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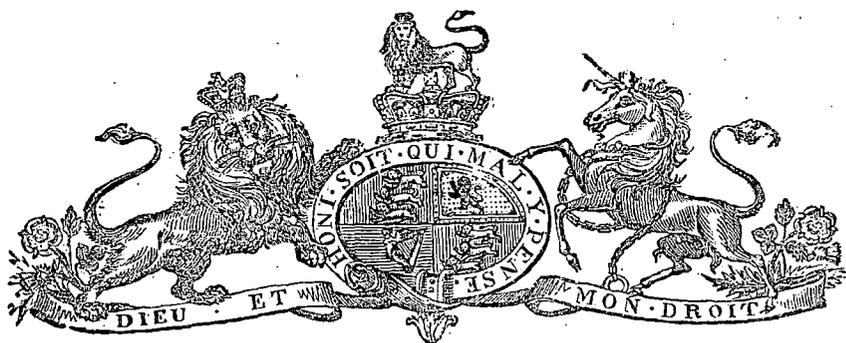
T A S M A N I A.

PAYMENT OF MEMBERS.

REPORT OF THE ROYAL COMMISSION OF VICTORIA.

Laid upon the Table, and ordered by the House to be printed, September 15, 1870.

VICTORIA.



REPORT OF THE ROYAL COMMISSION ON PAYMENT OF MEMBERS.

*To His Excellency the Honorable SIR JOHN HENRY THOMAS MANNERS SUTTON,
Knight, Commander of the Most Honorable Order of the Bath, Governor and
Commander-in-Chief in and over the Colony of Victoria, &c., &c., &c.*

MAY IT PLEASE YOUR EXCELLENCY—

IN pursuance of the instructions contained in Her Majesty's Commission, we have proceeded to enquire into the practice of paying or compensating members of the Legislature in all countries where the practice prevails, with the view of ascertaining in each case the rate of payment or compensation, the conditions or limitations (if any) under which it is made, and the form of legislative enactment by which it has been authorised.

We commenced by examining the constitution or fundamental law of each country in question, where such an instrument existed and was accessible in the Colony. We availed ourselves of enquiries originated last year by a Parliamentary Committee on the same subject, who had sought from the Foreign Consuls in Melbourne, the Speaker of the Legislative Assembly of New Zealand, and through the Agent-General of Victoria in London, specific information on certain points of difficulty. This information having been obtained, and having been completed by further enquiries prosecuted by us, is now so full and precise that we are enabled to report to Your Excellency with certainty on the existing practice in almost every Kingdom, State, and Colony where it obtains.

At the present time the representatives of the people are compensated for their attendance in the Legislature in every country where Parliamentary government is in operation, with the exception of England, certain colonies of England, the Republic of Switzerland, and the Kingdom of Italy. In England payment of members formerly existed, and, according to the late Lord Campbell, is still the law, though not the practice.* From a period at least as early as the reign of Edward III. a scale of "wages" to be paid by the constituents to their representatives was established, probably by royal authority†; but the practice in course of time fell into disuse, and there is only one case recorded after the restoration of the Stuarts in which a constituency continued to pay this allowance. As respects the new Kingdom of Italy, a fundamental law established in Sardinia in 1848 by King Charles Albert, which forbade the payment of legislators, has been adopted without alteration in the enlarged dominions of his son. An article of the Italian constitution, copied from this Sardinian law, declares that the functions of senator and deputy shall not bring in any compensation or indemnity. In Switzerland the hereditary simplicity of manners and the natural poverty of the country have fixed the scale of public expenditure so low that the Chief Magistrate of the Republic receives a salary of only £400 a year, and the members of the State Council receive no remuneration. In addition to countries enjoying Parliamentary government, the practice has been adopted in several States where the government is arbitrary, though the form of Parliamentary institutions is preserved.

In those countries where payment prevails, the amount paid and the conditions of payment vary widely.

THE UNITED STATES.

The Republic of the United States of America set the example of establishing the practice on a permanent basis. While the thirteen original States were still colonies of England, it is believed (says the eminent commentator, Story) that the usage "was, if not universally, at least generally, to allow a compensation to be paid to members;" and on attaining to independence they confirmed this practice in the most deliberate manner. The constitution of the United States, which is a written one, framed by a National Convention elected for the purpose, and afterwards submitted for

* See Appendices.

† M. Prynne, in his "Register of Parliamentary Writs" (quoted in a note on Hovenden's edition of Blackstone), is of opinion that these wages had no other origin than that principle of natural equity and justice, *qui sentit commodum, debet sentire et onus* (p. 5).

the sanction of State Conventions, declares, as one of its fundamental principles, that "senators and representatives shall receive compensation for their services, to be ascertained by law, and paid out of the Treasury of the United States."—(Sect. 6, Art. 1.)

In pursuance of this decision, an Act of Congress was passed fixing the amount and method of payment; and though this Act would create what we are accustomed to name "a special appropriation," the sum necessary for the service is regularly voted from year to year among the annual items of expenditure. The amount of compensation, or as it is now called, "salary," has been increased, and the conditions on which a member becomes entitled to it have been varied from time to time as longer and closer attendance on Congress became necessary. The existing practice is regulated by an Act passed in the year 1866. Every senator, member of the House of Representatives, or delegate of a territory not yet admitted as a State, is paid a salary of 5000 dollars (or £1041 13s. 4d.) per annum, and mileage to and from Congress at the rate of 20 cents per mile of estimated distance between his usual place of abode and the seat of Congress. But this mileage is granted only for two sessions in each Congress. That portion of the salary accruing during the session is paid monthly by the Secretary of the Senate in one House, and the Sergeant-at-Arms in the other. These officers are directed to deduct a proportionate amount of his compensation for every day a member shall be absent from a sitting of the Chamber to which he belongs, unless he assigns as a reason for such absence the sickness of himself or some member of his family. The claim for compensation is made in writing, and must be certified by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

The practice of compensating members is in force also in all the local or State Legislatures. "The members are not, however (says Story), always paid out of the public treasury; but the practice still exists, constitutionally, or by usage, in some of the States, to charge the amount of the compensation fixed by the Legislature upon the constituents, and levy it in the State tax. That has certainly been the general course in the State of Massachusetts; and it was probably adopted from the ancient practice in England."

THE DOMINION OF CANADA.

The recently federated British colonies on the same continent constituting the Dominion of Canada have followed the example of the United States. The practice of compensating members existed before federation, and has been continued by an Act of the Parliament of Canada, assented to in December, 1867. An allowance of six dollars, or £1 5s., for each day's attendance is granted to members of both Houses, provided the session does not extend beyond thirty days. If the session exceeds thirty days each member receives a sessional allowance of 600 dollars (or £125), and no more under any circumstances. The condition of personal attendance in Parliament is insisted upon. A deduction, at the rate of five dollars a day, is made from the sessional allowance for each day that the House sits on which a member does not attend its sittings or the sittings of some of its committees, unless he is prevented by sickness. Every day, however, after the opening of the session upon which the House does not sit counts as a day's attendance, if the member be in the place where the session is held, or within ten miles of it.

The compensation is paid from time to time as it becomes due to the extent of four dollars for each day's attendance; the balance being retained till the end of the session, when the member makes a solemn declaration, "having the same effect as an affidavit," of the actual days upon which he attended. There is also an allowance for travelling expenses at the rate of ten cents per mile of the distance going and coming between the member's place of residence and the place where the session is held, by the nearest mail route. The distance has to be certified by the Speaker and authenticated by the member in the solemn declaration alluded to. The mileage is paid but once in a session.

The Speaker of the Senate and the Speaker of the House of Commons of Canada, and the Ministers of the Crown, receive the allowance granted to members in addition to their official salaries.

Payment of members also prevails in the local Legislatures, one of which exists in each colony of the group constituting the Dominion of Canada. For example, in the provincial Legislature of Quebec (formerly Lower Canada), which met for the first time at the commencement of the year 1868, an Act was passed providing that in each session of the Legislature there should be allowed to each member of either Chamber attending at such session "an indemnity" of six dollars for each day's attendance if the session does not extend beyond thirty days, but if it extends beyond this period a sessional allowance of 450 dollars, and no more. The same conditions respecting personal attendance are established, and mileage is granted at the same rate, as in the Parliament of the Dominion.

NEW ZEALAND.

Another group of British settlements have long adopted the practice. In New Zealand, the members of both branches of the Legislature have been paid from their first session in 1854. The

practice was not established by any special legislative enactment beyond granting the necessary sum in the Appropriation Act. The rate of payment is £1 per diem for each day the member gives his personal attendance at the place of meeting of the Legislature. There is no *maximum*; the payment continues while the session lasts. The Speaker and Chairman of Committees, Ministers of the Crown, and members residing in the town where the Legislature meets, or within fifteen miles of it, do not participate in this payment. Members are also provided with a free passage to and from Parliament, but must defray the incidental expenses at their own cost.

In the kingdoms of Europe the practice is generally of comparatively recent date; but wherever a constitution has been granted, or an existing constitution been revised, payment of members has been established, with the exceptions, already specified, of Italy and England.

PRUSSIA.

In Prussia, under the new constitution, members of the Senate receive no compensation for attendance in the Legislature; but members of the Chamber of Deputies have their travelling expenses paid from their ordinary place of residence to the place where the Diet sits, and receive an allowance (called Diet money) of three thalers (or 9s.) a day during the session; and this allowance no member is permitted to refuse. The payment of the Diet money does not depend on personal attendance. The President and two Vice-Presidents receive Diet money like ordinary members, but are paid no salary. The Ministers of the Crown and other officers in the employment of the State receive the Diet money in addition to their official salaries; "but as yet," says the Secretary of the Prussian Embassy in London, "though salaried officers of the State who are employed in the country, and consequently have to leave temporarily their official residences in order to attend the sittings of the Chamber, have to pay their substitutes out of their own means. The Chamber, however, is endeavoring to alter this point, to the effect that the substitutes, when appointed at all, are to be paid by the State."

SAXONY.

In the Kingdom of Saxony the members of both Chambers are paid "a salary." The members of the Upper Chamber receive seven thalers (or one guinea), and the members of the Lower Chamber three thalers (or 9s.) a day during the session; and in Saxe-Weimar, which, among the smaller States of North Germany, possesses the nearest approach to Parliamentary government, the members of the single Legislative Chamber are paid four thalers a day during the session.

FRANCE.

In France under the constitution of the Empire, adopted in January, 1852, senators are paid a salary of £1200 a year, and members of the Legislative Assembly a salary of £100 sterling a month during the continuance of the session.

HOLLAND.

The revised constitution of Holland, adopted in 1848 and still in force, provides no compensation for members of the Upper Chamber of the States-General; but members of the Second Chamber are paid an annual allowance of 2000 guilders (or £160), besides mileage to cover travelling expenses. The attendance is ascertained at every sitting by calling over the names of the members, in the same manner adopted in our own Legislature when there is a call of either House. A member absent for an entire session forfeits his allowance. The President and Vice-President are paid only the compensation of ordinary members. Officers of the State receive the Parliamentary allowance in addition to their official salaries. Military officers, not being on active service, receive only a portion of their military pay while they sit in the States-General, but are paid like other members their Parliamentary allowance.

