

(No. 36.)



1862.

T A S M A N I A.

WANT OF CONFIDENCE.

DESPATCH FROM HIS EXCELLENCY THE ADMINISTRATOR
TO THE DUKE OF NEWCASTLE, No. 23, of 8 *February*, 1862.

Laid upon the Table by Mr. Henty, and ordered by the Council to be printed,
28 August, 1862.



[DESPATCH No. 23.—EXECUTIVE.]

Government House,
Hobarton, Tasmania, 8th February, 1862.

MY LORD DUKE,

I HAVE the honor to forward the following Address from the Legislative Council of Tasmania :—

“MAY IT PLEASE YOUR EXCELLENCY.

“THE Legislative Council, on the 29th instant, after taking into consideration the condition of the Colony, felt itself compelled to arrive at the following Resolution :—

“That this Council, in voting the Supplies to the Government for a portion of the year only, has been influenced simply by a desire to prevent public inconvenience; and it now desires to record its opinion that the management of the Financial interests of the Country has not been such as to merit its approval, and that especially the Expenditure of Public Money without the sanction of Parliament has justly deprived Ministers of the Confidence of the Legislative Council.”

“This Council, therefore, respectfully submits to Your Excellency that it is impossible, under such circumstances, for the present Government to conduct the Administration of the Public affairs with advantage to the Country.

“This Council consequently leaves it to Your Excellency, in your wisdom, to adopt such measures as shall seem best calculated to meet so critical and grave an emergency. (Mr. Whyte.)”

2. In explanation of the above, it may be necessary that I should inform Your Grace that the Estimates, having been passed in the Lower House, were sent to the Legislative Council in October, 1861. The Council, however, refused to consider them at that time, and adjourned until 7 January, 1862.

3. The House met on that day, when the Estimates were again submitted, but the Council declined to consider them until the Ways and Means had also been laid before them. Ways and Means were accordingly introduced to the Lower House, including a Bill to enable the Government to raise *ad Valorem* Duties on articles not specified, (upon which I have reported in my Despatch No. 22.) The Ways and Means were affirmed in the Lower House by 15 to 10, and in the Legislative Council without division; after which the Estimates were also passed without division.

4. The foregoing Address was then proposed and carried by eight against six votes. The Upper House consists of fourteen Members and a President; and the Lower House of twenty-nine Members and a Speaker.

5. Your Grace will observe, that Ministers have a majority in the Lower House, but that in the Upper House (in which the Members are elected for a term of six years, and which cannot be dissolved,) there is a majority of one or two against them, depending on whether the House is or is not in Committee.

6. It was evident that the Legislative Council desired either that I should dismiss my Advisers in whom they had no confidence, or that I should dissolve the Lower House (which had met once only since the last Elections), in the hope that the Electors might return new Members who would adopt their views.

7. It appeared to me that I should be acting unconstitutionally towards the Lower House if I were to dissolve it at the desire of the Legislative Council; nor was there any certainty that my so doing would bring the two Houses into accordance with each other. It was equally impossible that I should dismiss my Advisers while they possessed a working majority in the Lower House. Under these circumstances, I replied as follows:—

“MR. PRESIDENT, AND HONORABLE GENTLEMEN.

“IT is a subject of great regret to me that I am unable to comply with any request preferred by the Honorable the Legislative Council.

“I am not, however, aware of any precedent showing that the Crown, or any Officer representing the Crown, has interfered at the suggestion of an Upper House of Legislature in opposition to the advice of Ministers possessing the confidence of the House of Representatives.

“(Signed) T. GORE BROWNE.

“*Government House, 31st January, 1862.*”

8. The business of both Houses having been completed, with exception of some details, Ministers announced, on 31st January, that they had advised me to prorogue the Assembly at three o'clock P.M. on 1st February. The Legislative Council, on hearing this, adjourned for three months; and, on the 1st February, I prorogued the Assembly by Proclamation until 17th June.

9. In speaking upon the Motion for Adjournment, one Member of the Upper House (Mr. Wilson) observed that their rights and privileges were invaded, and an attempt was made to disfranchise the House of its dearest privileges. I find, however, that an analogous case occurred in Adelaide, and the Governor made a similar reply on the 10th August, 1857. I may also observe that, as the Legislative Council, although elective, can neither be dissolved or increased in number, and consequently may not always be in accordance with public opinion, it cannot be considered a Representative body in the same degree as the Lower House.

10. I enclose copies of two newspapers, reporting the Debates and commenting upon them,—one adopting the Ministerial, and the other the Opposition view of the question.

11. In conclusion, I have only to add, that no want of courtesy has been shown to myself personally.

I have, &c.,

(Signed) T. GORE BROWNE.

TRUE COPY—F. G. STEWARD, *Private Secretary.*