

allowed countersigned. That phrase "if so allowed" implied the power of disallowance. If that was so who had the right under the constitution to exercise the right of disallowance? Certainly not the Governor in his private person. The Governor meant the Government, and the majority of the House of Assembly as representing the people had a right to say what the Government should do. If the motion were carried and the most extreme conceivable action taken by the Government it would not override the Act, because all that the Act said could be done should be done. The motion could not affect the University at present, because the regulations had ceased to be in the hands of the University, and had gone into the possession of the Governor, and the Government, even supposing they obeyed a resolution of the House, and held them over for ten days, would strictly comply with section 10 of the Act, which said "if so allowed." That meant that any period, even though it might be an indefinite time, might elapse.

The Hon. J. L. PARSONS said he would not deal with the subtleties connected with such a discussion, but considering the Speaker's ruling he asked leave to withdraw the motion.

The SPEAKER—It is necessary to settle the other motion first.

Mr. HOLDER was opposed to the motion in chief, but on the point of order he respectfully agreed with Mr. Kingston. There would be no over-riding of the Act in merely expressing an opinion. The motion would be only an expression of opinion as to the way in which certain things were to be done, and would amount practically to a direction to Ministers to secure at the earliest time an alteration of the Act to give effect to that opinion. Until such alteration of the law took place the mere passing of the resolution would have no operative effect. The House frequently considered propositions such as it was desirable to impose a certain kind of taxation which was not all the kind imposed by Act of Parliament. Hon. members often had to bring up abstract resolutions expressing an opinion not similar to any existing Act of Parliament, and if this point were not settled in the way in which he contended it should be he feared their liberty in this direction would be seriously curtailed, and that they would be prevented bringing up resolutions which had for their ulterior object alteration of existing Acts of Parliament. (Hear, hear.)

Mr. DASHWOOD, although somewhat doubtful, was inclined to agree with the ruling given by the Speaker. As regards the observations made by Mr. Holder he was at a loss to understand the way in which he put them. If no notice were taken by the Ministry when the House arrived at a decision on the matter of this description it was placing the House in a wrong position. Taking the ordinary interpretation of the clause quoted, could there be any reason for supposing that there could be any other Act intervening between the passing of the statutes and regulations and the submission of them to the Government? The important act of laying these statutes and regulations before the House was not contemplated, and was in opposition to the sense of the clause. The resolution would in effect override the Act of Parliament. The case quoted by Mr. Ash was not an analogous one.

The Hon. C. C. KINGSTON repeated the assurance of reluctance with which he tabled the motion. As he understood the objection to the resolution before the Chair was that it might possibly be construed to override existing legislation he suggested that the difficulty might be overcome so soon as this dispute was disposed of by inserting in the original motion words (which he would propose if he had leave to withdraw his own), as follows:—After "House" "and so far as consistent with existing legislation," and the addition to the motion of "and that a Bill should be introduced for the purpose of giving effect to this resolution." He asked permission to withdraw the resolution.

The CHIEF SECRETARY (Sir J. C. Bray) thought the hon. member would not be in order in moving an amendment at this stage. Mr. Parsons had better, perhaps, be asked to submit the motion in an amended form.

The SPEAKER—Probably that will be the better course.

The Hon. C. C. KINGSTON'S proposition having been withdrawn, the Hon. J. L. PARSONS moved the original motion with the amendments suggested by Mr. Kingston. Negatived on the following division:—

AYES, 12—Hon. A. Catt, Messrs. Ash, Bartlett, Brooker, Caldwell, Gillen, Gould, Grayson, Landseer, Miller, White, and Solomon (teller).

NOES, 13—Treasurer, Chief Secretary, Attorney-General, Minister of Education, Messrs. Butler, Castine, Dashwood, Hack, Hague, Hancock, Handyside, Holder, and Horn (teller).

PAIRS—Ayes, Hons. C. C. Kingston and J. L. Parsons, Messrs. Cock, Cohen, and Hopkins. Noes, Commissioner of Public Works, Sir J. W. Downer, Hon. G. C. Hawker, Gilbert, and H. C. Kelly.

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CHIEF JUSTICE WAY.

The Chief Justice has been granted twelve months' leave of absence from his duties, and on Wednesday he proceeds to England by the Orient steamer Austral. His Honor's holiday has been well earned. For nearly fifteen years he has occupied a seat upon the Supreme Court Bench, and in conjunction with his learned colleagues has had a large amount of difficult and responsible work to perform. The extent of a Judge's official labours cannot in any way be measured by the number of hours in which he is actually engaged in open Court in adjudicating upon cases brought before him. Even in regard to these, however, he has often to spend many anxious hours in considering evidence, weighing arguments, studying the law applicable to the facts, and generally qualifying himself to direct Juries or pronounce judgment upon matters submitted to him for determination. He, of course, receives much assistance from the counsel who appear before him, but it is necessary that he should keep himself thoroughly posted up in the law, and be in a position to arrive at an independent, impartial, and definite conclusion. And this he must do, not only in one or two, but in all the departments of legal work. He must be capable of intelligently and promptly adjudicating upon questions of common and statute law, upon equity matters, probate and matrimonial causes, and in Admiralty and insolvency proceedings. He has to hear appeals from inferior Courts, and to that end must be familiar with the practice and procedure of those tribunals.

But after all Supreme Court business proper constitutes only a small

part of the work done by the Judges. They have to give attendance in Chambers and decide there upon many subtle and intricate points not only affecting pleadings and interlocutory matters generally, but also affecting the substantial merits of causes. This branch of duty has become more arduous and delicate since the new system of jurisprudence came into force some time ago. But the public knows little or nothing of it, for the simple reason that it is dealt with *in camerâ*. Nor can it be forgotten that of late years the Judges have been called upon to take their place in the Insolvency and Local Courts, thus relieving the pressure of work there, so that the efficient services they are capable of rendering has been turned to good account. To some at least of these considerations sufficient weight is not given by those members of the community who are fond of speaking of the Judges as having too little to do. They have vastly more to do than meets the eye, and the nature of their work when it is conscientiously performed is of that wearing, brain-wearying character which cannot be safely persisted in without intervals of complete rest and change. For this reason alone His Honor is entitled to his holiday. But His Honor's claims to a year's leave of absence do not end here. Whilst discharging faithfully and efficiently his functions as a Judge he has been keenly alive to his responsibilities as a citizen and a representative man. His public-spiritedness has indeed known no bounds. The mere enumeration of the leading offices he holds in connection with the non-political organi-