one step, in the same position as those colonies who had been working for so many years under Responsible Government. Self-government with them now was a plant in full bloom. That could not be said to be the case in Western Australia; we must give it time to grow, and, in the meantime, endeavor to profit by the experience of our neighbors.

MR. GRANT said he was quite at variance with those who asked for long Parliaments in a young colony. They all knew what acts of tyranny had been committed under long Parliaments in other countries, because they felt that they had a long lease of life. In Victoria, at one time, before triennial Parliaments came into vogue, the Ministry felt itself so strong and independent that they actually carried a measure to grant themselves pensions, and he believed there was one of them still alive, drawing that pension to this day, which he had helped to vote for himself. He alluded to the present Sir Gavan Duffy. In a small House like ours this evil of long Parliaments would be more dangerous still; and we ought to be very careful indeed not to have our Parliaments fixed for too long a period. We should find our Ministries doing just what they liked if they felt they were secure in office for four or five years, and that there was no danger of their being to the "right-about" now and then, and have to face the country. This was an evil which would probably affect the Northern districts more than this part of the colony. It would encourage centralisation, and all power would be centred in the principal towns, and in those places where influence could be brought to bear upon the Ministry; whereas, if you had a Ministry that had the fear of the country at large before its eyes, the whole colony might expect to be treated with some show of justice and fairness. He should vote for short Parliaments himself, and would prefer three years to four.

The committee divided on the question of inserting "four" in lieu of "five," with the following result—

Ayes	16
Noes	7
Majority for ...	9

AYES.	NOES.
Mr. Burt	Mr. De Hamel
Mr. Congdon	Mr. Grant
Hon. J. Forrest	Mr. Keane
Mr. A. Forrest	Mr. Loton
Hon. Sir M. Fraser, K.C.M.G.	Mr. Marmion
Mr. Harper	Mr. Pearse
Mr. Paterson	Mr. Scott (*Teller.*)
Mr. Randell	
Mr. Rason	
Mr. Richardson	
Mr. Shenton	
Mr. Sholl	
Hon. Sir J. G. Lee Steere, Kt.	
Mr. Venn	
Hon. C. N. Warton	
Mr. Parker (*Teller.*)	

MR. SCOTT said it would be useless for him, in the face of the division that had taken place, to press the amendment standing in his name, in favor of reducing the term to three years; therefore he did not propose to move it.

Clause 14, as amended, was then put and passed.

Clauses 15, 16, and 17:

Agreed to, *sub silentio.*

Progress reported.

The House adjourned at a quarter past four o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 22nd March, 1889.

Construction of railway platform at Chidlow's Well—Boring plant for Yilgarn goldfields—Clackline Reservoir and new railway platform at Chidlow's Well—Telegraph wire used in construction of Derby and Wyndham line—City of Perth (Mr. Horgan's) Election Petition—Constitution Bill: in committee—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

CONSTRUCTION OF RAILWAY PLATFORM AT CHIDLOW'S WELL.

MR. SHENTON, in accordance with notice, asked the Honorable the Commissioner of Railways:—

1st. Whether tenders were called for the timber used in the construction of

the Chidlow's Well platform; if not, why not?

2nd. Whether the construction of the above platform was carried out by contract or day work?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), on behalf of the Commissioner of Railways, replied:—

1. Special tenders for this particular timber were not called. Annual contracts are invited for all articles required to be supplied locally, and this timber was procured from Lacey & Co., whose tender for the supply of timber to the Railway Department had been accepted.

2. Day work by the Department, being more economical than by contract.

BORING PLANT FOR YILGARN GOLDFIELDS.

MR. HARPER, in accordance with notice, asked the Colonial Secretary, when it was anticipated that the boring plant, purchased for use on the Yilgarn Goldfield, would arrive in the colony; and what steps, if any, had been taken towards providing for the conveyance of the plant to the goldfield?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) replied: The boring plant for Yilgarn Goldfield is expected to arrive by next steamer from Melbourne. So soon as the number of packages and weight are ascertained tenders will be called for the conveyance of plant to the fields.

CLACKLINE RESERVOIR AND PLATFORM AT CHIDLOW'S WELL.

MR. SHENTON, in accordance with notice, moved, that the following return be laid on the table of the House by the Commissioner of Railways:—

1st. The total cost of the Clackline Reservoir.

2nd. The total expenditure to date on the new Platform and alterations to the Railway line at Chidlow's Well.

Question—put and passed.

TELEGRAPH WIRE USED IN CONSTRUCTION OF DERBY AND WYNDHAM LINE.

MR. A. FORREST, in accordance with notice, moved, "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place on the table of this House all the correspondence with the Crown Agents and with the General Superintendent of Telegraphs of South Australia, with reference to the wire used in the construction of the Telegraph Line from Derby to Wyndham; to include a *fac simile* of the specifications sent to the Crown Agents from the Public Works Department." The reason why he moved for these papers was because the reply given by the Colonial Secretary the other day to his question about this wire was not, to his mind, a satisfactory one. It was unsatisfactory in this way—that the Government intended to erect a telegraph line some 600 miles in length, made of wire which they did not know whether it would answer the purpose, and, after going to the expense of constructing the line, they said they would then see whether it would work or not. He thought it was the duty of the Government to find this out beforehand, from some competent authority. That was what any business man would do, or any man with ordinary common sense; and not build the line first, and see whether the wire would work after. He understood that this wire had been condemned as unfit for this line, and surely it was the duty of the Government to take care that the country was not put to the expense of putting it up, and then find it was no good. It would be better to put up with the first loss. He had moved for the correspondence and the specifications so that they might see who was to blame in this matter—whether it was the Crown Agents at home, or whether it was somebody here; or who was it that was responsible, if what they heard about this wire was true. He must protest again against the Government putting up a long line like this without being thoroughly satisfied that the wire to be used would answer the purpose.

Motion agreed to.

CITY OF PERTH (MR. HORGAN'S) ELECTION PETITION.

MR. PARKER: I rise, sir, to move the resolution which appears on the Notice Paper: "That in view of the defective state of the Perth Electoral Roll, "as reported upon by their Honors the "Judges of the Supreme Court, and of "the probable unsatisfactory compilation

"of the lists in other electorates of the "colony, clauses should be introduced in "the Constitution Bill enabling new rolls, "&c., to be prepared before the first "general election after its provisions shall "be in operation, and under a system of "registration similar to that in force in "the colony of Victoria." It must be a source, I am sure, of gratification to all the members of this House to find that the Judges, in reporting upon this election petition, have been able to come to the following conclusion—"that Edward Scott and Edward Keane, the members whose return and election were complained of, were duly elected and returned;" and, "that upon the trial of the said petition no corrupt practice was proved to have been committed by or with the knowledge or consent of either of the candidates at the said election." I say it must be gratifying to us all to find the Judges reporting as they have done. It is especially gratifying to myself, on account of the remarks which were made by the Chief Justice at the conclusion of the trial. I myself was certainly surprised to see the report as it is, for I looked forward rather anxiously to it, to see whether the Judges were prepared to report to the House in the terms that were made use of by the Chief Justice on the trial of the petition. We all know that the remarks which fall from Judges on the bench are listened to as coming from an authority having a great deal of weight, and I cannot but think that any Judge should well weigh his words before he casts reflection upon anyone, and much more so as regards cases of petitions against the return of persons to Parliament, where no corrupt practices are proved; and especially so in a case like the present, where the respondents' case was not gone into,—for I would remind hon. members that the petitions in both cases were dismissed without the respondents being called upon for any answer whatever. Such being the case, it was with great regret I saw by the newspapers (and I was in hopes that it would have been contradicted) that the Chief Justice had cast what I think were gross aspersions on one who is a member of this House— the hon. the senior member for Perth. His Honor, according to this report, said: "With regard to costs, we have given our decision; but so far as I am concerned, I think there was so much suspicion, that if Mr. Horgan had come into court under circumstances of an unsuspected case on his part, I should have felt disposed to have made no order as to costs." This, I say, specially referred to the senior member for Perth, because I find that the Chief Justice remarked that so far as Mr. Keane was concerned there did not appear to be any direct charge of corruption. When a Judge uses a remark that the case of any litigant before him is surrounded with suspicion, or that there is suspicion attaching to it, it means nothing more or less, to my mind, than that there is a suspicion of, not right, but wrong—a suspicion of fraud and improper conduct. Now there was no ground for the Chief Justice to even hint that there was suspicion; and no Judges ever dream of casting any censure on a respondent whose case has not been gone into. It is not for me to say what evidence might have been adduced, or how the respondent here was prepared to meet the case, because it is quite outside the purport of my present remarks; it is sufficient for me to say that it is a source of gratification that both hon. members have been completely exonerated. At the same time, it was most unwarrantable on the part of the Chief Justice to cast the aspersion he did on the senior member for Perth, and still more so at a time when the case against the respondent had been closed for two days and had been dismissed with costs, and his counsel had retired; and the respondent was not represented when these remarks were made. But as I have said, it is a matter for congratulation to find that this remark in no way appears in the Judges' report to this House. I find that the Judges in this case have made a special report. By the statute their Honors are only bound to certify to the Speaker which of the candidates has been duly elected, and they are further bound to certify whether any corrupt practices have been committed or whether they have reason to believe that they have extensively prevailed at the election. I see they have certified that there were no corrupt practices. With regard to the Sheriff, or rather the Returning Officer, their Honors found that he had been guilty of negligence. We know that these duties are new duties to

