

1904.

## THE PARLIAMENT OF THE COMMONWEALTH.

No. 8.

VOTES AND PROCEEDINGS  
OF THE  
HOUSE OF REPRESENTATIVES.

TUESDAY, 15TH MARCH, 1904.

1. The House met pursuant to adjournment.—Mr. Speaker took the Chair, and read Prayers.
2. MELBOURNE ELECTORAL DIVISION.—ORDER OF THE COURT OF DISPUTED RETURNS.—The Clerk laid upon the Table a letter which he had received from the Deputy Registrar of the High Court at Melbourne, forwarding a copy of an Order, made on 10th March instant, declaring the election held on 16th December last, for the Electoral Division of Melbourne, in the State of Victoria, to be absolutely void. The letter and Order were read by the Clerk and are as follow:—

High Court of Australia.

Principal Registry,  
Melbourne, 12th March, 1904.The Clerk of the House of Representatives,  
Parliament House, Melbourne.

SIR,

In the matter of the Election of a Member of the House of Representatives  
for the Electoral Division of Melbourne, in the State of Victoria.In pursuance of Section 202 of the *Commonwealth Electoral Act* 1902 I herewith forward  
you a Copy of the Order of the Court of Disputed Returns made herein.

I have the honour to be,

Sir,

Your obedient Servant,

J. W. O'HALLORAN,

Deputy Registrar.

In the High Court of Australia.

Court of Disputed Returns:

In the matter of the Election of a Member of the House of Representatives  
for the Electoral Division of Melbourne, in the State of Victoria.

Before His Honour the Chief Justice,

Thursday, the tenth day of March, 1904.

This Petition coming on for trial the fourth day of March, 1904, and this day upon reading the Petition of William Maloney, filed the fifth day of February, 1904, and the appearance of Sir Malcolm Donald McEacharn, who was returned as a Member of the House of Representatives at the above-mentioned election, and upon hearing the evidence of William Augustin Newman, taken upon his oral examination, and upon reading the several exhibits put in evidence, and upon hearing what was alleged by Mr. Gaunson, of Counsel for the said William Maloney, and Mr. Mitchell, of Counsel for the said Sir Malcolm Donald McEacharn, this Court doth declare that the said Sir Malcolm Donald McEacharn was not duly elected at the said election, and this Court doth further declare that the said election was absolutely void, and this Court doth not think fit to make any Order as to the costs of the said Petition, except that the sum of Fifty pounds deposited with the Principal Registrar by the said William Maloney at the time of filing his said Petition be returned to him or to his solicitor, Mr. Andrew McGregor Lonie.

By the Court,

(L.S.)

J. W. O'HALLORAN,

Deputy Registrar.

15th March, 1904.

3. MELBOURNE ELECTORAL DIVISION.—ISSUE OF WRIT.—Mr. Speaker announced to the House that, the High Court having declared the election held on 16th December last for the Electoral Division of Melbourne, in the State of Victoria, to be absolutely void, he would this day issue a Writ for a new election for the said Division. The dates appointed in the Writ would be approximately as follow :—
- |                    |       |   |
|--------------------|-------|---|
| Date of Nomination | .. .. | Tuesday, 22nd March, 1904.                      |
| Date of Polling    | .. .. | Wednesday, 30th, or Thursday, 31st March, 1904. |
| Return of Writ     | .. .. | On or before Tuesday, 19th April, 1904.         |
4. DEATH OF SIR EDWARD BRADDON.—ACKNOWLEDGMENT OF VOTE OF CONDOLENCE.—Mr. Speaker informed the House that he had received the following letter from Lady Braddon :—
- “Treglith,” Leith,  
Thursday, 10.3.04.
- Lady Braddon, on behalf of her family and herself, desires to convey, through the Hon. the Speaker of the House of Representatives, her deep appreciation of the honour paid to the memory of her late husband, Sir Edward Braddon, in the Resolution of the House at its first sitting, and heartfelt thanks to those who so kindly moved and seconded, and so unanimously agreed to the same.
5. PETITION.—Mr. Knox presented a Petition from E. E. Smith and others, styling themselves respectively president, vice-president, and executive committee of the Central Council of Employers of Australia, praying that the Commonwealth Conciliation and Arbitration Bill be referred to a Select Committee to consider the whole subject in all its bearings, and to strike out of the Bill all its provisions based upon powers not now in the hands of the Commonwealth, and which are reserved to the States, and to confine the scope of the measure to matters strictly within the letter and the spirit of the Constitution; such Committee to have power to take evidence upon the probable operation and effects of the measure, and further praying that the House will not pass the Bill. Petition, after debate, received and read.
6. PAPERS.—Sir George Turner presented, pursuant to the direction of an Act of Parliament—
- Audit Act 1901—Transfers of amounts approved by His Excellency the Governor-General in Council, Financial year 1903-4.
- Sir John Forrest presented, pursuant to the direction of an Act of Parliament—
- Electoral Act 1902—Regulations under, dated 19th October, 11th, 21st, and 26th November, 1903, respectively.
7. ADDRESS IN REPLY TO HIS EXCELLENCY THE GOVERNOR-GENERAL'S SPEECH.—The Order of the Day having been read for the resumption of the debate on the question—That the following Address in Reply to the Speech of His Excellency the Governor-General, be agreed to by this House :—
- MAY IT PLEASE YOUR EXCELLENCY :
- We, the House of Representatives of The Parliament of the Commonwealth of Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech which you have been pleased to address to Parliament—
- Debate resumed.
- Sir John Forrest moved, That the debate be now adjourned.
- Question—That the debate be now adjourned—put and resolved in the affirmative.
- Ordered—That the resumption of the debate be made an Order of the Day for to-morrow.
8. PAPER.—Sir John Forrest presented, by command of His Excellency the Governor-General—
- Chief Electoral Officer's reply to certain remarks of the Chief Justice of the High Court in the case of *Maloney v. McEacharn*.
- Ordered to lie on the Table.
9. ADJOURNMENT.—Mr. Deakin moved, That the House do now adjourn.
- Question—put and resolved in the affirmative.

And then the House, at ten o'clock p.m., adjourned until to-morrow at half-past two o'clock p.m.

MEMBERS PRESENT.—All Members were present except—Mr. Blackwood, Mr. Brown, Mr. Cameron, Mr. G. B. Edwards, Mr. Ewing, Sir Philip Fysh, Mr. Hughes, Mr. Poynton, Mr. Reid, Mr. Bruce Smith, and Mr. Willis.

C. GAVAN DUFFY,  
*Clerk of the House of Representatives.*