BELGIUM.

The constitution of Belgium, adopted in 1831 and still in force, provides that members of the Senate shall receive no indemnity for the expenses incurred in performing their duties; but a member of the House of Representatives enjoys a monthly "indemnity" of 200 florins during the continuance of the session; 200 florins being equal to 423 francs 28 centimes, or £16 15s. 1d. in English money. Deputies, however, whose ordinary place of residence is in Brussels, where the Legislature sits, do not participate in this allowance. The payment is made monthly, and does not depend upon personal attendance. The President or Vice-President of the House of Representatives receives no salary beyond the indemnity granted to members. Ministers of the Crown who are members of the Second Chamber do not receive the indemnity in addition to their salaries; and other salaried functionaries are not competent to sit as deputies.

SWEDEN.

The latest law regulating the functions and privileges of the Diet of Sweden was adopted in 1865. Members of the Upper Chamber receive no compensation. In the Riksdag, or Lower Chamber, members are paid a salary of 1200 rix-dollars (or £66 13s. 4d.) for each ordinary session, and an allowance for travelling expenses. But if the Chambers be dissolved, or if the member abandons his functions before four months have elapsed, and also in case of an extraordinary session, the deputy receives, in lieu of the sessional payment, an allowance of ten rix-dollars (or a fraction under 10s. 11d.) a day. The entire sum received during a session, however, must not exceed 1200 rix-dollars. A member who does not attend at the commencement of the session is subject to a fine of ten rix-dollars a day for each day's absence. The President and Vice-President of the Riksdag receive no salary beyond the allowance to members. Ministers or other public functionaries who are members of the Lower Chamber receive the indemnity of 1200 rix-dollars, in addition to their official salaries. If attendance at the Riksdag should render it necessary to appoint a deputy, *ad interim*, to discharge the duties of such functionary, the expense of this special appointment is deducted from his official salary; but the Parliamentary compensation is paid to all members alike.

NORWAY.

In Norway, the members of both Chambers of the Storting receive an allowance of three specie dollars (or 13s. 3½d.) a day, during the session, and all their expenses travelling to and from the Legislature. The President and Vice-Presidents are paid no salary beyond the allowance to members; but they are sometimes officers of the State as well as of the Legislature, and receive salary in the former capacity.

PORTUGAL.

In Portugal, the members of the Camara dos Pares are allowed no compensation; but the members of the Second Chamber, the Camara dos Deputados, receive remuneration at the rate of ten shillings a day during the session.

Of the practice in Spain, at present, it is impossible to speak with certainty, while the Cortes summoned by the Provisional Government is probably in its first session; but it is notable that payment of members does not seem to prevail in any of the South American republics springing from Spanish colonies, with the exception of Mexico; while it does exist in the empire of Brazil, founded by Portugal, where senators receive 3600 milreis, (or £400) a year; and members of the Second Chamber or House of Congress, 2400 milreis (or £270) each session, besides travelling expenses.

With respect to the practice in Austria, since its recent reorganization under Parliamentary government, we have not obtained any positive information. But it seems probable that, while Prussia and the two or three North German States enjoying free institutions have certainly established payment of members, Austria and the two or three South German States, with more or less popular constitutions, have not adopted the practice. But on the latter point we do not venture to speak with certainty, as Austria was accidentally overlooked in prosecuting the preliminary investigation.

We have now noticed all the countries where the practice into which we have been directed to enquire exists. The original documents, collected from various sources, will be added as an Appendix to our Report; and if compensation to members should become the subject of legislation in Victoria, some of them will be found valuable, as showing the method and machinery, adopted after much experience, in distributing the allowance in other countries.

It is scarcely within the scope of the duty assigned to us to point out the bearing of these data. But we may remark that the most casual consideration of them will show that the compensation granted follows no certain rule. For example, it does not bear a uniform proportion to the ordinary cost of living. It is higher in Belgium, which is one of the cheapest countries in Europe, than in Prussia, which is now one of the dearest; much higher in the United States than in Canada, though the cost of living is not very different; and there is the same variance in adjoining countries in Europe. Neither does it bear a uniform proportion to official or professional income. The salary of the President of the United States is only five times the amount of the compensation granted to a member of the Legislature; but the salary of the Governor of Canada is ninety times the amount, while the salary of the Emperor of the French is a thousand times the amount. On the other hand, it seems generally intended to have relation to the time and labour required. The chief ground upon which an increased salary was first demanded in the United States was, that more was required of members than when the scale of salary was originally fixed. And a sessional allowance, whenever that practice is adopted instead of a daily or monthly allowance, seems to imply as its necessary basis some previous estimate of the period needed for transacting the ordinary business of the country;

thus making a proportionate compensation of what would otherwise be merely an arbitrary or accidental amount. But even this presumable rule is subject to exceptions; and we are forced to conclude that the sum adopted was mainly determined by local considerations in each case.

In conformity with Her Majesty's Commission, we present this Report to Your Excellency as the result of our enquiry, and authenticate it with our hands and seals.

Melbourne, 8th February, 1869.

C. GAVAN DUFFY.	(L.S.)	F. LONGMORE.	(L.S.)
J. J. CASEY.	(L.S.)	J. A. MACPHERSON.	(L.S.)
G. V. SMITH.	(L.S.)	ANGUS MACKAY.	(L.S.)
GEO. B. KERFERD.	(L.S.)	H. J. WRIXON.	(L.S.)
J. EVERARD.	(L.S.)		

APPENDICES.

UNITED STATES.

Consulate of the United States, Melbourne, 9th September, 1868.

SIR,

I HAVE the honor to acknowledge the receipt of your favour of 31st ultimo, requesting answers to three questions thereto appended, with reference to payment of Members of the Congress of the United States; and I take pleasure in submitting for your consideration the following, which I would have furnished you sooner, but for several days' unavoidable absence from my office.

Answer to Query 1st.—The compensation of Members of Congress in the United States is 5000 dollars per annum (*salary*), with some perquisites, as mileage, stationery, &c., with the "franking privilege." The payment of that portion of the *salary* which accrues during the Session depends on *personal attendance* in congress, *except in case of sickness of the Member or in his family*. To explain: Should Congress sit four months out of any twelve, commencing on the 4th of March, and the Member be absent during two months of the Session (sickness excepted), he is paid for ten months in that year. Until 1856 Members received eight dollars per diem for actual attendance during the Session, and perquisites as aforesaid. The attendance is ascertained by the declaration of the Member, on honor, in writing, prior to final payment. Payment is made by the disbursing officer of each house upon the warrant of its presiding officer, and in this way members may be paid any portion of their salary accrued to date of warrant without waiting until the end of the year. This, however, is never done except during the session.

Answer to Query 2nd.—No election expenses in the United States are paid by the National Government. They are *all* (even the expenses of the Presidential elections) provided for by the local or State authorities, and paid out of the separate revenue of the several States.

Answer to Query 3rd.—No reports of election expenditures are ever submitted to Congress. The Congress of the United States has never passed any election laws *to operate in the States*. The time, place, and manner of voting, the qualifications of electors, and providing for the expenses of *all* elections, are matters of separate State legislation exclusively—except that the day of holding the Presidential election, and some outlines of the manner of choosing senators by the several State Legislatures, have been prescribed by Congress; but, even in these cases, the State laws are made to conform to the Acts of Congress, and the elections are held in obedience to them (the State laws). Non-conformity in these respects, on the part of the State laws, would have the effect simply of causing the vote of the non-conforming State, in the Presidential election, thrown out, and her senators refused their seats.

Of course the recent "Reconstruction Laws" of Congress, applicable to the States lately overrun by rebellion until the recognition by Congress of legal State Governments within them, form temporary exceptions to the general policy of the Government as indicated above.

I might have answered your questions in much fewer words, and it may be that much I have said is mere surplusage, but it seemed to me so closely connected with the subject as to be of some importance.

In conclusion, I beg to assure you, that I am at your service for anything within my power and consistent with my duties to do.

I have, &c.,
(Signed

GEO. R. LATHAM, *United States Consul.*

The Hon. C. GAVAN DUFFY, *M.L.A.*

(No. 11.)

8, *Victoria Chambers, Victoria-street, S.W.*, 3rd December, 1868.

SIR,

I HAVE the honor to forward herewith the information which you desired me to obtain for the Committee of the Legislative Assembly appointed to consider the subject of compensating Members of Parliament.

Immediately upon the receipt of your letter I went to the Colonial Office, and ascertained that the Foreign Office must be approached through the Secretary of State for the Colonies. Not receiving any reply for some days I went again, and obtained from Sir F. Rogers a letter to Mr. Hammond, Under Secretary of State for Foreign Affairs, who informed me that Lord Stanley had instructed Her Majesty's Ministers abroad to obtain the information required by the Committee, and assured me that it could not be got in England.

Thinking it scarcely possible that the ambassadors should be without the means of answering the questions put by the Committee, I saw Lord Stanley, who gave me letters of introduction to the ambassadors of all the countries where the practice of compensating Members of Parliament prevails. I am glad to be able to say that I was thus enabled to obtain all the information I was directed to seek. The answers which will come in due course from abroad may be fuller, but I do not think that they can be more to the purpose. I give these particulars to explain the apparent inconsistency between Sir F. Rogers' letter and the fact that the information expected from abroad accompanies it.

As the papers may be required for Parliament, I send the originals. I could not get copies of the Canadian Statutes, but I have verified the extracts, which were made under my direction from the Acts in the Colonial Office. I omit copies of my formal letters to the ambassadors acknowledging the receipt of the information they sent me.

I have, &c.,
(Signed) GEO. VERDON, *Agent-General.*

The Hon. C. GAVAN DUFFY, M.P., Melbourne.

CANADA.

Downing-street, 26th November, 1868.

SIR,

WITH reference to your letter of the 10th of this month, requesting information on behalf of the Legislative Assembly of Victoria as to the system of paying or compensating members of the Legislatures of those countries where the practice prevails, I am directed by the Duke of Buckingham and Chandos to transmit to you, for your information, a copy of a letter from Sir George E. Cartier, showing the practice as regards Canada.

I send you herewith copies of the Acts referred to by Sir G. Cartier, and shall be obliged to you to return them at your early convenience, after making such extracts as you find requisite.

His Grace desires me to add, that enquiry has been made of the Officer Administering the Government of Newfoundland with reference to the custom in that island, and that he learns from the Foreign Office that Her Majesty's representatives in those foreign countries to which your enquiries were addressed have been instructed by Lord Stanley to endeavour to obtain the information desired.

I have, &c.,
(Signed) FREDERIC ROGERS.

G. VERDON, *Esq.*

Sir G. Cartier to Sir F. Rogers.

(Copy.)

London, Westminster Palace Hotel, 20th November, 1868.