most Returning Officers, and even with regard to those who have acted before, long intervals elapse between the elections. These Returning Officers are not legal men, and I do not know that any of them are specially directed by the Crown Law officers as to their duties, and such being the case we can hardly wonder that these laymen do not carry out to the letter the duties required of them by the Act, which in many instances is somewhat difficult to construe. When the Sheriff was before the Court a great deal of discussion occurred as to what his duties with regard to the counterfoils and ballot papers really were, and such being the case we can hardly wonder that he made a mistake. There was no doubt the Sheriff tried to do his duty strictly and honorably, and there was nothing whatever to show that he interfered with the papers or that there was any doubt about the return he had made, but there is no doubt that in some circumstances he did not strictly comply with the statute. We must also bear in mind that these Returning Officers do this duty gratuitously—they are not paid, as they are in the other colonies. The only way to my mind to guard against these officials not doing their work in the future, is for the Government to issue special instructions, and not leave it to laymen to find out from a statute difficult to construe the course of procedure to be adopted. Then there is another matter which concerns the country at large, and that is that the electoral roll should contain the names of those only who are entitled to vote. So long as we retain a £10 franchise no one except those qualified should be on the roll, and no one should be allowed to place on it those who are not so qualified; and I hope and trust that the resolution I now propose may have the effect of embodying in the Constitution Act a provision that will ensure a thorough cleansing of this roll before the first election under it. I am not wedded to the resolution I have given notice of, but it struck me that something of the sort might meet the views of hon. members. In Victoria and Tasmania there was a provision that after the proclamation of the Constitution Act, the old Parliament should meet and have power to pass an Electoral Act. I understand that there is no intention on the part of the Government to do this, and therefore I think we must embody some such clause, as I suggest, in the Act, or during the present session pass an independent Electoral Bill. In Victoria a person must make application to be registered as a voter in writing, and must describe his qualification and has to pay 1s. for registration. That seems to me a very good way of getting an Electoral Roll; but on this I will say nothing further at present. I now move the resolution.

MR. SCOTT: I rise, sir, with some degree of feeling to second the motion of the hon. member for Sussex, and I must say I agree with him that the report that is before this House from the Judges of the Supreme Court is a source of gratification to those concerned in the trial, and particularly to myself. At the same time I could heartily wish that the remarks made by the Chief Justice on the bench had been in accordance with this report. I have no doubt that many people in this colony, who do not know me personally, will feel that there has been a certain slur ("No, no")—hon. members may say no, but I feel there is a certain slur, a certain faint suspicion thrown over me in connection with this unfortunate case; and I feel that if I had not been represented by an able and determined counsel I should have gone to the wall, and instead of coming out of the trial holding the place I do, I should probably have lost my seat. I am very sorry to say it, but still I felt that during the course of the trial—and I feel it now, and if hon. members will carefully consider the remarks made by the Chief Justice not only at the end of the trial, but during the trial, they, like myself, cannot help coming to the conclusion that it was running in His Honor's mind that corrupt practices had prevailed, if not within my actual knowledge, with so much suspicion that I should be answerable for it. If that was not the case I should like to know why there should have been such a great question about my being awarded my costs, for, as the hon. member for Sussex pointed out, I was never asked to disprove the case of personation which was the only charge alleged against me. After the Chief Justice had finished his remarks, Mr. Justice Stone said: "Then again His Honor the

Chief Justice has said that there were suspicious circumstances connected with the case. I do not see any circumstances to implicate Dr. Scott. I went so far with the Chief Justice as to think that the petitioner had given sufficient evidence of agency," and agency is nothing, "to call on the respondent to rebut it, but as the case was stopped before the time arrived for his doing that, I do not think it would be right to connect Dr. Scott with it." It was not right, and I cannot help thinking it should not have been done. I congratulate my honorable colleague that his name was not associated with mine in any breath of suspicion. I cannot help passing on now to what I had hoped to see—some allusion in this report, under the clause which says that no corrupt practices prevailed, to what came out in evidence. Surely if it were necessary for His Honor to say anything about the suspicion in my case, it might have been excusable to have referred to the action of the petitioner himself; as some reference had been made to the brazenness of the petitioner when he said he had been guilty of putting minors on the roll. When a member of a profession honored with the title of learned, and a late member of this House, should make such a confession, and should not call forth some remark, it seems to me to savor somewhat of leniency, and bears a somewhat strange contrast to the remarks made on a matter of suspicion, which I submit was no suspicion at all. If I had felt for one moment that there was any suspicion about my case I should have retired from it with shame; but I feel now that these remarks will go beyond the limits of this colony, and that my name has had a slur thrown upon it which it never deserved. I see by the *Victorian Express* a telegram which says that Mr. Justice Stone concurred with the Chief Justice in condemning Dr. Scott's conduct in buttonholing electors on the stairs of the Town Hall. This is another matter I wish to call attention to. The Chief Justice thought fit to deeply regret that candidates had resorted to what was derogatory to the dignity of the House,—had been guilty of personally canvassing their constituents on the day of election; all I can say is, that if there was anything derogatory to the dignity of the House, I regret the act, but if I erred I did so in good company. I remember our late Speaker telling me that this practice was the one way to fight an election. It has always been done in this constituency. I care not what the Chief Justice thinks outside his court, but when he utters such words as he did from the bench it carries weight. He is then no longer Mr. Onslow. But I fear that outside the court even Judges are apt to lower the dignity of their exalted position. One, however, does not take notice of that, but it is the words used in the court that go forth with weight. I cannot help thinking that if the Chief Justice was justified in using the words he did, some reference bearing them out should have been made in the report. I, for my part, should like to see it made a corrupt practice to canvass electors even after the day of nomination, but the Act now says nothing about it; and while no allusion is made to the acts of the petitioner, this, which is not prohibited, is made an enormous crime as far as I am concerned. I will not now go into the matter, and will content myself by seconding the resolution.

MR. A. FORREST: I think it must have been a source of pain to many hon. members of this House to have heard the opening address of the hon. member for Sussex, for hon. members are aware that the hon. member for Sussex, not long ago, introduced into this House a petition against the Chief Justice. I will not say anything in favor of the remarks which the Chief Justice made about the hon. member for Perth, because I believe that the hon. member would not do anything wrong. But we know the case was a long one, and as we know it takes but very little to place a candidate outside the pale of this House, I think the hon. member for Perth should be satisfied in being returned. Even if His Honor the Chief Justice did say a word or make a slip that was not nice, surely the privilege of this House should not be made use of by the hon. member for Sussex, for it is known that the hon. member is not a friend of the Chief Justice, and he has gone a long way to make charges and accusations against His Honor.

MR. PARKER: I deny it entirely. It is absolutely without foundation.

MR. A. FORREST: I will leave it to the House to decide. We know that the hon. member has not only laid charges

against His Honor inside this House but outside—

MR. PARKER: I have done nothing of the sort either inside or outside.

