

The clause to which allusion was made was as follows:—

The Governor may appoint inspectors of pounds who shall subject to the provisions of this and the principal Act and under the instructions of the Minister have control over such pounds &c.

The clause which had been inserted by the Council in the Bill under consideration, to which he wished to direct attention, was as follows:—

With the view to the effectual enforcement of this Act the inspectors of sheep shall in their respective districts be inspectors hereunder and shall as such under the direction of the Minister aforesaid possess and exercise (so far as the same are applicable) all the powers possessed by them as inspectors under the Diseases in Sheep Acts in force for the time being.

He maintained that the principle of this new clause was precisely similar to that introduced in the Impounding Bill.

Sir HENRY PARKES said it appeared to him that the case to which the honorable member referred was essentially different from the present one. In this case the Legislative Council had only thrown additional duties upon an officer already appointed, and there was no reason to infer that that would involve additional payment. In the case which the honorable member had quoted, the Council had actually created a new office.

Mr. FITZPATRICK was in the painful position of always having differed from the ruling given by Mr. Speaker in the case referred to by the honorable member for The Lower Hunter, as it appeared to circumscribe very greatly the functions of the Upper Chamber. If it was insisted upon it would render it almost impossible for the Legislative Council to discharge their legislative duties at all; and he could not see that there was any difference whatever between the two cases. The objection to the action of the Council in reference to the Impounding Bill was that it involved the expenditure of the money although it did not appropriate money. In the present case extra duties were to be thrown upon an officer for which extra remuneration would have to be paid.

Mr. SPEAKER: The two cases are not in my opinion analogous. The ground upon which I pointed out that the Legislative Council had interfered with the privileges of the Assembly on the occasion referred to by the honorable member for The

Lower Hunter was that they had created a new office which would involve the expenditure of public money. The Council in the present instance have not created a new office. They have imposed duties upon an officer already appointed, and no increased expenditure is thereby created or involved. In the case of the Electoral Bill certain duties were thrown upon Clerks of Petty Sessions for which a fee was to be paid out of moneys to be voted thereafter by Parliament, and it was upon that ground that the clause inserted by the Council was held to be inadmissible. I do not think that the Colonial Secretary can have been properly reported in the *Herald* on that occasion, or if he were he omitted to explain fully the ground of objection. The ground on which the Speaker said the clause was inadmissible was that it rendered necessary the payment of fees which would have to be voted by Parliament, and he read a clause from "May," which I have frequently read to this House, which states that a provision involving the expenditure of money to be voted hereafter by Parliament can be passed only on the recommendation of the Crown, and must be introduced in the Assembly in Committee. The amendment in the Bill now before the House does not involve any such expenditure, and I cannot therefore see any objection to it.

Motion agreed to.

Agreement with Council's amendments reported from Committee of the Whole; report adopted.

House adjourned at 12 minutes before 11 o'clock p.m.

Legislative Council.

Wednesday, 7 July, 1880.

Bills Assented to (Appropriation Bill—Town Hall Municipal Loan Bill—Executive Councillors' (Functions Substitution) Bill—Volunteer Land Orders Bill)—Public Works Loan Bill—Liquor Licenses Suspensory Bill—Special Adjournment (Death of Mr. Russell).

The PRESIDENT took the chair at half-past 4 o'clock p.m.

BILLS ASSENTED TO.

- Appropriation Bill.
- Town Hall Municipal Loan Bill.
- Executive Councillors' (Functions Substitution) Bill.
- Volunteer Land Orders Bill.

PUBLIC WORKS LOAN BILL.

Bill received from Assembly, and (on motion of Mr. SAMUEL) read the first time.

LIQUOR LICENSES SUSPENSORY BILL.

Bill received from Assembly, and (on motion of Sir JOHN ROBERTSON) read the first time.

SPECIAL ADJOURNMENT.

DEATH OF MR. RUSSELL.

The President reported the decease of a member of the Legislative Council—the Honorable Bourn Russell.

Sir JOHN ROBERTSON: I am sure that every honorable member of the House will be grieved to hear of the death of one of its oldest members. Mr. Bourn Russell was appointed in 1856 for the first five years of the existence of the Council, and again in 1861, and has remained a useful member from that time to this. Mr. Russell, I am sure, always preserved friendly relations with every member of the House, and with me he has been connected socially since my boyhood. I am sorry that very important business in the Cabinet put it out of my power to attend the funeral of the lamented deceased. As a mark of respect to his memory, I move,—

That the House do now adjourn.

Mr. HOLT entertained a very high respect for the memory of his late honorable friend Mr. Bourn Russell; but he thought it a waste of public time to adjourn on such occasions, and he hoped this would be the last on which the practice would be observed. On the next day of meeting he intended to move that it was not expedient to adjourn the House on the death of any member.

Mr. C. CAMPBELL: I regret that any member should object to an adjournment in order to pay respect to the memory of an aged member deceased. Since I have had a seat here I consider that Mr. Bourn Russell afforded a bright example to other honorable members by the regularity of his attendance.

Even when he was at a very advanced age he not only attended on wet days, when he might have availed himself of the opportunity to take rest, but to the very last he took a lively interest in any subject of public concern, and expressed his opinions with remarkable clearness. Although they often differed from my own, I could always admire the intelligibility of his views and the candour of his sentiments. On one occasion that I remember he came to the House to support a Government measure strongly of opinion that it was right, but after listening to argument he confessed that his mind had been opened and that he was bound by conscience to vote against the Bill. I am afraid that very few of us can boast of such an honorable quality. I have very great pleasure in seconding the motion for adjournment.

Mr. HOLT, in explanation, said his remarks had been in no way applicable to the late Mr. Bourn Russell, for whom, as he had stated, he entertained a very high respect. He had objected to the principle of adjournments on such occasions.

Mr. PIDDINGTON: I am quite sure that Mr. Holt made no objection on this occasion to adjournment on the lamented decease of Mr. Bourn Russell. But I equally express my regret that any member should consider it consistent with his duty to make objection to the small tribute of respect by a legislative body when one of its members dies in the course of a session. In the Legislative Assembly there is not, I believe, a single instance on record of the decease of a member while the House was in session when the House did not adjourn. Although the custom may not be followed in the House of Lords, with members numbering between 500 and 600, or in the House of Commons, with members numbering between 600 and 700, in the Congress of the United States, with a smaller number of members, it is the laudable practice of both the Senate and the House of Representatives to adjourn on the death of a member; and those Houses represent forty millions of people. I hope this House will not set an example in opposition to what appear to me to be the dictates of common humanity.

Question put, and resolved in the affirmative.

House adjourned at 19 minutes before 4 o'clock p.m.