MY DEAR SIR,

I HAVE the honor to acknowledge receipt of your communication of the 16th of November instant, by which I see you were directed by His Grace the Duke of Buckingham and Chandos to acquaint me that Mr. Verdon, the Agent for the Colony of Victoria, is anxious to obtain, on behalf of the Legislative Assembly, information as to the practice of paying or compensating members of the Legislature of the countries where that practice prevails. I beg that you will have the kindness to acquaint His Grace, for the information of Mr. Verdon, that in Canada, in each session of Parliament, there is allowed to each member of the Senate and of the House of Commons attending at such session six dollars for each day's attendance if the session do not extend beyond thirty days; and if the session extends beyond thirty days, there is payable to each member of the Senate and of the House of Commons attending at such session a sessional allowance of six hundred dollars, and no more.

A deduction at the rate of five dollars per day is made from the sessional allowance for every day on which the member does not attend a sitting of the House of which he is a member, or of some committee thereof. No deduction is made if the member is prevented from attending the House or its committee by reason of sickness.

There is also allowed to each member of the Senate and of the House of Commons ten cents for each mile of the distance between the place of residence of such member and the place at which the session is held, reckoning such distance going and coming, according to the nearest mail route.

For further information, I beg to refer His Grace to cap. 3, 31st Vic., 1867, of the Statutes of Canada, relating to the indemnity of members of both Houses of the Parliament of Canada. I may add, also, that the last-mentioned Act is the re-enactment for the "members for the Parliament of the dominion of Canada" of an Act which I have had the honor to introduce before the Legislative Assembly of the late Province of Canada in 1859, which has proved so well in its working that it was thought advisable to re-enact it, to regulate the indemnity of the senators and members of the House of Commons of the Parliament of Canada. The Act of 1859, relative to the indemnity of members, can be found in the Consolidated Statutes of Canada, under cap. 3. "The Legislature of the Province of Quebec" has enacted for the indemnity of its members (including both Houses) the same provisions as those contained in the above-mentioned Act, except that the sessional allowance is fixed at four hundred and fifty dollars. I am not aware if the Legislatures of the Provinces of Ontario, Nova Scotia, and New Brunswick have enacted any permanent Statute with regard to the indemnity of the Legislature, but I am under the impression that in each of those provinces the members receive an indemnity, either under an annual vote or under some permanent provision. I know nothing relative to the indemnity received by the members of the Legislature in Newfoundland; but as His Excellency Governor Musgrave happens to be now in London, he might supply His Grace with the required information relating to the indemnity of the members in Newfoundland.

I hope I have fully answered the questions put to me by the direction of His Grace.

I have, &c.,
(Signed) GEO. E. CARTIER.

Sir F. ROGERS, Bt., &c.

From Statutes of Canada, 31 Victoria, Cap. 3.

(Page 67, Statutes of Canada, First Parliament, 31 Victoria, Part 1, 1867.)

CAP. III.

An Act relating to the Indemnity to Members and the Salaries of the Speakers of both Houses of Parliament.
[Assented to 21st December, 1867.]

Preamble.—HER MAJESTY by and with the advice and consent of the Senate and House of Commons of Canada enacts as follows:—

Allowance to members of either House for attendance at any session.—1. In each session of Parliament there shall be allowed to each member of the Senate and of the House of Commons attending at such session six dollars for each day's attendance if the session do not extend beyond thirty days; and if the session extends beyond thirty days then there shall be payable to each member of the Senate and of the House of Commons attending at such session a sessional allowance of six hundred dollars and no more.

Deductions for non-attendance. What shall be reckoned as days of attendance.—2. A deduction at the rate of five dollars per day shall be made from the said sessional allowance for every day on which the member does not attend a sitting of the House of which he is a member or of some committee thereof provided the House sits on such day, but each day during the session after the first on which the member attends as aforesaid, on which there has been no sitting of such House in consequence of its having adjourned over such day or on which the member was in the place where the session was held, but was prevented by sickness from attending any such sitting as aforesaid, shall be reckoned as a day of attendance at such session for the purposes of this Act; and a member shall for the purposes aforesaid be held to be at the place where the session is held whenever he is within ten miles of such place.

Allowance for less than 31 days' attendance.—3. A member shall not be entitled to the said sessional allowance for less than thirty-one days' attendance reckoned as aforesaid, but his allowance for any less number of days shall be six dollars for each day's attendance.

How the indemnity shall be payable.—4. The said compensation may be paid from time to time as the member becomes entitled to it, to the extent of four dollars for each day's attendance as aforesaid, but the remainder shall be retained by the clerk of the proper House until the close of the session, when the final payment shall be made.

Case of a member for part of a session provided for.—5. If any person is, from any cause, a member of either House for a part only of any session, then provided he is a member for upwards of thirty days during such session he shall be entitled to the sessional allowance hereinbefore mentioned, subject to the deduction aforesaid for non-attendance as a member, and also to a deduction of five dollars for each day of such session before he was elected or after he ceased to be a member; but if he is a member for only thirty days or less, then he shall be entitled only to six dollars for each day's attendance at such session whatever be the length thereof.

Allowance for mileage.—6. There shall be also allowed to each member of the Senate and of the House of Commons ten cents for each mile of the distance between the place of residence of such member and the place at which the session is held, reckoning such distance going and coming according to the nearest mail route, which distance shall be determined and certified by the Speaker of the Senate or House of Commons (as the case may be.)

Final payment at the close of session. Declaration to be made.—7. The sum due to each member at the close of any session shall be calculated and paid to him by the clerk of the House of which he is a member on his making and signing before the clerk or accountant or assistant accountant of the House or a justice of the peace a solemn declaration, to be kept by the clerk, stating the number of days' attendance and the number of miles of distance according to the nearest mail route, as determined and certified by the Speaker, for which such member is entitled to the said allowance, and the amount of such allowance after deducting the number of days (if any) which are to be deducted under any preceding section of this Act; and such declaration may be in the form A hereunto annexed, and shall have the same effect as an affidavit in the same form.

Grant for paying the allowance.—8. There is hereby granted to Her Majesty out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada an annual sum sufficient to enable Her Majesty to advance to the clerk of the Senate and the clerk of the House of Commons respectively such sums as are required to pay the estimated amount of the sessional allowance hereinbefore mentioned.

Clerks to account for moneys received by them.—9. The clerk of the Senate and the clerk of the House of Commons shall respectively account for all moneys received by them under this Act in the same manner as for moneys advanced to them for the contingent expenses of the said Senate and House of Commons, and they may respectively apply any surplus thereof to the payment of such contingent expenses and may supply any deficiency of such estimated amount out of any moneys in their hands respectively applicable to the payment of such contingent expenses.

Special provision for the present session as to allowance. As to residue of session after adjournment.—10. Notwithstanding anything hereinbefore contained for the present session of Parliament, and up to the day of any adjournment for thirty days or upwards (if such there should be) there shall be allowed to each member of the Senate and of the House of Commons attending at such session six dollars for each day's attendance for the period of such session prior to such adjournment; and if the residue of the session after any such adjournment shall extend to thirty days or upwards there shall be payable to each member of the Senate and of the House of Commons attending at such residue of this session the sessional allowance of six hundred dollars and no more, as if such residue were a session; but if such residue do not extend to thirty days then there shall be allowed to each member attending the residue of the session six dollars for each day's attendance subsequent to such adjournment; provided that any allowance under this section shall be subject to the deductions and be payable in the manner hereinbefore provided with respect to the ordinary sessions of Parliament.

Mileage allowed for both portions of sessions.—11. There shall be allowed in respect of travel to and from the present session of Parliament, as well prior to any adjournment for thirty days or upwards (if such there should be) as for the residue of the session after any such adjournment, to each member of the Senate and of the House of Commons ten cents for each mile of the distance between the place of residence of such member and the place at which such session is held, reckoning such distance going and coming according to the nearest mail route, which distance shall be determined and certified by the Speaker of the Senate or House of Commons (as the case may be), and such allowance shall be payable in the manner hereinbefore provided.

Salaries of Speakers.—12. The following salaries shall be payable to the officers hereinafter mentioned respectively :—

Senate.—To the Speaker of the Senate the sum of three thousand two hundred dollars per annum.

Commons.—To the Speaker of the House of Commons the sum of three thousand two hundred dollars per annum.

Short title.—13. This Act may be cited as “The Members’ Indemnity Act.”

SCHEDULE FORM A.

I, A. B., one of the members (of the Senate or House of Commons) solemnly declare that I reside at _____
in _____
which is distant by the nearest mail route _____ miles as determined by the Speaker of this House from
where the session of Parliament of Canada which began on the _____
day of _____ One thousand eight hundred and _____ was held.

That the first day during the said session on which I was present at _____
where the said session was held was the _____ day of _____ One thousand eight
hundred and _____

That on the said day and on each day of the said session after the said day on which there was a sitting of the
said House, I attended such sitting or a sitting of some committee thereof* except only on _____ days**
on _____ of which I was prevented by sickness from attending as aforesaid, though I was then
present at _____

(Signature) A. B.

Declared before me at _____ this _____ day of _____
One thousand eight hundred and _____

C. D.,
Clerk (or Accountant or Assistant Accountant) of the Senate (or House of Commons) or Justice
of the Peace for the _____
(as the case may be).

If the member attended a sitting of the House or of some committee on every sitting day after the first on which
he so attended omit the words from* _____ to***; and if his non-attendance was not on any day
occasioned by sickness omit the words from** _____ to***

If the person making the declaration became or ceased to be a member after the commencement of the session
vary the form so as to state correctly the facts upon which the sum due to the member is to be calculated.

A true extract from the Statutes of Canada.

GEO. VERDON.
2. 12. 68.

From Consolidated Statutes of Canada, 1859.

An Act containing Special Provisions concerning both Houses of the Provincial Parliament.—Page 33.

(Extract from Cap. 3.)

INDEMNITY TO MEMBERS OF BOTH HOUSES.

Allowance to members for attendance at the sessions of the Legislature.—18. In each session of the provincial
Parliament there shall be allowed to each member of the Legislative Council or of the Legislative Assembly
attending at such session six dollars for each day’s attendance if the session do not extend beyond thirty days; and
if the session extends beyond thirty days then there shall be payable to each member of the Legislative Council or
of the Legislative Assembly attending at such session a sessional allowance of six hundred dollars and no more.—
22 V. (1859), c. 12, s. 2.

Deductions for non-attendance, &c.—19. A deduction at the rate of five dollars per day shall be made from the
said compensation for every day on which the member does not attend a sitting of the House of which he is a
member or of any committee thereof; but each day during the session on which there has been no sitting of such
House, or on which the member has been prevented by sickness from attending any sitting, but on which, in either
case, he was in the place where the session is held, shall be reckoned as a day of attendance at such session.—22 V.,
c. 12, s. 3.

When such allowance shall be paid.—20. The said compensation may be paid from time to time as the member
becomes entitled to it to the extent of four dollars for each day’s attendance as aforesaid, but the remainder shall be
retained by the clerk of the proper House until the close of the session, when the final payment shall be made.—
22 V., c. 12, s. 4.