MR. A. FORREST: I say it comes with very bad taste for the hon. member to bring up old sores which we thought had been buried long ago. The hon. member for Perth is quite right in saying that there is no mention of any corrupt practice in the report, and hence he feels angry that the words he referred to were made use of in court; but there is no such excuse for the hon. member for Sussex. He is an able and learned member of the law, and he should be careful before he gets up to make the charges he has done this evening.

MR. SHOLL: After the sermon we have just heard from the hon. member for Kimberley I feel sure that the hon. member for Sussex must consider himself very small. The hon. member for Kimberley accuses the hon. member for referring to the Chief Justice in strong terms—so strong that it has called forth an attack upon his head. I thought during the time the hon. member for Sussex was speaking that he was very mild, for anyone who sat in that Court and heard the case conducted as it was, must have come to the same decision as the hon. member for Sussex did. I say that the whole action of the Chief Justice throughout the trial (and I did not intend to speak on this motion until the hon. member for Kimberley got up) was one of bias. [Mr. A. FORREST: "No, no," and the Hon. J. FORREST: "Don't make random statements."] I say that the only satisfaction the Chief Justice seemed to have was in slating the successful litigant. The defendants, Dr. Scott and Mr. Keane, were dragged into that court through no fault of their own, and it was found that the petitioner himself was the only sinner during the election. He owned during the trial that he had placed his own sons on the roll when they were not qualified, and yet the Chief Justice in his summing up made no remark or cast any reflection upon him.

MR. A. FORREST: He gave costs.

MR. SHOLL: He certainly did, but I believe he gave them much against his will. The hon. member for Sussex in introducing this motion, I do not think went any too far; and it was his duty as leader of this House to make certain remarks as to the language used by His Honor in summing up the case. It is all very well for the hon. member to talk about members using their privilege in this House, but what about the Chief Justice taking advantage of his position on the bench to send forth to the world the remark that the action of Dr. Scott was surrounded with suspicion? Such a statement was not warranted, and was uncalled for.

MR. A. FORREST: I did not say the Chief Justice was right in making use of these remarks.

MR. SHOLL: I am not saying that the hon. member did; but I say the Chief Justice was wrong, and if hon. members get up and take advantage of their position in the House, the Chief Justice does the same thing on the bench. I am sorry to have to say what I have, but it is necessary on such occasions as this to use strong language. With regard to the electoral roll I think it is very necessary that something should be done to amend it. We know there are names on it of persons who have left the colony, and of persons who are dead, and of persons who are not of age, nor entitled to a vote at all. We know that one candidate at this very election put on the roll over 500 names; and I think if that number were divided by five it would give about the proper number qualified to vote. I think, therefore, before the next election, it will be necessary to take some steps to revise the roll in some way. I think it would almost be better to make another roll, and compel persons to register personally.

MR. RICHARDSON: I do not wish to say much about this vexed question, except that I thoroughly endorse what has fallen from the hon. member for Perth that we should have some provision introduced into our Electoral Act forbidding what I consider every candidate must feel to be rather *infra dig.*—the practice of personally canvassing at elections. Unfortunately the practice is thrust upon him, whether he likes it or not, because others do it; at the same time it must cause every respectable candidate to feel that he is doing an undignified thing, and one which he only condescends to do because of the exigency of the position. I think it would

be a great relief to most candidates if this practice were made illegal, and that there would be no longer any necessity for a man to resort to it because a rival candidate did it. The practice seems to me to be utterly repugnant to the principle of the Ballot Act, and that under such a system as that the ballot really throws little or no protection over an elector. There are many electors who have not the moral courage to resist a personal appeal made by the candidate himself, and once they give a man a promise of their vote they feel in honor bound to give it. Others no doubt are less scrupulous, but, in any case, I see nothing to defend the practice. It may be said that if you stop candidates from canvassing, you ought also to stop their committees from canvassing; but I think there is a great difference between an appeal made to you by a man's agent or committee-man and an appeal made by the candidate in person. You may get rid of the ordinary canvasser by telling him point blank that you do not intend to support his candidate, or you may get rid of him in other ways; but it's a different thing when you are brought face to face with the candidate in person. It must be awfully humiliating to many men, of sensitive temperaments, men who are possessed of a large amount of self-respect, to have to resort to such a practice. It has always appeared to me that it was a very undignified proceeding on the part of a candidate to have to do these things, and I should think most people would be only too glad if the practice were done away with as illegal. I think any provision of that kind introduced into the Electoral Act would commend itself to every right-minded candidate. Before I sit down I must venture to say that I rather regretted to have heard the, perhaps, injudicious remarks made by the hon. member for the Gascoyne with reference to the Chief Justice, —remarks which I think the hon. member himself, when he reflects upon them, will rather regret having given expression to, and for this reason: I do not think it is a fair thing to accuse any man of anything you are not in a position to prove, and I think that in publicly accusing any person, and especially a Judge, of being actuated by bias—unless you are prepared to prove it—you are not acting quite fair and above board. I cannot endorse what has fallen from the hon. member for Kimberley in making the charges which he did against the hon. member for Sussex; I do not believe that that hon. member is actuated by any such motives as have been attributed to him. I can thoroughly feel for the hon. member for Perth. I believe he has just and good ground for being hurt at what was said from the bench; and every member in the House would naturally expect the hon. member to resent such insinuations as appear to have been levelled at him, and to give expression to his feelings in a manly and straightforward manner. But, beyond that, I think it is not wise for members to make use of that privilege which they have in attacking any man, unless they are in a position to prove what they say: and I think it must be admitted that the hon. member for the Gascoyne on this occasion has made use of words which, to say the least, cannot be proved.

MR. BURT: Before this resolution is put, I would ask the House to say whether they are prepared at this moment to give their assent to this proposition — that the system of registration which they wish to see introduced here shall be "similar to that in force in the colony of Victoria." I don't know whether even the majority of hon. members know what that system is. I do not think there is any necessity whatever for those words, or to pledge the House to any particular system of registration. No doubt the Victorian system may be a very good one; but there may be others that are better or more suitable to the circumstances of this colony. At any rate, I do not see why the House should commit itself at this stage to any particular system, Victorian or otherwise; and I think it would be wise if the last few words of the resolution were left out. I think we might stop at the word "operation."

MR. PARKER: I have no objection, if the hon. member will move an amendment to that effect.

MR. SHENTON: I have an amendment before that. I think we are all agreed that some additional powers must be given to the revising justices in looking after the electoral rolls, and seeing that only the names of those who are entitled to vote appear on them. At present we know the rolls are very defective,

and the revising justices are powerless in the matter. But I do not think it would be wise to introduce these provisions into the Constitution Bill; I think it would be much better to deal with them in a separate bill. Therefore, I move to strike out the words "clauses shall be introduced in the Constitution Bill," and to insert the following words, "a new Electoral Bill should be passed." I think we are all pretty well agreed that there must be another session of the present Council before the Constitution Act comes into force, and the Electoral Bill might be brought in by the Government when the House meets again.

SIR T. COCKBURN-CAMPBELL: I am prepared to second the amendment of the hon. member for Toodyay, so far as I understand it. It appears to me that if we attempt to introduce any electoral machinery into the Constitution Bill we shall be landed in considerable difficulties. It will be necessary to deal with the widening of the franchise contemplated in that bill, as well as to improve the present machinery for registration, and there are a great many other things that will have to be provided for. I don't know how it would be possible to make all the alterations which members wish to have made, in a workable form, in the Constitution Act; and it seems to me it would be a much better way to have a separate bill, dealing with electoral matters. It will be absolutely necessary to have such a bill; and, if the Government would undertake to bring in a separate bill, I am sure it would facilitate the passing of the Constitution Act, and the hon. member for Sussex would probably withdraw his resolution, which has only been brought forward, I understand, to test the feeling of the House.

