

(No. 25.)



1877.

SESSION IV.

T A S M A N I A.

HOUSE OF ASSEMBLY.

DISSOLUTION OF PARLIAMENT.

DESPATCH OF THE GOVERNOR TO THE SECRETARY OF
STATE, WITH EARL CARNARVON'S REPLY.

Laid upon the Table by Mr. Fysh, October 25, 1877, and ordered by the House
to be printed.



(Copy.)

DESPATCH No. 26.

Government House, 20th May, 1877,

MY LORD,

IN my Despatch No. 22, by last Mail, I reported to your Lordship that I had promised a Dissolution to Ministers, who had just been defeated by a majority of three in the House of Assembly, but that at the same time I had informed them that they must obtain Supplies, and call the new Parliament together at the very earliest possible period. The next day (May 11th), thinking it well to record the grounds for my decision, I wrote a Memorandum for Ministers—a copy of which I now do myself the honor to enclose. In that Memorandum I made no allusion to the question of Supplies, for the following reasons:—I supposed it probable that correspondence might be called for, or that Ministers of their own accord might lay the Memorandum on the Table of the House, though I did not in any way suggest that course. It is an admitted principle that the Crown ought not beforehand to express its decision upon a theoretical question not immediately before it. I had no right to suppose that Parliament would depart from the most usual and most constitutional course of voting necessary Supplies for the period that must elapse before the meeting of the new Parliament. I considered it inadvisable and improper, even by allusion to English practice or otherwise, to attempt to influence the action of Parliament. No dissolution has ever taken place, to my knowledge, without Supplies since Mr. Pitt's in 1783. Parliament on being informed that the Crown had consented to a Dissolution has uniformly granted them. I followed English precedent strictly, and reasonably presumed that Parliament here would, if it decided on refusing Supplies by a departure from English practice, rely upon my acting constitutionally under the new circumstances that it would then create. I hold that nothing but the most extreme and clear public necessity would justify the Crown in dissolving after Supplies have been refused. I emphatically told the Prime Minister a second time, before on May 10th he met the House to ask for Supplies, that in this case I held it to be my duty if Supplies were refused to require the resignation of Ministers. He replied: "I would not ask you, Sir, to do anything that you consider to be contrary to your duty."

2. When the dissolution was announced and six weeks' Supplies asked for, the House of Assembly by a majority of four passed the following resolution:—"That this House having considered His Excellency's Memorandum, which has been laid on the table by Ministers, is of opinion that the statements made by Ministers to His Excellency are not founded on facts, and consequently the conclusions drawn from them are erroneous." The resolution proceeded to state that the House felt compelled to vote Supplies, which in Committee of Supply were limited to one month.

3. The Legislative Council concurred in the resolution to grant Supplies.

4. It is evident from the tone of the speeches on the Opposition side that the speakers supposed that if they refused Supplies I should persist in granting a dissolution without them, and Ministers do not seem to have removed that impression. Though I have been since informed that their representative in the Legislative Council stated in one Council that any such conclusion would be unwarranted and premature.

5. I must now trouble your Lordship with some remarks upon the resolution passed by the majority, because although the speakers accompanied it with expressions of personal regard, of which I am duly sensible, that resolution may be fairly taken to impugn my action.

6. The majority then of the House deny the following allegations of Ministers:—First, "That an appeal to the country would result in the return of a majority favourable to the present Ministry." The denial seems inopportune and premature: it may, doubtless, prove correct: it was, however, my duty simply to consider whether a reasonable ground exists for the statement of Ministers. I think it does, especially as between the two existing parties. During the last eighteen months the following elections have taken place; the first six under the late Ministry (Opposition), the last two under the present Ministers:—

M. Hobart, (Legislative Council), Hon. W. L. Crowther, Member of present Ministry, defeating the Uncle of the then Attorney-General and present Leader of Opposition, (31st January, 1876).

M. Pembroke, (Legislative Council), Mr. J. Lord, Moderate Ministerialist, defeating a pronounced opponent, (13th April, 1876).

M. Central Launceston, (House of Assembly), Hon. C. Bromby, present Attorney-General, defeating Mr. Gilmore, then Colonial Secretary, (10th April, 1876).

Tamar, (Legislative Council), Hon. J. Aikenhead, opposed to both parties' policy, defeating, however, Mr. Gilmore when Colonial Secretary, (12th June, 1876).

M. Oatlands, (House of Assembly), Mr. Pillinger, Ministerialist, defeating Mr. D. Lord, neutral, or moderate Oppositionist, (29th June).

O. Queenborough, (House of Assembly), Mr. Gayer, Opposition, but not pronouncedly so before entering into Parliament. He, however, defeated Mr. E. L. Crowther, son of the Hon. W. L. Crowther, (6th July, 1876).

M. West Hobart, (House of Assembly), Mr. Balfe, Ministerialist, defeating Mr. E. Young, Opposition Candidate, (6th April, 1877).

M. South Launceston, (House of Assembly), Mr. Tulloch, Ministerial supporter, unopposed, (April, 1877).

I have used the word "Ministerialist" throughout as indicating the supporters of the *present* Ministry.

These facts speak for themselves. I could not ignore them.