Allowance for mileage.—21. There shall be also allowed to each member of the Legislative Council or of the
Legislative Assembly ten cents for each mile of the distance between the place of residence of such member and the
place at which the session is held, reckoning such distance going and coming.—22 V., c. 12, s. 5.

Balance to be paid at the end of the session on the member’s declaration. Form.—22. The sum due to each
member at the close of any session shall be paid to him by the clerk of the House of which he is a member, on his
making and signing before the clerk or accountant of the House a solemn declaration, to be kept by the clerk,
stating the number of days’ attendance and the number of miles of distance for which such member is entitled to the
said allowance, and the amount of such allowance after deducting the number of days (if any) which are to be
deducted under the nineteenth section of this Act; and such declaration may be in the Form A hereunto annexed,
and shall have the same effect as an affidavit in the same form.—22 V., c. 12, s. 6.

Grant for paying the said allowance.—23. There is hereby granted to Her Majesty out of any unappropriated
moneys forming part of the Consolidated Revenue Fund of this Province an annual sum sufficient to enable Her

Majesty to advance to the clerk of the Legislative Council and to the clerk of the Legislative Assembly respectively such sums as are required to pay the estimated amount of the sessional allowance hereinbefore mentioned.—22 V., c. 12, s. 7.

Clerk to account for moneys received under this Act.—24. The clerk of the Legislative Council and the clerk of the Legislative Assembly shall respectively account for all moneys received by them under this Act, in the same manner as for moneys advanced to them for the contingent expenses of the said Legislative Council and Assembly, and they may respectively apply any surplus thereof to the payment of such contingent expenses, and may supply any deficiency of such estimated amount, out of any moneys in their hands respectively applicable to the payment of such contingent expenses.—22 V., c. 12, s. 8.

Short mode of citing.—25. The seven next preceding sections may be cited as "The Members' Indemnity Clauses" of this chapter.

SCHEDULE FORM A.

I, A. B., one of the members of the Legislative Council (or Assembly) solemnly declare that I reside at _____ in _____ which is distant _____ miles from _____ where the session of the provincial Parliament which began on the _____ day of _____ One thousand eight hundred and _____ was held; that during the said session I was present _____ days at _____ where the session was held; and that on each of the said days on which there was a sitting of the said Legislative Council (or Assembly), I attended such sitting or a sitting of some committee thereof—(if the member has not attended on any such day or days, say—except on _____ days—and if the member was prevented by sickness from attending on any of the said days, add—on _____ of which days I was prevented by sickness from attending any such sitting, though I was then present at _____ as aforesaid).

Wherefore I am, under the Members' Indemnity Clauses of chapter three of the Consolidated Statutes of Canada, entitled to the sum of _____ dollars _____ cents for travelling expenses, and to the sum of _____ dollars for my allowance for attending at the said session.

(Signature) A. B.

Declared before me this _____ day of _____ One thousand eight hundred and _____ C. D.,
Clerk (or Accountant) of the Legislative Council or Assembly.

A true extract from the Statutes of Canada.

GEO. VERDON.
2. 12. 68.

PRUSSIA.

SIR,

Prussian Embassy, 25th November, 1868.

I AM instructed by His Excellency Count Bernstorff to transmit to you the enclosed paper containing the replies to the questions you are desirous of having answered.

As to the first question, I am, to my regret, unable to give you any information.

— VERDON, Esq., Agent-General for Victoria, Australia,
Athenæum Club.

I have, &c.,
(Signed) FR. DE KATTE.

Ad. 1. I regret being unable to answer the first question. A reference to Berlin will be necessary.

Ad. 2. The Diet money does not depend on the personal attendance in the Legislature of the member receiving it.

Ad. 3. The President and the two Vice-Presidents of the Chamber of Deputies receive as such no salaries, but only the same Diet money as the other deputies.

Ad. 4. Yes. But as yet those salaried officers of the State who are employed in the country, and, consequently, have to leave temporarily their official residence in order to attend the sittings of the Chamber, have to pay their substitutes out of their own means. The Chamber, however, is endeavouring to alter this point to the effect that the substitutes, when appointed at all, are to be paid by the State.

Ad. 5. The law (Electoral Law of the 30th May, 1849) contains no proviso for the question who has to bear the expenses of the elections, which are double—one for choosing the electors, and the other for choosing the deputies. The first are elected by all persons who, by the law, are entitled to a vote—the second are chosen by the so elected electors.

LA BELGIQUE.

Avec les compliments du
BON. DU GARDIN.

Aucun changement n'a été fait à la Constitution Belge depuis sa publication en 1831. L'organisation des Chambres est donc restée la même.

Les sénateurs ne reçoivent aucune indemnité.

1. Chaque représentant joint d'une indemnité mensuelle de 200 florins (423 francs 28 centimes), pendant toute la durée de la session parlementaire.

Toutefois les députés qui habitent la ville où se tient la session ne jouissent pas de cette indemnité.

2. L'indemnité est payée par mois et non par séance, ni à raison de la présence du député.

3. Le Président ni les Vice-Présidents ne reçoivent aucun traitement en cette qualité. Ils jouissent seulement de l'indemnité de 200 flor. comme tout autre député.

4. Les Ministres de la Couronne, qui sont députés, ne reçoivent pas l'indemnité susdite en addition de leur traitement.

Les autres fonctionnaires salariés par le trésor public ne peuvent être à la fois fonctionnaires et députés; s'ils sont élus, ils doivent opter.

Ils ne peuvent donc jouir cumulativement de leur traitement et de l'indemnité.

Les fonctionnaires pensionnés, élus à la Chambre, peuvent cependant recevoir leur pension et jouir de l'indemnité comme députés.

5. Les dépenses matérielles pour la tenue des élections, des locaux, etc., sont à la charge de l'état. Toute autre dépense est interdite, et l'achat des votes, sous quelque forme que ce soit, est sévèrement puni.

UNITED STATES.

SIR,

Legation of the United States, London, 26th November, 1868.

HEREWITH I have the honor to transmit for your information, and that of the authorities in Australia, copies of all the laws of the United States touching the subject of compensation to senators, representatives, and delegates in Congress. The marginal references relate to the various volumes of the United States Statutes at large, in which the laws at length will be found.

The attendance is ascertained by a declaration made by the senator, or representative, or delegate, on his honor, and the amount is then paid.

The Government of the United States bears no election expenses whatever; nor does any State Government.

To your third enquiry I beg to say that the amount paid is submitted to Congress among the annual estimates of expenditure.

Hoping this information will be acceptable to you,

G. VERDON, *Esq., &c.*

I have, &c.,
(Signed)

BENJN. MORAN, *Secretary of Legation.*

SECTIONS FROM THE ACT REGULATING COMPENSATION OF MEMBERS OF CONGRESS, PASSED IN AUGUST, 1856.

Act, 16th Aug., 1856, 11 Stat. 48.—The compensation of each senator, representative, and delegate in Congress shall be six thousand dollars for each Congress, and mileage as now provided by law (c) for two sessions only, to be paid in the following manner, to wit:—On the first day of each regular session each senator, representative, and delegate shall receive his mileage for one session, and on the first day of each month thereafter during such session compensation at the rate of three thousand dollars per annum during the continuance of such session, and at the end of such session he shall receive the residue of his salary due to him at such time, at the rate aforesaid, still unpaid; and at the beginning of the second regular session of the Congress each senator, representative, and delegate shall receive his mileage for such second session, and monthly during such session compensation at the rate of three thousand dollars per annum till the fourth day of March terminating the Congress, and on that day each senator, representative, and delegate shall be entitled to receive any balance of the six thousand dollars not theretofore paid in the said monthly instalments, as above directed.

3. The President of the Senate *pro tempore*, when there shall be no Vice-President or the Vice-President shall have become President of the United States, shall receive the compensation provided by law for the Vice-President; and the Speaker of the House of Representatives shall receive double the compensation above provided for representatives, payable at the times and in the manner above provided for payment of the compensation of representatives.

4. In the event of the death of any senator, representative, or delegate prior to the commencement of the first session of the Congress, he shall be neither entitled to mileage or compensation; and in the event of death after the commencement of any session, his representative shall be entitled to receive so much of his compensation, computed at the rate of three thousand dollars per annum, as he may not have received, and any mileage that may have actually accrued, and be due and unpaid.

5. If any books shall hereafter be ordered to, and received by, members of Congress by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation hereinbefore provided for such member or members: Provided however, that this shall not extend to books ordered to be printed by the Public Printer during the Congress for which the said member shall have been elected.

6. It shall be the duty of the Sergeant-at-Arms of the House and Secretary of the Senate respectively, to deduct from the monthly payments of members as herein provided for the amount of his compensation for each day that such member shall be absent from the House or Senate respectively, unless such representative, senator, or delegate shall assign as the reason for such absence the sickness of himself or of some member of his family.

Act, 27 Jan., 1818, 3 Stat., 404.—7. The said compensation which shall be due to the members of the Senate shall be certified by the President thereof, and that which shall be due to the representatives and delegates shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public treasury.

Act, 20 Sept., 1850, 9 Stat., 503.—8. It is hereby declared that, according to the true interpretation of the third section of the Act entitled "An Act allowing compensation to the members of the Senate, members of the House of Representatives of the United States, and to the delegates of the territories, and repealing all other laws on that subject," approved 22nd January, 1818, all certificates which have been, or may be, granted by the presiding officers of the Senate and House of Representatives respectively of the amount of compensation due to the members of their several Houses and to such delegates are, and ought to be, deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and officers of the Government of the United States. (a)

HOLLAND.

Be good enough to state—

1. Whether any alteration has taken place in these provisions?—No.
2. Whether the indemnity depends on the personal attendance in the Legislature of the member receiving it; and if so, how the attendance is ascertained?—A member who is absent during a whole session receives no allowance for that session. The attendance is ascertained every sitting by a call of the names of the members.
3. How is the rate of travelling expenses ascertained and fixed?—The amount is fixed by distance, and the expenses for every mile are fixed by law.
4. Whether the President and Vice-President of the Chamber receive the indemnity in addition to their official salaries?—They only get their salaries of 2000 guilders, just as the ordinary members.
5. Whether Ministers of the Crown, or other salaried officers in the employment of the State, receive the indemnity in addition to their official salaries?—The Ministers are not members of the second Chamber by usage, but such is not prevented by law. Civil officers continue to receive their salaries in addition to their allowances as members of the second Chamber. Military officers receive only a portion of their military pay during the time they are members, being not in active service. They receive a portion of their pay in addition to their allowance as members of the second Chamber.
6. Whether the expense of taking the poll at elections is borne by the State?—Yes.

London, November 24, 1868.

D. EVERWIGE.

SWEDEN AND NORWAY.

SIR,

2, Great Cumberland-place, 30th November, 1868.