THE ATTORNEY GENERAL (Hon. C. N. Warton): I am not in a position to give exactly a pledge to that effect. My leader, who is also the leader of this House, of course is anxious that the address should be passed for the consideration of His Excellency. [THE COLONIAL SECRETARY: Not anxious.] Well, not unwilling that an address should be passed, expressive of the feeling of the House in the matter. Under the circumstances, perhaps, it would be well if the resolution were not withdrawn. If I were asked to indicate what my own state of mind is on the subject, and what I would advise if I were asked to advise, it seems to me that after we have disposed of the immediate business before us—that is, the passing of the Constitution Bill and the Aborigines Bill—there can be no reason why, by the act of the House itself, the House should not adjourn—and not have a new session—to some convenient time, until we ascertain what has taken place in England with regard to the Constitution Act, and that the House might again meet, after the adjournment, and consider an Electoral Bill. But the reason why I rose was this: not so much to give a pledge on the part of the Government—which I cannot do, as I said—but merely to assist my hon. and learned friend opposite with my own ideas on the subject. I am thoroughly convinced, with the evidence before us, that the electoral rolls here are in a very shocking state—in a state that really ought not to be allowed to exist any longer. Voters are put on the rolls by anybody sending their names to the magistrates' clerks, and the magistrates' clerks, I believe, have no discretionary power to omit names from the lists, once they are put on, whether the voters are dead or gone out of the colony, or have otherwise no right to appear on the roll. The recent proceedings at Perth really disclosed what seems to me an abominable abuse. My own view is that the person claiming the privilege to vote should himself take some trouble about it, and himself personally attend before the proper authority—whether that authority be the magistrates' clerk, or, as I should prefer, a revising barrister—who should see that the names only of proper persons are placed on the list, and have some proof of those persons' right to be placed on the list; and that if anyone seeks to take that name off the list, and fails to take it, let him pay the costs. If the franchise is a privilege worth having, it is worth taking a little trouble about; and, if I had my way, a man should not have a vote until he appeared personally before the constituted authority, and substantiated his claim; and, once a year, there ought to be a revision of the rolls, before some competent authority.

Amendment put and passed.

MR. PARKER: Sir, I do not wish to

detain the House, but, considering the charges which the hon. member for Kimberley has thought fit to make against me, it behoves me to say a few words in reply. As to the petition referred to by the hon. member, it may perhaps not be known to the hon. member that it is the duty of every member of this House to present a petition, if it is couched in reasonable terms and in terms respectful to the House. It is a right that every subject of Her Majesty has, to petition the Legislature, and it is obvious that if hon. members refuse to present such petitions, it will have the effect of taking away such right. Whether a petition is against a person highly placed or lowly placed in the service, I shall at all times feel it my duty to present such, providing it is couched in proper language and in respectful terms. If the hon. member looks back to the debate on the petition to which he has referred, he will see that I in no way supported the petition itself – I offered no opinion upon it whatever; and I think no more moderate speech was delivered than that delivered by myself; and I may say that I was informed by one of the Chief Justice's own friends that no one could take exception to the remarks I then made. If I erred in presenting that petition I did so in very good company, for if the hon. member reads "Parliamentary Practice" he will see that on one occasion one of the noble lords in the House of Peers presented a petition with which he was not in accord, and he then stated that he did so because he believed it to be his duty to do so. That petition was afterwards, after some discussion, withdrawn, and dismissed from the consideration of the House. I pass by the hon. member's statement that I have taken advantage of my privilege as a member of the House. How else could this matter be brought forward and discussed? It is a report to the House by the Judges of the Supreme Court, and it is our duty to deal with it. I do not think that any language I have used shows that I desired in any way to take advantage of the privilege of the House. The hon. member said that I made several charges against the Chief Justice, and that I have done so in and out of the House. I say I have never, since the Chief Justice has occupied the position he has—either inside or outside of the House—made any charges whatever against him. Then the hon. member says I am no friend of the Chief Justice. If he has learnt that, he has not done so from me. In all the intercourse I have had with the Chief Justice I have met him on the most amicable and cordial terms, and we have never had any disagreement whatever. Therefore, if the hon. gentleman has learnt that I am not a friend of the Chief Justice he has not done so from me, and he must have learnt it from the other side, and then perhaps it would be more correct to say that the Chief Justice is not a friend of mine. I have nothing to complain of in the way His Honor meets me as Chief Justice, when I meet him as a counsel in his Court. We have had no disagreement whatever. I shall not trouble the House by raking up any old sores or ill-feeling connected with that petition, but I cannot but think that the language made use of by His Honor the Chief Justice when commenting upon the conduct of the hon. member for Perth in connection with the late election proceedings, was uncalled for and unwarranted, as is shown by the report of the Judges themselves; and I felt it my duty to so express my opinion; and, if any Chief Justice or any other Judge errs in like manner, and I have an opportunity of expressing my opinion, I shall not fear to do so, whatever may be the result.

MR. BURT moved that all the words after "operation" be omitted. As he had already said, he saw no reason why the House should pledge itself, or the Government, to adopt a system of registration similar to that in force in Victoria. That might be a good system, but, if they searched for precedents, they might find a better, or one more adapted to the circumstances of this colony.

Amendment agreed to.

Resolution, as amended, put and passed.

MR. PARKER moved an humble address to the Governor, informing His Excellency of the resolution of the House.

Agreed to.

CONSTITUTION BILL.

IN COMMITTEE.

The House went into committee for the further consideration of this bill.

Qualification for a Member of either House.

Clause 18.—"No person shall be qualified to be a member of the Legislative Council or of the Legislative Assembly unless he be a natural-born or naturalised subject of Her Majesty of the full age of twenty-one years, nor unless he be seised at law or in equity of an estate of freehold for his own use and benefit in lands or tenements within the colony of the value of Five hundred pounds above all charges and encumbrances affecting the same, or of the yearly value of Fifty pounds, and shall have been possessed of such estate for at least one year previous to his nomination or election:"

MR. BURT said he believed it was agreed that, so far as the Legislative Council was concerned, there should be no property qualification during the term that chamber remained a nominated chamber, it being considered undesirable to limit the choice of the Crown in the appointment of its nominees. Therefore, it would be necessary to alter the wording of this clause. He thought this might be done by striking out the words "Legislative Council or of the," and insert the words, "nor, after Part III. of this Act shall be in operation, of the Legislative Council." The clause would then read: "No person shall be qualified to be a member of the Legislative Assembly, nor, after Part III. of this Act shall be in operation, of the Legislative Council, unless he be"—etc.

Amendment agreed to.

MR. PARKER said it would be observed that this clause provided that no person should be qualified to be a member of the Legislative Assembly unless he possessed a certain property qualification—namely £500, free of all encumbrances. According to his view, it was quite sufficient to allow the electors themselves to choose anyone they pleased to represent them, whether he had any property qualification or not. This question had already been fully discussed, and it was not necessary that he should go into it any further, beyond saying that he saw no reason for limiting the choice of the electors. The hon. member now in the Chair, in the admirable speech which he gave them on the occasion of the second reading of the bill, went so fully into this question, and demonstrated so clearly the inconsistency of limiting the choice of the electors, after first taking care that only those who are qualified to exercise the franchise shall do so—the hon. baronet so clearly demonstrated the inconsistency of restricting the electors in their choice of representatives, by limiting them to a certain charmed circle, that it was unnecessary for him to detain the committee in expatiating any further on that point. He therefore now moved, as an amendment, that the following words be struck out of the clause: "nor unless he be seised at law or in equity of an estate of freehold for his own use and benefit in lands or tenements within the colony of the value of £500, above all charges and encumbrances affecting the same, or of the yearly value of £50." It would be quite competent, if these words were struck out, for any member to propose any other words limiting the qualification, or otherwise restricting the choice of the electors, though for his own part he did not see the slightest occasion for anything of the kind. To his mind the proper test of whether a man was fit to hold a seat in the House was not whether he owned so much property, as whether he was a man of intelligence and integrity of purpose, and whether he possessed the confidence of the electors, or, in other words, the confidence of those who asked him to represent them. The mere possession of a freehold estate would not necessarily guarantee this. Possibly it might be desirable to limit the choice of the electors to men who had resided in the colony for some given period of time—one, two, or three years; he noticed that they had such a provision in some of the other colonies, and perhaps it was a wise provision, for this reason: if we made it a condition that a man had to be in the colony for one, two, or three years, before he became entitled to occupy a seat in the Legislature we would necessarily have some guarantee that such a man had acquired some knowledge of the circumstances of the colony, and its requirements. This was a question which the committee might take into consideration, perhaps, and insist upon a residential qualification for members as well as for the electors. Beyond that, he did not think they ought to insist upon any

qualification, in the shape of property at any rate.

