrying out these objects will be laid before you.

20. The administration of justice by the Supreme Court in its Equitable jurisdiction has long been in an unsatisfactory state. The mode of pleading has been unnecessarily prolix and cumbrous, the proceedings dilatory and expensive, the rules of practice involved in uncertainty. It is desirable that this important branch in the administration of justice should be reformed; and accordingly a Bill has been prepared, founded on the recent legislation of the Imperial Parliament, by which the practice and pleadings in Suits in Equity will be simplified, and delay and expense much diminished.

21. One of the principal causes of delay and cost in Judicial proceedings, especially in the Equitable jurisdiction of the Supreme Court, has been the practice of referring various matters for investigation in the Master's Office. It is proposed altogether to abolish that Office, and to transfer its duties of a judicial character to the Judges, and confide those not of a judicial character to other Officers of the Court; and thus at the same time that a simplification of procedure will be effected, that object will be attained by a consolidation of offices, and with a reduction of expenditure. A Bill for these purposes will be submitted for your consideration.

22. In the last Session of Parliament a Bill was brought before you for giving redress to persons having claims against the Government,—which did not, however, pass into law. Advantage has been taken of the recess to reconsider the subject; and a new Bill has been prepared, which, it is believed, will be more effectual for securing the trial and adjudication of claims against the Government than that of last Session.

23. A Bill will be submitted to you for establishing Courts of Small Claims throughout the Colony, with improved procedure and extended jurisdiction. It is intended that such Courts shall be held for the trial of cases above £10 before the Judges of the Supreme Court on the Southern side of the Island, and before a Local Commissioner on the Northern side; and that Claims not exceeding £10 shall be triable before Deputy Commissioners appointed throughout the Colony. By this measure a simplification will be effected in the administration of justice in such Courts, besides a consolidation of Offices and a reduction in the Public Expenditure. Greater uniformity of decision, and a diminished risk of arbitrary adjudication, will be provided for by a qualified right of appeal to the Supreme Court against the judgments of inferior tribunals.

24. The Bill of last Session to give further remedies to Creditors against Debtors removing from other Australian Colonies to this, with some amendments, will be again laid before you.

25. It is the anxious desire of my Government to abrogate as rapidly as possible all laws and regulations which have become inconsistent with the altered and improved social condition of the Colony. With that view, the measure repealing certain Port Regulations was proposed to you in the last Session of Parliament, and was passed into law; and in the same spirit a Bill has been prepared to alter the Marriage Act, by dispensing with the affidavit setting forth that parties about to be married are free.

26. Under the existing Pawnbroker's Act it is found that the rates of interest taken are grossly exorbitant and oppressive upon that class of the community whose necessities render them without an alternative. The rates of interest require to be reduced to a reasonable amount, and in other features of the law affecting this trade amendments are required, which will be embodied in a Bill, and submitted during the Session.

27. The confinement, care, and treatment of Insane persons—a subject which has engaged much attention in the legislation of the Mother Country—has been comparatively overlooked here. It is believed that a measure introducing regulations which have been approved elsewhere will command acceptance.

28. The objectionable state of the Law of Libel in this Colony has arrested attention; and a Bill will be laid before you embodying the amendments of the most recent English Legislation on this subject.

29. The Government is fully aware that there are many important questions besides those to which I have adverted on which Legislation is required. Among them I would particularise the Law of Insolvency, and that relating to Juries. The short period which has elapsed since the close of the last Session of Parliament, and the difficulty and importance of the measures which have demanded immediate attention, have, however, precluded that full consideration which is expedient before attempting to legislate upon them. But the hope is not abandoned that, notwithstanding the pressure of other business, a measure may be submitted during the present Session by which the most objectionable features in the Jury Act will be rectified.

30. Other measures, to which it is unnecessary that I should specifically allude, will be presented to you, and will, I am sure, together with those to which I have particularly adverted, receive your attentive consideration.

31. I thank you for your presence on this occasion; and I commit to your wisdom and to your patriotism the questions which must pass in review before you, with a sincere and anxious desire that by your deliberations you will reflect credit upon the Free Institutions so recently established amongst you, and that, by the justice, liberality, and foresight which govern your Legislation, this Land may find the endowments which it has received from Providence not marred, but multiplied in value.