In returning the schedules you left with me the other day I have the honor to state—

(A.) With regard to Sweden—

1. That no alterations have taken place in the provision concerning salaries of members of the Riksdag.
2. That the enclosed copy of a French translation of the Fundamental Law of 1866 contains all information respecting personal attendance, &c.
3. That members' travelling expenses are paid by the *Board of Public Debt*, on production of their accounts.
4. That the Presidents and Vice-Presidents receive no salary at all in that capacity.
5. That all public officers receive the indemnity as members of the Diet when they are elected to the Lower House. If their attendance at the Riksdag should make it necessary to appoint another functionary for the discharge of their duties *ad interim*, the expenses of such special appointment will be deducted from their official salary.
6. That *no expense* occurs at elections, as far as I know, every elector paying his own journey to the ballot.

(B.) With regard to Norway—

That members receive an allowance of 3 specie dollars a day during the session of the Storting, and all their expenses in going to and from Storting are paid by the State; and that—

1. Personal attendance at meetings is not necessary, if the member has a good reason for his absence.
2. The Presidents and Vice-Presidents receive no salary. If officers of the State they do, of course, keep their official salary in that capacity.

I have, &c.,
(Signed) ROCHSCHILD.

The Hon. G. F. VERDON, C.B.

SECTIONS FROM THE FUNDAMENTAL LAW OF SWEDEN.

§ 23. Chaque membre de la seconde Chambre reçoit sur les fonds de l'état, pour ses frais de déplacement et comme traitement, 1200 riksd. pour chaque session ordinaire. Mais si le Roi di-sout la Diète, avant que les 4 mois de sa durée ne soient accomplis, ou si le membre de la Diète quitte d'une façon ou d'une autre ses fonctions dans le cours de la session, avant les 4 mois écoulés, et aussi en cas de session extraordinaire, le député reçoit, outre les frais de voyage, un traitement de 19 riksd. par jour, sans que la somme totale qu'il touche puisse cependant dépasser 1200 riksd.

Le membre de la chambre qui ne se présentera pas à la Diète au temps voulu, subira, sur son traitement, pour chaque jour de retard, une retenue de 10 riksd.

NEW ZEALAND.

House of Representatives, Wellington, 18th September, 1868.

SIR,

I HAVE the honor to acknowledge the receipt of your letter, asking information on the subject of the payment of members of the Legislature of this colony, and have much pleasure in supplying you with the information you desire.

The practice of paying the members of our Legislature does not rest upon any permanent legislative enactment; but it has prevailed from the first year of the meeting of our Parliament in 1854, and is now become with us a thing of usage.

Both the members of the Legislative Council and the members of the House of Representatives are paid £1 per diem for each day that they personally attend at the place of meeting of the Legislature. There is no maximum,

nor has the payment any reference to the duration of the session. Members who reside in the town in which the meeting of the Parliament is held, or within a radius of fifteen miles, are not paid. The Ministers of the Crown are not paid any honorarium, nor the Speakers or the Chairmen of Committees. The amount required is voted in the annual estimates, and of course included in the Appropriation Act.

In addition to this payment of £1 per diem, members are also provided with a passage both ways to the place of meeting of Parliament. Any refreshments they may require on board are at their own cost.

I shall be happy to furnish any further information, should I not have answered your questions with sufficient detail.

I have, &c.,
(Signed) D. MONRO, *Speaker*.

C. GAVAN DUFFY, *Esq., M.L.A.*,
Legislative Assembly Chambers, Melbourne.

ITALY.

Consolato Generale di S.M. il Re d'Italia in Melbourne,
36, William-street, 14th December, 1868.

SIR,

WITH regard to your letter of the 11th instant requesting, on behalf of the Royal Commission appointed to enquire into the subject of payment of the members of the Legislature, certain information as to the practice of the Parliament of Italy not admitting of such payment, I have to state in reply, that this practice was established by the fundamental Statute granted in March, 1848, by King Charles Albert, for the Sardinian States, and actually observed as the constitution of the Italian Kingdom; it being thereby enacted (Article 50) that "the functions of senator and of deputy do not bring in any remuneration or indemnity."

Up to the present time no formal proposal has been made in Italy to change this principle, nor any conclusive debate occurred on the subject to prove that a different practice would be more suitable to us. Besides, it does not appear that any difficulty is experienced there in finding candidates ready to bear such expenses as are incidental to serving in Parliament. Still, the Government affords to members of the Legislature certain facilities, as free passage on all lines of railways and steamers, and exemption from postal charges.

I have, &c.,
(Signed) G. BIAGI.

H. J. WRIXON, *Esq., M.P.*, 73, *Chancery-lane.*

ENGLAND.

Lord Nottingham's most important decision, while he held the Great Seal, probably was, that the obligation on constituencies to pay wages to their representatives in the House of Commons, still continues. After the dissolution of Parliament, in 1681, Thomas King, Esq., late member for Harwich, presented a petition, stating "that he had served as burgesse in parliament for the said burrough severall yeares, and did give his constant attendance therein; but that the said burrough had not paid him his wages, though often requested so to do." Notice being given to the corporation of Harwich, and the facts being verified, the Lord Chancellor ordered the writ to issue *De expensis burgensium levandis*.*—*Lord Campbell's Lives of the Chancellors.*

Parliament Houses, Melbourne, 4th February, 1869.

SIR,

As directed by you, I called upon the American Consul in reference to the discrepancy between his letter and the one received from the American Embassy in London as to the amount of compensation received by members of Congress in the United States.

General Latham informed me that the discrepancy had arisen through the Secretary to the Embassy in London having given extracts from an Act approved 16th August, 1856, but which was repealed by an Act, No. 296, passed in session 1865-6.

I append a copy of section 17 of the last-mentioned Act, by which you will see that the amount paid to members of Congress has been increased from six thousand dollars for each Congress (of two years) to five thousand dollars per annum.

I have, &c.,
(Signed) GEORGE H. JENKINS, *Secretary.*

The Hon. C. GAVAN DUFFY,
Chairman of the Royal Commission on Payment of Members.

UNITED STATES STATUTES AT LARGE.

(Extract from Act No. 296.)

Approved 28th July, 1866.

Section 17. *And be it further enacted:* "That the compensation of each senator, representative, and delegate in Congress shall be five thousand dollars per annum, to be computed from the first day of the present Congress, and in addition thereto mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually travelled in going to and returning from each regular session, but nothing herein contained shall affect mileage accounts already accrued under existing laws: *Provided,* That hereafter mileage accounts of senators shall be certified by the President of the Senate and those of representatives, and delegates by the Speaker of the House of Representatives: *And provided further,* That the pay of the Speaker shall be eight thousand dollars per annum."

* Reg. Liv. A. 1679, p. 215. I believe that this is the last-order made for payment of wages. Some say that Andrew Marvell was regularly paid his wages as long as he served for Hull, but I believe he only received from his constituents yearly a complimentary cask of herrings. I know no reason, in point of law, why any member may not now insist on payment of his wages, or, if he never means to stand again for the same or any other place, why, in point of prudence, he may not insist on his rights. In most cases the proceeding would be what in the law of Scotland is called "an action of repetition," to recover back money *wrongously* received. For this point of the People's Charter—payment of wages—no new law is required.

Chief Secretary's Office, Melbourne, 30th December, 1868.

SIR,
IN transmitting to you, for the information of the Commissioners appointed to enquire into and report on the subject of the payment or compensation of members of the Legislature, the accompanying copy of the Journals of the Legislative Assembly of Quebec, I have the honor, by direction of the Chief Secretary, to invite your attention to the pages indicated in the margin. [22, 28, and 101.]

I have, &c.,
(Signed) J. MOORE.

*The Hon. CHARLES GAVAN DUFFY, M.L.A.,
Chairman of the Commission on the subject of Payment of Members,
Legislative Assembly.*

No. 31.

8, Victoria Chambers, Victoria-street, Westminster, S.W., 31st December, 1868.

SIR,
REFERRING to my letter of the 3rd instant, I have the honor to forward papers in reply to the questions put by the Committee on Payment of Members to the Governments of Prussia, Holland, and Belgium; together with the letters from the Foreign and Colonial Offices which accompanied them.

I hope to receive the remaining replies in time to transmit them by the next mail.

I have, &c.,
(Signed) GEO. VERDON, *Agent-General.*

*The Honorable C. GAVAN DUFFY, M.P.,
Chairman of the Committee on Payment of Members of the Legislature.*

Downing-street, 24th December, 1868.

SIR,
WITH reference to your letter of 10th November last, requesting information as to the system of paying members of legislative bodies, I am directed by Earl Granville to forward to you for your information a copy of a letter from the Foreign Office, enclosing papers forwarded by Her Majesty's representatives at Berlin, Brussels, and the Hague, which show the practice in Prussia, Belgium, and Holland.

I have, &c.,
(Signed) FREDERIC ROGERS.

G. VERDON, *Esq.*

Mr. OTWAY to the Under-Secretary of State, Colonial Office.

(Copy.)

Foreign Office, 16th December, 1868.

SIR,
I AM directed by Lord Clarendon to transmit to you, to be laid before Earl Granville, the accompanying papers, containing information forwarded by Her Majesty's Representatives at Berlin, Brussels, and the Hague, in compliance with instructions conveyed to them on the receipt of your letter of the 16th ultimo, respecting the practice in Prussia, Belgium, and Holland, as regards the payment of members of their respective legislative bodies.

The information applied for at Stockholm and Washington shall be forwarded as soon as it is received.

I have, &c.,
(Signed) ARTHUR OTWAY.

The Under-Secretary of State, &c., Colonial Office.

(Copy.)

Bruxelles, le 9 Dec. 1868.

M. LE MINISTRE,

Sous la date du 20 Nov. dernier la Légation de S. M. B. m'a exprimé le désir de recevoir des renseignements sur l'indemnité des membres de la Chambre des Représentants ainsi que sur les dépenses des élections.

En ce qui concerne l'indemnité, elle a été établie par l'article 52 de la Constitution du 7 Février 1831, ainsi conçu: "Chaque membre de la Chambre des Représentants jouit d'une indemnité mensuelle de 200 florins (fr. 422, 32 livres sterl. 8) pendant toute la durée de la session. Ceux qui habitent la ville où se tient la session ne jouissent d'aucune indemnité."

L'article 57 de la Constitution porte que les Sénateurs ne reçoivent ni traitement ni indemnité.

Les questions suivantes sont posées à ce sujet.

1°. Les dispositions de la Constitution ont-elles été modifiées? Non. Une loi du 20 Octobre 1831, a seulement statué ce qui suit.

"Article unique—L'indemnité mensuelles fixée par l'article 52 de la Constitution commence à courir

(a.) Pour les députés élus avant la session, à dater du jour de l'ouverture des Chambres, s'ils prêtent serment dans les huit jour qui suivent la vérification de leurs pouvoirs.

S'ils ne prêtent pas serment dans ce délai, l'indemnité ne court qu'à dater du jour de la prestation du serment.

(b.) Pour les députés élus pendant la durée d'une session, l'indemnité leur est due à dater de la prestation de leur serment."

2°. L'indemnité est-elle subordonnée à la présence des membres avec séances de la Chambre, et s'il en est ainsi, comment leur présence est-elle constatée ?

Les Représentants reçoivent leur indemnité indépendamment de toute condition de présence.