MR. MARMION said he considered this question of property qualification one of the most important questions in the whole bill. It had been said that the question had been already fully discussed, and that there was a preponderance of opinion in favor of retaining a property qualification. He hoped the feeling of the House had not been accurately gauged. He thought it would be most injudicious on their part to insist upon this property qualification, in view of the strong feeling of opposition which existed outside on the subject. It would simply give rise to further agitation, more especially in the more populous centres of the colony. That agitation had been going on for some time past, and had found expression on the public platform and in the public press; and he thought this was one of those concessions which they might fairly make to the popular demand. He thought the arguments in favor of abolishing the property qualification were unanswerable—he need not go into them now; the subject had already been thoroughly threshed out—and, so far as he was aware, no one had attempted to answer them. When he spoke of property qualification, let it be understood that he spoke of freehold property. As he pointed out the other evening—and he thought the argument was incontrovertible—if they wanted property qualification at all, there was no reason in the world why other property than property in land should not qualify a man. Everybody did not invest their money in land; and a very good job too, otherwise he should like to know what would become of commercial enterprise and those other enterprises which helped to develop a country's trade and resources, and to contribute to the general prosperity. He could speak for hours on this subject, but he did not think it was necessary to occupy the time of the committee any further. He thought the few words he had said were words of wisdom. If they wished to give this bill the element of stability, they must endeavor as far as possible to make its provisions such as would be acceptable to the people at large; and this was one of those points upon which the public, or a large section of the public, had pronounced a very strong opinion.

MR. RASON: I rise to support the amendment moved by the hon. member for Sussex. It would be presumption on my part to claim—as has been claimed by the hon. member who has just sat down, with that modesty for which he is conspicuous—that the words you are about to listen to will be words of wisdom; but I can promise this—they will be the expression of my honest and heartfelt conviction. I think, if it could be shown that the property qualification which is proposed in this bill would, in any way, be a guarantee of the honesty, or the ability, or the intellectual superiority of the possessor of it, if it were any guarantee even that an undesirable or unworthy person would never be elected to a seat in the Legislature, I, for one, would vote for its retention. But does it offer any such safeguard? It does nothing of the kind. It may shut the door against a good man, but it will never prove the slightest hindrance to a bad one. What kind of a man is it that we wish to see in this House? Is it the man who merely possesses £500 worth of freehold property and nothing else; or is it the man of ability, the man of honor, the man who can rise superior to personal interests and personal prejudices, and who comes here to do his duty to his country? It is monstrous to say that you cannot make sure of obtaining such a man unless he possesses a freehold of £500. That is an insult to a large and intelligent section of the community. The only argument, or the only attempted argument, we have heard in favor of the retention of this qualification is that it would shut the door against that very undesirable class of person, the "carpet-bag" politician. Well, sir, members seem, in their desire to steer clear of "carpet-bag" politicians, to forget that there are other and still more objectionable people even than those. What about land-grabbers? What about wealthy speculators in land, for purposes of speculation only? You will receive, with open arms, the land-jobber, the land-grabber, and the land speculator. All you ask of him is—not whether he is honest, whether he is patriotic, whether his intentions are good or whether they are selfish—all you ask of him is that he shall be possessed of £500

worth of freehold land. That is a sufficient guarantee of his respectability, and of his fitness to occupy a seat in this honorable House. Sir, that seems to me a monstrous doctrine. I will say nothing here of the inconsistency of this provision. That has been very clearly demonstrated. You require certain qualifications on the part of those whom you entrust with the privilege of electing their representatives, you take every reasonable safeguard to ensure that those upon whom this choice rests shall be perfectly qualified to exercise their discretion in the selection of their Parliamentary representatives, and, having done that, you turn round to them and say, "Now, we have given you the right of selection, and we think you are fit to be entrusted with it; but you must limit your selection to a certain number of men, who can show to us that they are worth £500 of freehold property,"—but nothing else. It has been said that it will be easy for us to alter the provisions of this bill when we have full power to legislate for ourselves in this matter. Sir, I think that is a mischievous suggestion indeed. I think our aim should be to make the present bill as perfect and as lasting a measure as we possibly can. There is no doubt of one thing: if we insist upon this property qualification for members, it will not be a lasting measure. We know very well that agitation will continue, and that it will not cease until this qualification is abolished. The country will never be settled, it will be in a constant state of political ferment; it will be impossible for any Ministry to carry on the Government of the colony, because, at the very first opportunity, this question will be brought up again and again. We may depend upon that. Is it wise to have this agitation going on, while we are endeavoring to work, and to accommodate ourselves to, this new Constitution? I must here refer to one argument that has been brought forward by an hon. member in favor of a property qualification, the argument that the possession of a freehold estate of £500 is a guarantee that a man is able to earn his own living, or, at any rate, to procure meat and drink for himself, and that no man ought to be allowed to enter the precincts of this honorable House unless he can show that he can supply himself with meat and drink, at any rate. I ask, is it likely that a man who was not able, by fair means or foul, to provide himself with meat and drink, would, above all places, seek to obtain admission to this House? I should imagine it would be the last place in the world he would strive to enter. I think, at any rate, we could trust to the vigilance of the House Committee that he did not get meat and drink here—for nothing, at all events. Sir, it is a peculiar and a significant fact that, in this matter, all those members who have been looked upon, and are looked upon, as the most conservative and cautious members of this House, are the members who are now anxious to dispense with this qualification of members. I say that is a significant circumstance; and, if you analyse it, the reason I think will be found in this fact: they are anxious to give this bill an element of stability; they are anxious to secure something which will be lasting, something which will be permanent, something that will put an end to agitation and discontent outside. On the other side, we have arrayed those members who have hitherto figured as the Liberal members of the House, but who in this matter have certainly managed to turn a most extraordinary somersault, and who now figure apparently as the champions of the most conservative ideas and the most conservative measures. I have not yet heard their excuses for this change of front, and I venture to think they will find great difficulty in finding an excuse when they next come before their constituents.

MR. DE HAMEL: It has been said that if we agree to this property qualification of members, it will be the cause of outside agitation for its removal, as the country, it is said, is opposed to it. Now, sir, I speak now for the third time, I think, in this colony; and I say, whatever may be the feeling in other parts, it is the distinct wish of the constituents whom I have the honor to represent that the qualification of members should be preserved. They consider—and it appears to me with some show of consistency—that so long as a value is set on the vote of the elector so surely there ought to be a value set on the qualification of the elected. It seems to me also that this is the right course for us to

pursue, and that the qualification of members ought to be retained, at any rate, until we grant manhood suffrage to the electors. When we arrive at that stage, when we give universal suffrage to the electors, when we abolish the qualification of voters, then I, for one, shall be prepared to abolish the qualification of members. But so long as we set a value on the vote of the elector, I think certainly we ought also to set a value upon the qualification of the man who holds a seat in this House.

MR. SCOTT: I should like to ask whether we do not provide for the qualification of a member when we insist upon the electors being qualified to exercise the franchise? I understand it is the intention of the hon. member for Fremantle to propose that a member ought to have a voter's qualification; and it seems to me, if we do that, we do all we need to. What we want, I presume, under this new Constitution is to allow the people to govern themselves. That is the great idea we have in view. That is what we have been advocating all along—the right of the people of the colony to govern themselves, and to elect their own representatives and their own Ministers. If so, why should we put a limit upon their right of selection. I cannot see, myself, that a paltry qualification of £500 is going to give them a better class of representatives. Surely they are the best judges. As the hon. member for the Swan has said, it will not prevent an unworthy or undesirable class from coming in, while, on the other hand, it may, possibly, shut out the more scrupulous and the more honest and the more intelligent people. If you really do think that a property qualification is required, and that it will prove any advantage to the colony, I am certain you will have to make it a great deal higher than £500. But, for my own part, I see no necessity for it at all. If we pass this clause as it stands, it will only mean continual agitation until it is removed. We know very well it is no protection at all, this property qualification now; we know that nothing is easier than for a candidate to possess himself of the necessary qualification for the time being; and, in spite of anything you may put in this bill, you will not be able to prevent people coming in with bogus qualifications. Therefore, I say, let us do away with it; let us not offer any temptation for people to come in with a bogus qualification. Let the people elect men in whom they have confidence, whether they have £500 or not. Let us try and get a bill that will put an end to any further agitation, and a bill that people will be content to live under for years to come. Let us try to introduce an element of stability into this Constitution Bill. I cordially endorse the very able remarks made the other evening on this subject by the hon. member, Sir Thomas Campbell, and, at this stage, I do not think it is necessary I should say anything further on the matter.

