

wiring protest against delay. Advised Commons cannot proceed Committee until Monday.—MURRAY SMITH." I subsequently received yours. The thirty-first clause was not, of course, in the Bill agreed on at Convention; but the colonies now acting in concert agreed long ago that, though the majority were opposed to that clause, they would not object to it as originally introduced—that is, giving a withdrawing-power—if it would tend to secure co-operation of New South Wales or New Zealand. The subsequent addition, giving local Parliaments power to abrogate, was unanimously rejected, and was abandoned by Lord Derby. If, therefore, you are willing to submit the measure to your Parliament with the thirty-first clause in its original form, I think I would be justified in wiring to Agent-General to abandon the opposition to it. I cannot, however, understand your allusion to subsection (*i*): there is no such subsection. I fancy you mean (*h*), as you speak of two Legislatures; but then I cannot understand how that should be objected to, as under it no colony can be coerced against its will, and I think this subsection was highly approved by all of us at the Convention.

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No. 40.

The COLONIAL SECRETARY, New South Wales, to the CHIEF SECRETARY, South Australia.

(Telegram.)

Sydney, 18th July, 1885.

THE full message regarding Federal Council Bill was sent by me to the Premier of Victoria last evening: "Murray Smith's information not quite correct, for I did not suggest any delay, but, seeing that the Bill was to have been in Committee to-night, and that the Government was said to be inclined to accede to the omission of the 31st clause, and believing that that omission would prevent this colony joining, even if other objections were overcome, I deemed it right to let our Agent-General know my views, and instruct him to place them before the Minister in charge of the Bill. My references were to what I believed to be the latest edition of the Bill, in which there is a subsection (*i*) to clause 15, subsection (*h*) being a new one, giving the Queen power by Order in Council to refer at request to Legislatures, thus making the original (*h*) into (*i*). Strong objection has been made here to reference of important matters by two colonies only; for, although only the two colonies would be bound thereby, yet the decision would have gone forth as the pronouncement of the Federal Council, and thus we would have one portion of the colonies ruled by Council law, while others were outside of it, and might find themselves almost forced to adopt it against their better judgment. I have sent you by post the full text of my telegram. The alteration in fifth clause was suggested to enable the Council to recognize the strongly-expressed opinion that the body was too small, and enable it to rectify that objection. I think the 31st clause paradoxical, though it may appear to be a guarantee for continuance, inasmuch as it will tend to keep the Council from proceeding to legislation which may be repugnant to the strongly-expressed opinion of any particular colony. In order that there may be no misunderstanding as to what the 31st clause is, to which my telegram referred, I quote it as follows, being taken from the most recent copy of the Bill received from Lord Derby: '31. This Act shall cease to be in operation in respect to any colony the Legislature of which shall have passed an Act or Ordinance declaring that the same shall cease to be in force therein; provided, nevertheless, that all Acts of the Council passed while this Act was in operation in such colony shall continue to be in force therein, unless altered or repealed by the Council, or unless repealed as to such colony by the Legislature thereof.'"

[Similar telegram was sent on same date to the Colonial Secretary of New Zealand, the Premier of Tasmania, and the Colonial Secretary of Queensland.]

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No. 41.

The PREMIER, Victoria, to the COLONIAL SECRETARY, New South Wales.

(Telegram.)

Melbourne, 18th July, 1885.

YOUR recent telegrams raise some points which there is absolutely no time to discuss without risk of losing Bill. If we had known your mind sooner, we might all have agreed on some important amendments; meantime, with a view to remove what appears to be your greatest obstacle, I shall, with the concurrence of the other colonies, arrange to withdraw the opposition to clause 31 as originally introduced. First session Federal Council will probably be occupied by passing measures on which all colonies are already agreed—such, for example, as affect absconding debtors, &c.—and, when once Council is at work, desirable amendment in Constitution can be easily made, and would pass Imperial Parliament without delay when we spoke unitedly. Let us make a start without being too critical; our common interests cannot be antagonistic.

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No. 42.

The COLONIAL SECRETARY, New South Wales, to the PREMIER, Victoria.

(Telegram.)

Sydney, 20th July, 1885.

ALTERATION suggested in subsection (*i*) is almost more important as regards prospect of securing this colony's co-operation than the thirty-first clause, which you say you are willing should remain as first introduced. Observe, however, that I refer to that clause as now in the Bill. I sent you a copy in former telegram, that there might be no misunderstanding. Why do you go back upon the former, which is very different in effect? I regret the late period of my amendments, but circumstances prevented their being put forward earlier, and I did not wish my silence to appear to be consenting to the passing by the new Government of a Bill which I felt would not be accepted here, without making an effort to have some of its objectionable features removed.