Le 14 Janvier 1832, un membre a présenté un projet de loi tendant à faire déclarer que l'indemnité cesserait de courir pour les membres absents, pendant tout le temps de leur absence sans congé. Mais la Chambre vota négativement à une forte majorité, sur la prise en considération de cette proposition.

3°. Le Président et le Vice-Président de la Chambre reçoivent-ils l'indemnité en dehors de leur traitement ?

Le Président et les deux Vice-Présidents ne touchent aucun traitement ; ils reçoivent l'indemnité s'ils n'habitent point Bruxelles.

4°. Les Ministres du Roi ou les autres fonctionnaires salariés de l'Etat reçoivent-ils l'indemnité en dehors de leurs traitements ?

Les Ministres résidents à Bruxelles, ils ne touchent donc pas l'indemnité de Représentants.

Ce sont aujourd'hui les seuls fonctionnaires et employés salariés par l'Etat qui puissent faire partie des Chambres, en vertu de la loi du 26 Mai 1848, sur les incompatibilités.

Avant 1848, les fonctionnaires qui faisaient partie de la Chambre et n'habitaient pas Bruxelles touchaient l'indemnité.

II. 5. Les dépenses relatives à la réception des votes dans les élections sont-elles supportées par l'Etat ?

L'article 34 de la loi du 19 Mai 1867 porte que les dépenses et fournitures relatives aux opérations électorales, à l'exception de ce qui est statué par l'article 2, seront supportées par la commune où l'élection a lieu.

L'article 2 statue que les votes seront donnés par écrit, autographiés ou lithographiés à l'encre noire, sur des bulletins de forme carrée qui seront spécialement timbrés à cet effet, et fournis par le Gouvernement. Je présume, M. le Ministre, que ces renseignements seront de nature à satisfaire à la demande de l'Assemblée Législative de Victoria.

M. le Consul de Belgique à Melbourne m'avait écrit de son côté pour obtenir les mêmes renseignements.

Veuillez agréer, &c.,

(Signé) JULES VANDERSTICHELEN.

(Copy.)

1. How is the rate of travelling expenses ascertained and fixed ?

The rate of travelling expenses is fixed by law at three shillings a Prussian mile (four and three-fifths English miles) by post, and one shilling a mile by rail. Distance and locomotion are calculated according to tables periodically published for this and similar purposes by authority of the Postmaster-General—(Post Cours Buch.)

2. Whether the Diet money depends on the personal attendance in the Legislature of the member receiving it ; and if so, how the attendance is ascertained and recorded ?

The Diet money depends on the personal attendance in the Legislature of the member receiving it. The assertion of the member is considered a sufficient proof of attendance ; nor is it considered necessary to verify such assertions.

3. Whether the President and Vice-Presidents of the Chamber receive the indemnity in addition to their salaries ?

The President and Vice-Presidents (two) do not enjoy any salary or "frais de représentation ;" they receive Diet money like other members. An official residence is provided for the President.

4. Whether Ministers of the Crown or other salaried officers in the employment of the State receive the indemnity in addition to their official salaries ? Yes.

5. Whether the expense of taking the poll at the elections is borne by the State ? No ; the expenses are borne by the town, village, &c. where the poll takes place ; but they are almost nil. There are no polling-booths ; the returning officers and poll clerks act gratuitously.

(Copy.)

La Haye, le 8 Dec. 1868.

M. LE MINISTRE,

Pour satisfaire à la demande que vous avez bien voulu m'adresser par votre office du 21 du mois dernier, concernant le désir de l'Assemblée Législative de Victoria d'obtenir des renseignements sur la compensation dont jouissent les membres des Etats Généraux de Pays-Bas, j'ai l'honneur de vous communiquer les réponses suivantes aux questions posées dans l'annexe de votre office.

1°. Les dispositions de la loi fondamentale de 1848 n'ont pas été modifiées.

2°. D'après cette loi fondamentale les membres qui seraient restés absentes durant la session entière, ne jouissent pas de l'indemnité annuelle de fls. 2000. Leur absence est constatée par les listes de présence de l'assemblée.

3°. Les frais de route sont fixés par le loi du 26 Mars 1849 (Journal Officiel No. 17) ; ils se montent une fois pour le voyage et une fois pour le retour, pour chaque session, à soixante-quinze cents par heure de distance entre le lieu de domicile de membres et la ville où les Etats Généraux se réunissent.

4°. Le Président (il n'existe pas de Vice-Président) ne reçoit pas d'indemnité outre celle qui lui est accordée comme membre.

5°. Les ministres ou autres fonctionnaires retribués reçoivent les indemnités en conservent leurs traitements sauf les exceptions suivantes.

D'après l'art. 91 de la loi fondamentale les militaires acceptant un mandat de membre de l'une des chambres seront de droit durant l'exercice de ce mandat en non-activité, de manière qu'ils ne jouiront alors que du traitement de non-activité avec l'indemnité en sus. En outre l'arrêté royal du 5 Février 1868 (Journal Officiel No. 18) statue que les fonctionnaires retribués employés aux départements de l'administration gouvernementale devenant membres de l'une des chambres seront durant le temps qu'ils seront revêtus de cette qualité dispensés de droit de remplir leur charge, et recevront un traitement de congé se montant à la moitié de leurs appointemens, ou bien s'ils recevraient pendant ce temps une démission honorable, sans qu'ils en eussent fait la demande, ils jouiront d'un traitement d'attente du même montant avec l'indemnité en sus.

6°. Les frais d'élections sont à la charge des communes.

Veillez, &c.,

(Signé) R. v. LIMBURG.

M. le Vice-Admiral HARRIS.

(No. 46.)

8, Victoria Chambers, Victoria-street, Westminster, S.W.,
31st December, 1868.

SIR,

I HAVE just received the annexed letter from the Colonial Office, together with answers from the United States, to the questions put by the Committee of the Legislative Assembly appointed to consider and report on the subject of compensating members of the Legislature.

I send you the original papers as received by me.

I have, &c.,

(Signed) GEORGE VERDON, Agent-General.

The Hon. C. GAVAN DUFFY, M.P., Chairman of Committee on
Payment to Members of Legislature.

Downing-street, 31st December, 1868.

SIR,

WITH reference to your letter of 10th November, I am directed by Earl Granville to transmit to you the accompanying answers, which have been received through the Foreign Office from Her Majesty's Minister at Washington to the queries of the Committee of the Legislative Assembly of Victoria respecting the payment of members of the Legislature of the United States.

I have, &c.,

(Signed) F. R. SANDFORD.

G. VERDON, Esq., C.B., &c.

Mr. HAMMOND to the Under-Secretary of State, C.O.

Foreign Office, 22nd December, 1868.

(Copy.)

SIR,

WITH reference to a letter from this office of the 16th instant, I am directed by the Earl of Clarendon to transmit to you herewith, to be laid before Earl Granville, the answers which have been received from Her Majesty's Minister at Washington to the queries of the Committee of the Victoria Legislative Assembly relative to the payment of members of the Legislature in the United States.

I am, &c.,

(Signed) E. HAMMOND.

The Under-Secretary of State, C.O.

UNITED STATES.

Be good enough to state—

1. Whether the compensation paid to senators and representatives depends on personal attendance in Congress; and if so, how the attendance is ascertained and recorded?
2. Whether the expense of taking the poll at elections is borne by the United States?
3. Whether the amount paid is submitted to Congress among the annual estimates of expenditure?

Answer to Question 1.—The compensation paid to senators and representatives does depend on personal attendance in Congress, and it is ascertained and recorded according to the following rules:—

Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States.—Const. 1, 6, 9.

By the Act of July 28, 1866, Sess. Laws, pp. 333 and 334, it is provided that the compensation of each senator, representative, and delegate in Congress, shall be five thousand dollars per annum, to be computed from the first day of the present Congress, and, in addition thereto, mileage at the rate of twenty cents per mile, to be estimated by the nearest route usually travelled in going to and returning from each regular session; but nothing herein contained shall affect mileage accounts already accrued under existing laws: Provided, that hereafter mileage

accounts of senators shall be certified by the President of the Senate, and those of representatives and delegates by the Speaker of the House of Representatives: And provided further, that the pay of the Speaker shall be eight thousand dollars per annum.

And by the joint resolution of December 23, 1857, that "on the first day of the session of each Congress, or as soon thereafter as he may be in attendance and apply, each representative and delegate shall receive his mileage as now allowed by law."—Stat. at Large, Vol. xi., p. 367.

By the Act of January 22, 1867, Sess. Laws, p. 8, it is provided that no person who was a member of the previous Congress shall receive any compensation as mileage for going to or returning from the additional session commencing on the 4th of March.

By the joint resolution of March 30, 1867, Sess. Laws, p. 281, it is provided that each senator, member of the House of Representatives, and delegate in Congress, after having taken and subscribed the required oath, shall be entitled to receive his compensation at the end of each month, at the rate now established by law.

By the Act of August 16, 1856, it is also provided that if any books shall hereafter be ordered to and received by members by resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation provided for such member or members; but this does not extend to books ordered to be printed by the public printer during the Congress for which the said member shall have been elected.

It is also the duty of the Sergeant-at-Arms of the House, and the Secretary of the Senate respectfully, to deduct from the monthly payment of any member the amount of his compensation for each day that such member shall be absent from the House or Senate respectively unless such representative, senator, or delegate shall assign as the reason for such absence the sickness of himself or of some member of his family.—Stat. at Large, Vol. xi., p. 48.

By the joint resolution of July 17, 1862, active employment in the military service for the suppression of the rebellion without pay is declared to be a valid excuse for absence from duty in Congress.

And it is further declared that withdrawal from his seat by a member without leave, in anticipation of and before the adjournment of Congress, and a failure to return, shall, in addition to the deduction provided by the foregoing Act, work a forfeiture of his mileage for returning home, the amount of which shall be deducted from his compensation.—Stat. at Large, Vol. xii., p. 628.

By a resolution of the House of March 4, 1842, the Sergeant-at-Arms is required to deduct the amount of the excess of stationery over the value of seventy-five dollars for a long and forty-five for a short session, received by a member, from the pay and mileage of such member.—Journal 2, 27, p. 495.

The compensation which shall be due the members of each House shall be certified to by the presiding officers thereof respectively; and the same shall be passed as public accounts and paid out of the public treasury.—Stat. at Large, Vol. iii. p. 404.

And all certificates which may have been or may be granted by the presiding officers of the Senate and House of Representatives respectively, of the amount of compensation due to the members of their several Houses, are, and ought to be, deemed, held, and taken, and are hereby declared to be conclusive upon all the departments and officers of the Government of the United States.—Stat. at Large, Vol. ix., p. 523.

[Herewith enclosed the paper issued by the Sergeant-at-Arms to members of the House of Representatives, which they are obliged to sign so as to prove their personal attendance.]

Answer to Question 2.—The expense of taking the poll at elections is not borne by the United States as a general rule, but, as according to the Constitution of the United States, a republican form of Government is guaranteed, should there be any reason to believe that any particular State of the Union is not prepared to carry out that form of Government, then the Federal Government can step in and conduct the elections at its own expense in the proper form required, it being competent for it to tax that particular State for re-payment of the expenses so incurred.