MR. GRANT: I have only one or two words I should like to say on this subject. I think, considering the circumstances of this colony, and the scarcity of men likely to come forward as candidates for election, it is very necessary we should reduce, if not abolish altogether, the property qualification proposed in this bill. I do not see why the onus and the responsibility of selecting proper men to represent them should not rest upon the electors themselves. Surely they ought to be able to judge whether a man is fit to represent them or not. I believe it will be a cause of great irritation and discontent, which would never cease until you liken our Constitution to that of the other colonies. I see no danger whatever in abolishing this property qualification; it has done no harm in the other colonies, and, if it had been in force there, some of their best men would never have been able to enter Parliament. I think you have every necessary safeguard in the representation of property in the Upper House, and therefore we may safely allow the electors to have their full swing as regards those whom they send to represent them in the Lower House.

MR. A. FORREST: As a representative of a country district, I shall vote for the property qualification of members, and I do so for more reasons than one. Country districts require men to represent them who have by their own energy and industry accumulated some property and stake in the country. We think—and when I say "we," I am speaking of the country, and not of the towns—we think that if a man has not shown he possesses sufficient industry, and sufficient energy and ability, to get a little property around

him, he ought to stay outside this House, until he is able to get sufficient property to qualify him to come in. I think it would be a very sorry day for this colony when the doors of this House are thrown open to men who have not the slightest stake in the colony. I have been twitted by the hon. member for the Swan—I believe he meant me, for the hon. member looked this way—with having turned from a Liberal to a Conservative,—

MR. RASON: I take this opportunity of assuring the hon. member that I was not referring to him at all.

MR. A. FORREST: I am very glad to hear it. I have been a Liberal ever since I entered this House, and I hope I shall always be one. No one can say I have ever in this House advocated any measures that were against the interests of the colony. I have always been an advocate of progress. I have a large stake in the colony. I have a large interest in squatting; and, as the represeutative of a squatting district, I am returned on a Liberal platform—liberal land laws, railways, telegraphs, and progress in every way. But we want men to represent us who have a real stake in the country; and I, for one, if I am alone, will refuse to vote for any amendment that proposes to give any man the privilege of a seat in this House unless he has accumulated by his industry a small freehold of the value of £500; and, when I say this, I think no one can say I am not a Liberal, because, if a man is not able to accumulate property worth £50 a year in a colony like this, he is not much account, and I don't think he deserves a seat in this House.

MR. MARMION: If he had £1,500 a year this bill would not give him a seat, unless he derived it from freehold property.

MR. A. FORREST: Quite right too. If he had it in bank shares, or in ships, they would take him out of the country. A man like that may have no direct interest at all in the colony. When a man has a freehold property of his own, he has some permanent stake in the country; he is not a man who is here to-day and gone to-morrow, like a man who invests in mines or bank shares. A man like that does not produce anything; he does no good to the country; what he gets, he spends elsewhere, and simply robs the country of the money he has made in it. That is the sort of man the hon. member for Fremantle wants to see in this House. I say that is not the man we want here. We want men here who have a solid stake in the country, who have invested their money in the land, and are trying to do some good with it, both for themselves and the colony. For these reasons I intend to vote for the property qualification of members. I should vote for a qualification of £1,000, if it was proposed; as it is, I shall vote for the £500.

MR. RICHARDSON: No doubt, sir, any elected member who supports this clause must be prepared to hear himself stigmatised as narrow-minded, a land-grabber, and everything else that is abominable. We all know that it is very fashionable in certain quarters, political and social, to regard the mere possession of property as a stigma, and almost a crime. I do not know that we have arrived at that stage of advancement and enlightenment in this colony yet; but we all know that a cry has been raised for the abolition of property qualification for members, although there are, amongst those who have taken up that cry, many who still maintain that there ought to be a qualification for voters. It does appear to me that in making this objection to any qualification on the part of a member you show a great deal of inconsistency, when, at the same time, you agree to require a qualification on the part of a voter. [MR. MARMION: There's a difference.] It is only a question of degree. [MR. MARMION: Not at all.] You can produce exactly the same argument against the one as the other—the same high-falutin' nonsense, I call it, about the man who by his industry and energy is in a position to pay £10 a year rent, and the other poor man who with a large family is not in a position to pay as much, but who may be equally honest, equally virtuous, equally intelligent, as any £10 householder. It seems to me that the question narrows itself down to this: if we are going to try to ensure all that stability that the hon. member for Fremantle expects to ensure, if we are going to stop all agitation and to satisfy the demands of every section of the community before we are done with this bill, there is nothing for it that I can see

but to come down to the lowest level, and go in for universal suffrage, payment of members, and all that. You cannot stop short of that, if you expect to put an end to all agitation, and if that is the stability which hon. members talk about. It is no use for hon. members deluding themselves with the idea that they can. Even that will not put a stop to agitation. We see that in countries that have come down to that level of equality. Nothing will satisfy some people, we know, until property of every description is equally divided between every member of society; and if you expect this Constitution Bill to satisfy everybody, and to put an end to all agitation and discontent, you must provide for a general division of property all round. Everybody then would be equally qualified to vote or to legislate. If members want to be consistent, and say that every man ought to have a right to a seat in this House, the least they can do is to say that every man should have a right to vote. After all, what is our object—the object of those who are in favor of retaining a property qualification? Is it not that we may secure good men as legislators? Of course, we admit that property does not necessarily imply intelligence, but it affords a rough and ready test—especially in a colony like this—that the man who possesses the former must also have a fair share of the latter; it implies the exercise of certain qualities such as thrift and prudence, and it is some indication of business capacity and of stability of character, without which few men in this colony have become possessed of property. It is said that the man with £500 worth of property may, notwithstanding his property, be a narrow-minded and ignorant fellow, with no political ability; but you forget that after all it is with the electors to choose such a man or not. The mere possession of £500 worth of property will not entitle any man to walk straightway into this House, and take his seat in it. I freely admit that there is a danger of its keeping out some good and worthy men, here and there; but I believe, on the other hand, that it will keep out many men of a very different class, and of a very undesirable class to have legislating in this colony. It would simply open the door, as has already been said, to needy political adventurers, who possessed no interest in the colony, beyond their own interest, and whose very first cry would be for payment for their services—men who cannot afford to go into politics except as a trade, and who would simply come here for the sake of the loaves and fishes, and doing a little log-rolling. We know there are men of that class in the other colonies, and we shall have them here. We must remember that this bill has to be passed through the Imperial Parliament, and receive the approval of a Conservative Government; and we must remember that this bill has been already submitted to the Secretary of State for the Colonies, a Conservative Minister of a Conservative Cabinet, and that if it is passed as it has come back from him, it stands a much better chance of emerging from the ordeal of the British Parliament and to become law. If we introduce too many Radical ideas into this bill, and by one sweep cast away all the Conservative safeguards which it now contains, the bill will be wrecked. The hon. member, Sir Thomas Campbell, made use of one argument, or one instance which, perhaps, carried much weight, the other evening, when speaking in support of the abolition of property qualification. The hon. baronet referred us to the fact that two very able Premiers, and a very able Speaker in the other colonies would not have been able to enter Parliament had there been this high property qualification in those colonies. I presume the hon. baronet meant that these three public men were not the possessors of so much landed property. But does he think for a moment that if the possession of £500 worth of landed property was necessary to qualify for a seat in Parliament, these gentlemen would not have been able to obtain that qualification? I think it is absurd to suppose so. Therefore I do not think much of that argument, or that illustration. And the same reasoning applies here. It is said that a man may be worth thousands in bank shares, squatting properties, or other investments, but would not be qualified to enter Parliament because he did not own £500 worth of freehold property. Does anyone mean to tell me that there would be any difficulty in that man obtaining the necessary freehold qualification? I think the argument is an absurd one.