7. There are signs that the country is tired of party strife, and may return some fresh Members, mainly to get work done and to endeavour to establish some *modus vivendi* with the Upper Chamber. Few impartial men deny, however, that such a result would be in itself an argument in favour of the dissolution irrespective of consequences to old party leaders.

8. The majority of the House, secondly, denies that Ministers have correctly alleged that "the policy of Ministers, that of Public Works accompanied by taxation, for the first time boldly grapples with the financial difficulty and proposes to raise revenue ample for all requirements." In weighing this proposition I confess frankly that I fail to discover exactly where the objection lies. I do not know that any Ministry has previously taken its stand upon a similar policy of such extensive works and taxation, even though the acreage tax is withdrawn.

Leading Members of the Opposition complain with much force of argument that the proposed taxation is more than requisite to meet the requirements of the country. An influential party, largely represented in the Legislative Council, consider wide-spread public expenditure on works to be inadvisable, and large loans to be speculative and dangerous.

The "boldness" of the Ministerial policy can therefore hardly be questioned, though its wisdom is an open question upon which the country is now called to express an opinion.

9. The case reduced to its essential elements is simply this: Ministers tell me that they have proposed a certain policy, and wish to go to the country upon it. My decision cannot be dependent upon verbal criticism.

10. The third statement of Ministers is, "that in the opinion of Ministers a general election and an expression of the feeling of the people upon any given policy, either favourable or the reverse, might promote co-operation between the two Houses of Parliament."

This opinion is also declared by resolution of the majority of the late House of Assembly to be erroneous; I learn it with regret. Serious and deplorable must be the political position of a country, and slight indeed the influence of constitutional principles in its legislators, if there be not even hope that an expression of the feeling of the people may exercise influence on the Members of either House, and so promote mutual co-operation for the public good. I cannot bring my mind lightly to accept such an imputation upon the constitutional spirit, the patriotism, and the good common sense of the Members of both Houses of our next Parliament. I do attach due weight to the opinions of the supporters of that view. I know many of them to be able and earnest men, but knowing also the wise spirit of political moderation and compromise that within just limits Englishmen are proud of, I still refuse to deny myself all hope that the result of a general election

may either place Ministers in power who may be able to work well with both branches of the Legislature, or may modify opposing views in either or both Houses, or affirm certain principles so strongly as to obtain the waiver of opposing views. Utterly to despair of this would be to despair of the fitness of the colonists of Tasmania for the political rights and privileges of Englishmen, and, with all deference to those who take an opposite view, I am not yet prepared to come to that conclusion.

11. It now only remains for me, as briefly as possible, to sum up my reasons for granting a dissolution. Even setting aside the vexed question of the policy of Ministers, I agree with the views so clearly laid down by the late Earl of Derby in 1859, when, having announced that Her Majesty had granted a dissolution, he and Mr. Disraeli asked the Houses to make the necessary provision. Both these two great statesmen, and also Mr. Sotheran Estcourt, as will doubtless be in your Lordship's personal recollection, declared that they went to the country to test, not so much any particular policy, as the confidence of the country in Ministers personally; and Lord Palmerston, then in opposition, used these words, "That no one who knew anything of the British Constitution could question the right of the Crown, on the advice of Responsible Ministers, 'to dissolve Parliament at any period of the year or in any state whatever of the public business that they may think a fit opportunity of so doing.'"

In colonies politics too often merge into the personal question; and indeed I am of opinion that in all cases the Representative of the Crown should be more careful in granting a dissolution than the Crown might be in England, as he must sometimes be advised by Ministers not sufficiently determined to waive small party advantages, somewhat accustomed occasionally to the sledge-hammer style of political warfare, and not uniformly imbued with that constitutional knowledge and spirit which often seems hereditary, and is generally inherent in British statesmen.

12. Deciding therefore in great part on his own responsibility, I consider that, if so advised by Ministers, a dissolution should be granted by a Governor under the following circumstances:—
Firstly. When for some years, under both present Ministers and their opponents, the public business has been hung up and legislation retarded by personal questions; a dissolution is then the oil to the machinery. Secondly. When the country—tired of this state of affairs, with pressing and important questions awaiting solution, with fresh taxation impending, but still with new resources to be opened out, and a new phase of existence (it is hoped) to be entered upon—may reasonably be supposed to be desirous of making its voice heard and its influence felt in its Councils. Thirdly. When Ministers, who have succeeded to office on the voluntary resignation of their predecessors (the present Opposition), during a recess, and who have not yet had a dissolution, ask for one on their defeat by that Opposition a few months before the natural expiration of Parliament by effluxion of time.

13. All these grounds appear to exist in this case. I will not stay to recapitulate others equally cogent given in my Memorandum. I have no doubt but that the country will approve my action; and I trust that your Lordship will also consider it to have been the correct one.

14. I dissolved Parliament by Proclamation on the 17th instant.

I have, &c.

(Signed) FRED. A. WELD.

The Right Honorable the EARL OF CARNARVON.

(Copy.)

TASMANIA.—No. 20.

Downing-street, 11th August, 1877.

SIR,

I HAVE the honor to acknowledge the receipt of your Despatch, No. 26, of the 20th of May, reporting the circumstances attending the recent dissolution of the Parliament of Tasmania.

I see no reason to question the correctness of the decision at which you arrived in granting the dissolution.

I have, &c.

(Signed) CARNARVON.

Governor WELD, C.M.G.