This course has lately been pursued in the States which were declared in rebellion during the late war.

Answer to Question 3.—If the Federal Government undertakes the expense of the poll at elections, those expenses are submitted to Congress among the annual estimates of expenditure.

Office Sergeant-at-Arms, House of Reps., 186

SIR,

I ANNEX a copy of a Bill to regulate the compensation of Members of Congress, approved August 16, 1856, and the joint resolution amendatory thereof, approved December 23, 1857; and, to enable me to comply with the 6th section of the former, I have to request that you will inform me, at your earliest convenience, of the number of days you were absent from the House of Representatives during the present session, and during the extra session held in July and August, 1861, and for which you do not assign us a reason the sickness of yourself or some member of your family.

To save you trouble, I annex a blank form, which, if you see proper, may be filled up and signed by you.

I have, &c.,
(Signed)

Sergeant-at-Arms, House of Reps.

To the Hon.

The number of days during which I was absent from the House of Representatives during the extra and first regular sessions of the 37th Congress, other than those days on which my absence was caused by the sickness of myself or some member of my family, was

AN ACT TO REGULATE THE COMPENSATION OF MEMBERS OF CONGRESS.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the compensation of each senator, representative, and delegate in Congress shall be ten thousand dollars for each Congress, and mileage, as now provided by law, for two sessions only, to be paid in manner following, to wit: On the first day of each regular session, each senator, representative, and delegate shall receive his mileage for one session; and on the first day of each month thereafter, during such session, compensation at the rate of three thousand dollars per annum during the continuance of such session; and at the end of such session he shall receive the residue of his salary due to him at such time, at the rate aforesaid, still unpaid; and at the beginning of the second regular session of the Congress, each senator, representative, and delegate shall receive his mileage for such second session, and monthly, during such session, compensation at the rate of five thousand dollars per annum, till the fourth day of March terminating the Congress; and on that day each senator, representative, and delegate shall be entitled to receive any balance of the ten thousand dollars not theretofore paid in the said monthly instalments as above directed.

SEC. 2. *And be it further enacted,* That the President of the Senate *pro tempore*, when there shall be no Vice-President or the Vice-President shall have become President of the United States, shall receive the compensation provided by law for the Vice-President; and the Speaker of the House of Representatives shall receive double the compensation above provided for representatives, payable at the times and in the manner above provided for payment of the compensation of representatives.

SEC. 3. *And be it further enacted,* That this law shall apply to the present Congress, and each senator, representative, and delegate shall be entitled to receive the difference only between their per diem compensation already received under the law now in force, and the compensation provided by this Act.

SEC. 4. *And be it further enacted,* That in the event of the death of any senator, representative, or delegate, prior to the commencement of the first session of the Congress, he shall be neither entitled to mileage nor compensation; and in the event of death after the commencement of any session, his representative shall be entitled to receive so much of his compensation, computed at the rate of three thousand dollars per annum, as he may not have received, and any mileage that may have actually accrued and be due and unpaid.

SEC. 5. *And be it further enacted,* That if any books shall hereafter be ordered to, and received by members of Congress, by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation hereinbefore provided for such member or members: *Provided however,* That this shall not extend to books ordered to be printed by the public printer during the Congress for which the said member shall have been elected.

SEC. 6. *And be it further enacted,* That it shall be the duty of the Sergeant-at-Arms of the House, and Secretary of the Senate, respectively, to deduct from the monthly payments of members as herein provided for the amount of his compensation for each day that such member shall be absent from the House or Senate, respectively, unless such representative, senator, or delegate shall assign as the reason for such absence the sickness of himself or of some member of his family.

SEC. 7. *And be it further enacted,* That all Acts or parts of Acts inconsistent with or repugnant to the provisions of this Act be, and the same are hereby, repealed.

JOINT RESOLUTION to amend the Act entitled "An Act to regulate the compensation of Members of Congress," approved August sixteenth, eighteen hundred and fifty-six.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the compensation allowed to members of Congress by an Act entitled "An Act to regulate the compensation of Members of Congress," approved August sixteenth, eighteen hundred and fifty-six, be paid in the following manner, to wit: On the first day of the first session of each Congress, or as soon thereafter as he may be in attendance and apply, each senator, representative, and delegate shall receive his mileage, as now provided by law, and all his compensation from the beginning of his term, to be computed at the rate of two hundred and fifty dollars per month, and during the session compensation at the same rate; and on the first day of the second or any subsequent session he shall receive his mileage, as now allowed by law, and all compensation which has accrued during the adjournment, at the rate aforesaid, and during said session compensation at the same rate.

SEC. 2. *And be it further resolved,* That so much of the said Act, approved August sixteenth, eighteen hundred and fifty-six, as conflicts with this joint resolution, and postpones the payment of said compensation until the close of each session, be, and the same is hereby, repealed.

Approved December 23, 1857.

*Royal Swedish and Norwegian Consulate,
Melbourne, 19th February, 1869.*

SIR,
I HAVE the honor to send you herewith a copy of a Despatch which I have received by this month's mail from the Minister of Foreign Affairs at Stockholm, relative to the enquiry which I made at your request as to the remuneration received by members of Parliament in Sweden and Norway.

I have, &c.,

(Signed) J. B. WERE, Consul.

Hon. C. G. DUFFY, Parliament Houses.

(Copy.)

SWEDEN.

1. According to § 32 of the existing regulations every member of the Second Chamber of the Swedish Diet is entitled to a salary of 1200 rixdollars (£67 sterling) for four months, with an allowance for his travelling expenses to Stockholm and back. Members who have not arrived in time to be present from the beginning of each session are fined 10 Swedish dollars for every day they are absent.

2. The members are bound to attend at the sittings of the Chamber, and also of the committees when they are selected to serve on a committee. Each Chamber may impose a fine, at the discretion of the Chamber, on such of its members who do not properly attend at the Diet. There are no special provisions for ascertaining the attendance of members.

3. Each member of the Second Chamber (those for the capital of course excepted) is entitled to an indemnity for his travelling expenses equal to the price of a first-class railway or steam-boat fare for the distance he has to go by rail or steamer, and to three rixdollars per Swedish mile (sixpence per English mile) for any distance he has to travel by post from his home to Stockholm and back.

4. The President and Vice-President receive no salary whatever in this capacity; but they are entitled to the same remuneration and travelling expenses as the other members of the Chamber.

5. A Minister of the Crown cannot be an elected member of the Second Chamber, if he is not returned for the capital. In such case, however, he would be entitled to the salary of 1200 rixdollars. In virtue of § 53 of the Constitution, every Minister of the Crown has a seat in each Chamber, and may take part in the debates, but he is excluded from the right of voting unless he be an *elected* member of the Chamber. Officers in the employment of the State, and being members of the Second Chamber, receive the indemnity in addition to their official salaries, if they reside in the provinces. The State pays their substitutes during the sitting of the Diet. In the case of officers who reside in Stockholm, and become members of the Second Chamber, a deduction of one-eighth of their official salary is made to indemnify those who discharge the ordinary duties of such officers during the session.

6. The expense of taking the poll at elections is borne by the State entirely.

NORWAY.

The members of the Diet receive an allowance of 3 (three) specie dollars, or about 14s. sterling a day, during the session. As travelling expenses they are paid two specie dollars and a half for every day they are on their way to Christiania and back, and half a dollar per mile (4d. per English mile) of the distance.

Art. 1. When present at the Diet, the members receive this payment. For non-attendance they are liable to a penalty of from two to five dollars, at the discretion of the Diet, if they have not in due time informed the President of the cause of their absence. For this purpose members are bound to answer to their names when the list is read over at every sitting.

Art. 2. The President and Vice-President are chosen by and amongst the members, and receive no other pay than their allowance as members of the Diet.

Consulaat Generaal der Nederlanden voor Australië, Nieuw Zeeland, en Tasmanie, Melbourne, 2nd March, 1869.

I HAVE the honor to hand you enclosed translation of a reply received from His Excellency the Minister of Foreign Affairs regarding payment of Members in the Netherlands.

His Excellency informed me that it was copy of a letter addressed to His Excellency the Ambassador of the Netherlands at the Court of St. James, in reply to similar questions.

I have, &c.,

(Signed) J. W. PLOOS VAN AMSTEL, *Consul-General.*

The Honorable G. DUFFY, President of the Select Committee of the Legislative Assembly, Payment of Members, Parliament Houses.

(TRANSLATION.—COPY.)

The Hague, 2nd December, 1868.

IN returning the addenda of your letter, dated 4th November, 1868, No. 8129, I have the honor to forward the following replies to questions from the Executive Government of Victoria, as submitted by the British Envoy:—

1. No alterations have been made in the limitations of the Fundamental Law of 1848.

2. According to the limitations of that law, the compensation money—2000 fl. (£216)—is not allowed to those who are absent during the whole of the Session, which may be seen by the attendance lists of the meetings of the Chamber.

3. The travelling expenses are regulated by an Act of the 26th May, 1849 (*Government Gazette*, No. 17). They are allowed for *once* to and from the place of meeting during the Session, and are fixed at 75 cents (1s. 3d.) for each hour's distance between the abode of each member and the place of meeting of the Chamber.

4. The President (there is no Vice-President) does not receive any augmentation above that which is due to him as a Member.

5. The Ministers or other paid Officers receive compensation Money in addition to their salaries, save the following exceptions:

It is enacted in Art. 91 of the Fundamental Law that, if gentlemen of the army accept the membership of one of the Chambers, they shall be placed on non-active service, and consequently they will only receive the salary allowed in such instance, together with the compensation money.

The Royal Act of 5th February, 1868 (*Government Gazette*, No. 18), has also fixed that, if paid officers belonging to the public service become Members of either of the Chambers, they shall be relieved during such time, and shall receive leave-of-absence salary amounting to one-half of their yearly income; or in case they be honorably dismissed, if they so desire, they shall receive an expectance amounting to a similar sum, together with the compensation money.

6. The expenses of the elections to be borne by the municipalities.

His Excellency the Minister of Exterior.

The Minister of Interior,

(Signed) FOCK.

*Consulate of the North German Confederation,
Melbourne, 2nd March, 1869.*

SIR,

REFERRING to your letter of 31st August last, relative to the practice of paying or compensating Members of the Legislature in Prussia; and my reply thereto of 9th September ultimo, I now have the honor to inform you that I received by the last mail the desired information; but as the Select Committee had terminated their labours by reporting to the House, I have forwarded the answers to the questions put to me in your letter, with a few general observations, to the Chief Secretary, as the head of the Ministry; and I now beg to forward to you herewith a copy of my communication to Mr. M'Culloch.

I have, &c.,

(Signed) W. A. BRAHE, *Consul for the North German Confederation.*

The Hon. C. GAVAN DUFFY, M.P., Parliament House.

*Consulate of the North German Confederation,
Melbourne, 2nd March, 1869.*

Payment of Members—General Remarks.