MR. HARPER: I think I might start what I have to say by making use of the old axiom of political morality which teaches us that you cannot make the Legislature better than the country; which, I presume, means that the Parliament of any country represents the people of that country. If so, it appears to me that the establishment of all these so-called safeguards will only turn out to be false safeguards. The Legislature of the country must be what the people themselves choose to make it. The remarks of the hon. member for the North, who has just sat down, were strongly in favor of the retention of a property qualification; but, to my mind, the qualifications we ought to seek for in a legislator are honesty, integrity, and ability; and how these are to be bound up only in the possession of so much land passes my comprehension. Those who have been successful in politics, generally, may be divided into several classes and all of them more or less enthusiasts, —some of them enthusiasts in politics alone, some of them enthusiasts in the acquisition of money, and others enthusiasts in the acquisition of power. But I think I may fairly say that the world owes more, not only in politics, but also in science and in literature, to men of humble means than to men of wealth. Several members have said that if a man is not possessed of this qualification he has no business to come to this House,—that he ought to be earning a livelihood for himself and those dependent on him. That sounds very well. But I should like to point out that the mere possession of a property qualification of £50 a year is not enough to enable a man to live independently upon. If that is the object, the possession of £500 worth of property would certainly not make a man independent, without some other source of income, and you could not say that that man was altogether independent of politics, or something else, for a living. The hon. member for Kimberley appears to think that if a man has not invested his money in land he ought not to have a seat in this House. The hon. member argued that if he had his money invested in ships, his ships would take him away out of the colony. If so, I take it that man would no longer have a seat in this House. I think we should look at the experience of other countries in these matters, and see whether the possession of landed property has operated there in the manner some hon. members desire it should here, or expect it to do. I have not, myself, found any evidence that it has; I am not aware that it has kept their Parliaments free from men of an inferior calibre. Nor do I suppose that any qualification, other than a moral one, will ever do so. Another argument we have had against abolishing this property qualification is that it would open the door to needy men who would simply enter the House for the purpose of making a living out of politics, by log-rolling one hon. member said. I think, if we look into the political history of those countries where log-rolling most largely prevails, and where it has been elevated into a profession almost—in America, for instance—we shall find that the most dangerous professors of the art of log-rolling are not your needy men, but men of wealth, men of capital, who are still eager to increase their wealth, and who use others, of a low moral calibre, in order to serve their own selfish ends. My own view of this question of property qualification is that if we make provision for ensuring that only decent respectable men shall have the right of electing members—if we exclude the very dregs of society from that right—we may safely entrust to these electors the choice of representatives, without limiting them in that choice by any arbitrary line of isolation.

MR. MARMION: I thought, when I spoke a few words upon the introduction of this clause this evening, that the clause was one which was not likely to elicit much discussion, in view of the threshing which the subject had already received, on a former occasion. I, therefore, confined my remarks within very narrow bounds. Since then the debate has taken a wider turn; and I should like to answer one or two remarks which have fallen in the course of that debate. The hon. member for the North (Mr. Richardson) seems to indicate by his remarks that it is only those who are in favor of a property qualification who are moved by good intentions, and who are paragons of virtue and of all that is good. But I must resent that insinuation. I think

those who advocate the abolition of this qualification are actuated by equally virtuous motives and intentions as the hon. member himself, and, possibly, equally capable of estimating the relative merit of the two sides of the question. The hon. member also seemed to imagine that the possession of £50 a year would be an absolute proof against log-rolling, and work of that kind. The hon. member surely cannot be serious. His own knowledge of the world, and of the teachings of history, must satisfy him that log-rolling is not confined to men of humble means. Log-rolling, I take it, is resorted to by men who lack moral qualities rather than by those who simply lack a property qualification. We know there are men possessed of enormous wealth who are not proof against it; and it is absurd to suggest that the mere possession of a £500 freehold would make men proof against these things. I think we cannot do better than look at the experience of other countries in this matter. We know that in the other colonies they do not regard a property qualification as a proof of a man's capacity and fitness for a legislator. We know they do not do so in the mother country; and the hon. member for Plantagenet made a serious error the other day when he said it is necessary for members of the House of Commons to possess a freehold estate. It is nothing of the kind. There is no such thing as a property qualification in the House of Commons.

MR. RICHARDSON: It takes some thousands of pounds, though, to get in there, through a contested election.

MR. MARMION: We know there are men now in the House of Commons, and men who are a credit even to that distinguished assembly, who have neither freehold nor much personal estate, who are working men in fact. If not necessary there, why should it be necessary here, in a young country like this? Shall we not have property amply represented in the Upper House, without also flooding the Lower House with it? I hope the committee will carefully consider this question, before going to a division. I hope that by agreeing now to the moderate demands of the people we may put an end to further and more mischievous agitation hereafter. If we do not, I am afraid we shall regret it in the future.

Question put—that the words proposed to be struck out stand part of the clause:

Committee divided, as follows—

Ayes	14
Noes	10
Majority for ...	4

AYES.	NOES.
Mr. Congdon	Mr. Burt
Mr. De Hamel	Mr. Grant
Hon. J. Forrest	Mr. Harper
Mr. A. Forrest	Mr. Keane
Mr. Loton	Mr. Marmion
Mr. Morrison	Mr. Paterson
Mr. Randell	Mr. Pearse
Mr. Richardson	Mr. Rason
Mr. Shenton	Mr. Scott
Mr. Sholl	Mr. Parker (*Teller.*)
Hon. Sir J. G. Lee Steere, Kt.	
Mr. Venn	
Hon. C. N. Warton	
Hon. Sir M. Fraser, K.C.M.G. (*Teller.*)	

The amendment was therefore negatived.

MR. DE HAMEL moved that the following words be omitted from the clause: "And shall have been possessed of such estate for at least one year previous to his nomination or election." It appeared to him unnecessary that, having provided that a man should possess the necessary property qualification, they should go further and insist that he shall have been possessed of such qualification for at least twelve months prior to his election. A man may have been in the colony for years, and be thoroughly alive to its circumstances and its requirements, but he may not have been the possessor of a freehold estate; and, so long as he was possessed of that freehold qualification at the time of his candidature, what more should they require? It appeared to him an unnecessary condition altogether, and one that might operate very injuriously in some cases. So long as a candidate absolutely possessed the required qualification, what did it matter whether he had acquired it ten years ago, or ten weeks, or ten days.

Amendment put, and negatived on the voices.

Clause, as amended, put and passed.

Clauses 19, 20, 21, and 22:

Agreed to, *sub silentio*.

Disqualification for membership of either House.

Clause 23.—"No person shall be qualified to be a member of the Legislative Council or Legislative Assembly, if he:

"(1.) Be a member of the other "House of the Legislature; "or,
"(2.) Be a Judge of the Supreme "Court; or,
"(3.) Be the Sheriff of Western "Australia; or,
"(4.) Be a clergyman or minister of "religion; or
"(5.) Be an undischarged bankrupt "or a debtor whose affairs "are in course of liquidation "or arrangement; or,
"(6.) Has been in any part of Her "Majesty's dominions attaint-"ed or convicted of treason "or felony:"

MR. PEARSE moved that subsection (6) be amended, by adding thereto the words "unless he have received a pardon, or undergone the sentence passed upon him." He found that a similar provision existed in Tasmania; and that in none of the colonies was there such a condition attached as was proposed in this subsection as it now stood. He was not aware that such a provision even existed in the Imperial Parliament. At any rate, it appeared to him a cruel thing in the case of a man who, perhaps, in his early days, had committed some youthful indiscretion, and repented of it all his life, and become a good and respectable citizen—he thought it very hard that such a man should be for ever debarred from qualifying for a seat in the House.

Amendment put, and negatived on the voices.

Clause agreed to.

Persons holding contracts for the public service shall be incapable of being elected or sitting.

Clause 24.—"Any person who shall "directly or indirectly, himself, or by any "person whatsoever in trust for him, or "for his use or benefit, or on his account, "undertake, execute, hold, or enjoy in the "whole or in part any contract, agree-"ment, or commission made or entered "into with, under, or from any person "whatsoever, for or on account of the "Government of the colony;

"Or shall knowingly furnish or pro-"vide, in pursuance of any such "contract, agreement, or com-"mission any money to be re-"mitted abroad, or any goods "whatsoever to be used or em-"ployed in the service of the "public;

"And any member of any company, "and any person holding any "office or position in any com-"pany formed for the construc-"tion of any railway or other "public work, the payment for "which, or the interest on the "cost of which has been prom-"ised or guaranteed by the "Government of the colony;

"shall be incapable of being a member of "the Legislative Council or Legislative "Assembly during the time he shall exe-"cute, hold, or enjoy any such contract, "agreement, or commission, or office or "position, or any part or share thereof, or "any benefit or emolument arising from "the same:"

Question put—that the clause stand part of the bill.

MR. A. FORREST: As no one seems to rise, I wish to say a few words. This is a very important clause, and affects nearly every member in this House. (Cries of "No, no.") It affects a great number of us at the present time, at any rate; and I think it should be modified in some way.

THE ATTORNEY GENERAL (Hon. C. N. Warton): Too late. The question before the committee is that the clause stand part of the bill.

MR. A. FORREST: I think we ought to make some distinction between contractors and contractors. I think it is absurd to make this clause apply to every man who has a small contract with the Government. There are many good men in country places with whom the Government find it necessary to contract for supplies and other small services, and it seems hard that for the sake of £50 or £100, or so, a man should be disqualified from taking a seat in this House. If the clause passes as it now stands it will be impossible almost, in a small colony like this, where so few men are able to devote their time to politics, to find a sufficient number of members, if we are going to shut out every man who happens to have a small contract with the Government to supply a few tons of hay, or to build a culvert, or some small job like that. It strikes me there will be very few members who won't be sailing pretty close to the wind, and run the risk of a heavy penalty; for this clause says that if a man has any

interest in a contract, directly or indirectly, he is to be debarred from sitting in Parliament. A man cannot become surety for a contract under this clause without being disqualified. I hope some hon. member more able than myself will move an amendment.

THE ATTORNEY GENERAL (Hon. C. N. Warton): It is too late. You can pass the clause, or you can strike it out, but you cannot amend it now. The question before the committee is, "that the clause stand part of the bill." The hon. member should have got up before, when the clause was read.

MR. A. FORREST: I am sorry for that. I think it ought to be altered. It will lead to a great deal of inconvenience, for the Government and everybody else; and it will be a great hardship to many people, in country places especially. Who is going to become surety or a guarantor for any contract with the Government, if he is liable to be tripped up by this clause? I am often asked to become surety for people, and I believe my hon. friend the member for Toodyay, would be disfranchised to-morrow if this clause became law; and many other men the same,—men whom we all would wish to see in this House under any Constitution. I should like the Attorney General to tell me whether a man who becomes a guarantor in the case of a railway contract, or any other public work, would not, under this clause, be debarred from taking his seat in the House?

THE ATTORNEY GENERAL (Hon. C. N. Warton): The only question before the House now is, that the clause stand part of the bill.

MR. KEANE: It was my intention to have moved an amendment in this clause, but, finding that the majority of members were against it, I did not think it was worth while to waste the time of the House with it. At the same time I should like to ask the Attorney General for a little explanation, which I think all hon. members would like to get. I do not think, whatever his reply may be, it will affect the bill; it will be simply so much information. The second subsection of the clause reads thus: "And "any member of any company, and any "person holding any office or position in "any company formed for the construction "of any railway or other public work, the "payment for which, or the interest on the "cost of which, has been promised or "guaranteed by the Government of the "colony" shall be incapable of being a member. If you turn to Clause 26, it reads as follows: "The foregoing provisions "shall not extend to any contract, agree-"ment, or commission made, entered into, "or accepted by any incorporated company "where such company consists of more "than twenty persons, and where such "contract, agreement, or commission is "made, entered into, or accepted for the "general benefit of such company, nor to "any contract or agreement in respect of "any lease, license, or agreement in re-"spect to the sale or occupation of Crown "lands." I should like to ask the Attorney General what difference he puts between the words "incorporated company" in this clause, and the simple word "company" in the second subsection of Clause 24, which I have just read. Clause 26 exempts contracts entered into by any incorporated company, where such company consists of more than 20 persons. So far as I am aware, every company consisting of more than a certain number of persons must be incorporated. I should like the Attorney General to say how this 26th Clause affects the clause now before the committee.

THE ATTORNEY GENERAL (Hon. C. N. Warton): As the hon. member has asked me a question, though not strictly in order, perhaps I had better answer him. I think the only way is to regard Clause 26 as limiting the effect of Clause 24, and that any company not consisting of 20 persons comes within the operation of Clause 24. If the contracting company consists of more than 20 persons, then Clause 26 applies. I may point out that it will be open to hon. members, who have lost their chance of amending the clause now before the committee, to see whether they cannot devise some amendment in Clause 26 which would provide for a smaller number than 20 being exempted.

MR. MARMION: I cannot, myself, recognise any distinction between contracts taken by persons who are paid by debentures, and contracts taken by persons who are paid in land. This clause appears to deal only with contractors who perform work "the payment for which, or the interest on the cost of which"—

meaning in money, I presume—"has been promised or guaranteed by the Government of the colony." I take it this would not apply to a contract under a land grant system. I think if the contractor in the former case is to be debarred, the latter also ought to be debarred. I certainly think an alteration should be made in the second subsection of this clause; but I understand we are prevented from doing so now. On the recommittal of the bill, I shall be prepared to bring forward an amendment.

MR. LOTON thought some very stringent law should be in existence excluding large contractors, whether paid in money or in land, from having a seat in Parliament. At the same time, he thought it would be unwise to apply the same provision to small contractors, who agreed to supply the Government with little necessaries for the public service, under the head of annual supplies. He did not know whether it would be possible to distinguish between the two classes of contractors.

Clause put and passed.

Any Member accepting a contract, or continuing to hold any contract after the commencement of the next session, his seat shall be void.

Clause 25.—"If any person, being a "member of the Legislative Council or "Legislative Assembly, shall directly or "indirectly, himself, or by any person "whatsoever in trust for him, or for his "use or benefit, or on his account enter "into, accept, or agree for, undertake or "execute, in the whole or in part, any "such contract, agreement, or commission "as aforesaid, or if any person being "a member of the said Council or "Assembly, and having already entered "into any such contract, agreement, or "commission, or any part or share of any "such contract, agreement, or commission, "by himself, or by any other person "whatsoever in trust for him, or for his "use or benefit, or upon his account, shall "after the commencement of the next Ses- "sion of the Legislature, continue to "hold, execute, or enjoy the same, or "any part thereof, the seat of every such "member shall be void. Provided that "nothing in this or the last preceding "section shall extend to persons contri- "buting towards any loan for public pur- "poses heretofore or hereafter raised by "the colony, or to the holders of any "bonds issued for the purpose of any "such loan:"

MR. MARMION said he noticed that this clause provided that if a member of the House who had already entered into a contract during the recess, continued to have any interest in the contract after the commencement of the next session, his seat should become void. It appeared to him that, according to this clause, if a member entered into a contract during the currency of a session, he would not be affected by it. The clause was somewhat ambiguous, he thought.

THE HON. SIR J. G. LEE STEERE said he could not help thinking that under the clause as worded a member of the Legislature might enter into a contract with the Government between two sessions, and still retain his seat. It might be a very large contract, extending over some months, and there might be no session of the Legislature intervening.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said if the committee would consent to report progress he would give the clause his consideration, and also see whether some amendment in the direction indicated by the hon. member for Perth (Mr. Keane) might not be made in the next following clause.

Progress reported.

The House adjourned at ten minutes past ten o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 25th March, 1889.

Message (No. 3): Defence of Fremantle: Offer of Imperial Government—Message (No. 4): Defence of King George's Sound: Recent correspondence with the Secretary of State for the Colonies—Message (No. 5): Replying to Address re wire for Telegraph Line from Derby to Wyndham—Pensions (Schedule D. Constitution Bill)—Conveyance of boring plant to Yilgarn—Messrs. C. & E. Millar's Torbay railway proposals: referred to a select committee—Constitution Bill: in committee—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.