THE Prussian Constitution Act enacts that Members of the Second Chamber shall receive travelling expenses and diet money (to be fixed by law), which they are not permitted to refuse. A law fixing the scale of travelling expenses and the amount of the diet money has not yet been enacted. The Deputies, however, receive by custom—

I. For diet money, three Prussian thalers (one thaler equal to three shillings sterling) a day for the duration of the Session and the time required for the journey to and from the capital.

II. For travelling expenses—

1. Where the journey is made on railways or steamers—

- (a) For fare and transport of luggage, one-third of a thaler (or one shilling sterling) per mile (German or geographical.)
- (b) Additional expenses for the journey from the place of residence of the member to the railroad or steamer and back, two-thirds of a thaler (or two shillings sterling.)
- (c) For distances where no railway or steamer is available, one thaler (or three shillings sterling.)

Compensation of Members in Prussia.

Under the existing Constitution of Prussia, Members of the Second Chamber receive travelling expenses and diet money amounting to three dollars a day, which they are not permitted to refuse.

Be good enough to state—

1. How is the rate of travelling expenses ascertained and fixed? The amount of travelling expenses is fixed according to the scale mentioned in the general remarks, by the distance, as taken for the purposes of the postal service, from the place of residence to the seat of Parliament.

2. Whether the diet money depends on the personal attendance in the Legislature of the Member receiving it; and, if so, how the attendance is ascertained and recorded? The payment of the diet money depends on the personal attendance of the Member. It begins with the day of his arrival in Berlin, which he notifies to the Clerk of the Chamber of Deputies, and is suspended during absence by leave, which is granted by the President. No travelling expenses are paid for journeys during such leave of absence. No record is kept of the presence or absence of Members in any sitting; even the absence of Members found out at the calling of names for the purposes of voting is, according to the custom hitherto observed, made no ground for withholding the diet money. It is rather left to the sense of duty of the Members whether and for what period they will apply for leave of absence when they are prevented from attending. The vouchers for the payment of the diet money are issued by a Committee appointed by the President.

3. Whether the President and Vice-President of the Chamber receive the indemnity in addition to their salaries? The President of the House has an official residence during the duration of the Session. Neither the President nor the Vice-President, as such, is in receipt of a salary. Both receive diet money and travelling expenses like the other Deputies.

4. Whether Ministers of the Crown or other salaried Officers in the employment of the State receive the indemnity in addition to their official salaries? Salaried Officers in the employment of the State, Ministers of the Crown, and others who are Members of the House, receive, in addition to their official salaries, the above-mentioned indemnity, but are liable to be required to pay the salaries of their substitutes should a substitution be necessary.

5. Whether the expense of taking the poll at elections is borne by the State? The expenses attending the election of the Deputies is borne by the State, but the expense of the election of the College of Electors is paid out of the local revenues of the respective Districts.

In conclusion, I may remark that the Constitution of the North German Confederation—a new institution, created since 1866, and comprising about 40,000,000 people—does not provide for payment of members in any way.

W. A. BRAHE, *Consul for the North German Confederation.*

8, Victoria Chambers, Victoria-street, Westminster, S.W., 27th January, 1869.

SIR,

I HAVE the honor to enclose, for the information of the Committee, letters from the Colonial Office, covering documents received through the Foreign Office from H.M. Minister at Stockholm, and a despatch from the Governor of Newfoundland, in which the information you desired me to obtain concerning the practice of paying or compensating members of the Legislature in Newfoundland, and in Norway and Sweden respectively, is given.

The information required by the Committee is now complete.

I have, &c.,

(Signed) GEO. VERDON, *Agent-General.*

*The Hon. C. GAVAN DUFFY, M.P.,
Chairman of the Committee on Payment of Members of the Legislature.*

Downing-street, 6th January, 1869.

SIR

I AM directed by Earl Granville to transmit to you the accompanying documents, received through the Foreign Office from Her Majesty's Minister at Stockholm, which complete the information for which you applied on behalf of the Legislature of Victoria respecting the payment or compensation of members of the Legislature of certain foreign countries.

I have, &c.,

(Signed) FREDERIC ROGERS.

G. F. VERDON, Esq., C.B.

(Copie.)

Stockholm, le 31 Dec., 1868.

MONSIEUR,

Par un office que vous avez bien voulu m'adresser en date du 3 du courant, vous avez exprimé le désir d'obtenir certains renseignements sur les émolumens alloués aux membres des Diètes Suédoise et Norvégienne.

J'ai l'honneur de vous transmettre ci-près deux annexes contenant les renseignements demandés; et je saisis, &c.

&c., &c., &c.,

(Signé) WACHTMEISTER.

Mr. JERNINGHAM, &c

SWEDEN.

1. According to § 32 of the existing regulations, every member of the Second Chamber of the Swedish Diet is entitled to a salary of 1200 riksdollars (£67 sterling), for four months, with an allowance for his travelling expenses to Stockholm and back. Members who have not arrived in time to be present from the beginning of each session are fined ten Swedish dollars for every day they are absent.

2. The members are bound to attend at the sittings of the Chamber, and also of the Committees, when they are selected to serve on a Committee. Each Chamber may impose a fine, at the discretion of the Chamber, on such of its members who do not properly attend at the Diet. There are no special provisions for ascertaining the attendance of members.

3. Each member of the Second Chamber (those for the capital of course excepted) is entitled to an indemnity for his travelling expenses equal to the price of a first-class railway or steamboat fare for the distance he has to go by rail or steamer, and to three riksdollars per Swedish mile (sixpence per English mile) for any distance he has to travel by post from his home to Stockholm and back.

4. The President and Vice-President receive no salary whatever in this capacity, but they are entitled to the same remuneration and travelling expenses as the other members of the Second Chamber.

5. A Minister of the Crown cannot be an elected member of the Second Chamber if he is not returned for the capital. In such case, however, he would be entitled to the salary of 1200 riksdollars. In virtue of § 53 of the Constitution every Minister of the Crown has a seat in each Chamber, and may take part in the debates, but he is excluded from the right of voting, unless he be an *elected* member of the Chamber. Officers in the employment of the State, and being members of the Second Chamber, receive the indemnity in addition to their official salaries, if they reside in the provinces. The State pays their substitutes during the sitting of the Diet. In the case of officers who reside in Stockholm, and become members of the Second Chamber, a deduction of one-eighth of their official salary is made, to indemnify those who discharge the ordinary duties of such officers during the session.

6. The expense of taking the poll at elections is borne by the state entirely.

NORWAY.

THE members of the Diet receive an allowance of 3 (three) specie dollars, or about fourteen shillings sterling a day during the session. As travelling expenses, they are paid two specie dollars and a half for each day they are on their way to Christiania and back, and half a dollar per mile (fourpence per English mile) of the distance.

Ad. 1. When present at the Diet, the members receive this payment; for non-attendance they are liable to a penalty of from two to five dollars, at the discretion of the Diet, if they have not in due time informed the President of the cause of their absence. For this purpose members are bound to answer to their names when the list is read over at every sitting.

Ad. 2. The President and Vice-President are chosen by and amongst the members, and receive no other pay than their allowance as members of the Diet.

Downing-street, 4th January, 1869.

SIR,

WITH reference to your letter of the 10th of November, requesting information as to the system of paying or compensating members of the Legislatures of those countries in which the practice prevails, I am directed by Earl Granville to transmit to you, for your information, the enclosed copy of a Despatch from the Governor of Newfoundland, giving the desired particulars as regards that colony.

I am, &c.,

(Signed) FREDERIC ROGERS.

GEORGE VERDON, Esq., C.B., &c.

Acting Governor O'BRIEN to the Duke of Buckingham.

(Copy.)

Government House, Newfoundland, 9th December, 1868.

MY LORD DUKE,

I HAVE the honor to acknowledge your Grace's Despatch, No. 37, of the 16th November, enclosing a letter from Mr. Verdon, the Agent for Victoria, of the 10th November, requesting information as to the system of paying or compensating Members of the Legislature of Newfoundland.

I beg to enclose a copy of a memorandum of the Colonial Secretary's, affording, as I think, all the information required by Mr. Verdon on the subject.

I have, &c.,

(Signed) LAWRENCE O'BRIEN, *Administrator.*

The Most Noble the Duke of Buckingham and Chandos, &c.

[COPY.]

MEMORANDUM as to the System in operation in Newfoundland relative to compensating Members of the Legislature.

Members of the Legislative Council, and of the House of Assembly, receive a certain fixed sum per Session, which is provided for annually in a local Act, entitled, "An Act to provide for the contingent expenses of the Legislature."

AMOUNT PER SESSION.

<i>Legislative Council.</i>					<i>Dollars.</i>
President	....	....	....	....	240
Each Member	....	....	....	....	120
<i>House of Assembly.</i>					
Speaker	....	....	....	....	928
Members, each—resident in outports	....	....	....	....	291
Members, each—resident in capital	....	....	....	....	194

Limitation as to Payment.

In the case of Members of the Legislative Council a certain reduction, to be agreed on by the Contingency Committee of that body, is made for each day's non-attendance.

Payment is made to Members of Assembly without reserve, unless in any case of total absence, or in such case where absence might be so continual (without excuse) as might induce the Contingency Committee of the House of Assembly to take it into consideration; but there is no special rule with respect to the latter point.

(Signed) J. BEMISTER, *Colonial Secretary.*

*Secretary's Office, St. John's, Newfoundland,
8th December, 1868.*

Nelson, New Zealand, 8th March, 1869.

SIR,

I REGRET that so much delay has occurred in answering your letter of the 4th February. Unfortunately I was away from home when it reached this place.

You desire to know "how the daily attendance of Members in Parliament is ascertained in New Zealand, in order to make the necessary deduction for non-attendance."

In practice the payment of Members is carried out by the Clerk of the House. A record of the attendance of Members is kept by a doorkeeper, who puts down the names of Members who present themselves in the House each day. The practice, I believe, is somewhat vague; but it may be generally stated in this way:—The object of the payment is not to recompense Members for their services, but to pay their necessary expenses while residing in the place of meeting of the Legislature. So long, therefore, as a Member coming from a distant part of the country remains in the town in which the Legislature is sitting, he receives his honorarium, even though he has not been present in the House. The presumption is, that his absence is to be accounted for by sickness or some other good cause.

But if he goes away, and is absent from the place of meeting of the Legislature, a matter which is ascertained partly by common rumor, and partly by the admission of the Member himself, he then forfeits his honorarium.

Should you wish further details as to the working of the system, Major Campbell, the Clerk of the House of Representatives, will be happy to supply it. But I don't think he will be able to give you anything more definite than above; for this reason, that the thing has not been put into the shape of an Act of Parliament, and finds its only sanction in an old and somewhat obscure resolution which was passed in the first Session of our Parliament, and has been acted on ever since.

Pray don't offer any apologies for troubling me. I shall have great pleasure in replying at any time to any questions you may desire to have answered.

I have, &c.,

(Signed) D. MONRO, *Speaker, House of Representatives,
New Zealand.*

C. GAVAN DUFFY, *Esq.,
Chairman of Payment of Members Committee.*