

this matter, I am doing what appears perfectly right for me to do, and not with a view to calling out this extreme warmth.

THE PREMIER: If you are unfair and unjust, I get hot.

MR. SIMPSON: I am not in possession of the facts of the case. Really, we cannot carry on debates in this conversational style. I have not yet seen the papers, but when I have, I shall be able to form a just conclusion on the case. No one can arrive at a just conclusion until he has perused all the evidence. The idea of the Premier throwing stones is painfully ridiculous—a huge gentleman like that throwing stones at a little fellow like me. Besides, I do not believe if he were to throw a stone he could hit me. I never sought his favour and never feared his frown. This is my exact position in the matter: I said I had been informed, and that there were rumours in connection with these arbitrations, which the hon. member admitted did exist, and there was therefore a basis for my action. Why this unnecessary warmth if there was nothing wrong? The Premier ought to be glad to have the matter made public and the whole thing dissipated, and I am therefore acting in his interest as well as in interests of the country. I say "Let the galled jade wince; my withers are unwrung."

Motion put and passed.

ADJOURNMENT.

The House adjourned at 6.23 p.m.

Legislative Council,

Wednesday, 10th July, 1895.

*New cure for Diphtheria—Bankruptcy of Member—
Post Office Savings Bank Bill; first reading—
Adjournment.*

The PRESIDENT (Hon. Sir G. Shenton) took the chair at 4.30 o'clock, p.m.

NEW CURE FOR DIPHTHERIA.

THE HON. F. T. CROWDER: In asking the question standing in my name, perhaps I may be permitted to say that it will be generally agreed there is no more dangerous disease than diphtheria. Up to the present it has defied the skill of the best doctors, but lately a substance known as anti-toxin has been discovered, which has been proved to be a cure for this foul disease. The Governments of New South Wales and Victoria have spent money in obtaining a supply of it, and I ask, if this Government is not already importing any, they will place themselves in communication with the Governments of New South Wales and Victoria, and eventually obtain a supply, so that it may be available for the doctors here when required. I now beg to ask the Minister of Mines, Whether the Government have imported a supply of Anti-Toxin, the new Diphtheria cure. If not, whether it is their intention to immediately do so, so that local doctors can obtain a supply in case of emergency?

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied: On enquiry at the Colonial Hospital—the Colonial Surgeon being at present ill—I learn that in consequence of anti-toxin being obtainable at the Perth Medical Dispensary, and from Dr. Tratman, no representation has yet been made by the Colonial Surgeon as to the necessity for any importation of anti-toxin by the Government.

BANKRUPTCY OF MEMBER.

THE HON. F. M. STONE: I beg to move:—
"That Thomas Harry Marshall, having become disqualified as a member of the Legislative Council, his seat, in accordance with the provisions of Section twenty-nine of "The Constitution Act, 1889," has become vacant and that the President do issue a writ for the election of a member for the West Electoral Province." I do not think I shall be out of order in mentioning to hon. members that I

have received a telegram from Mr. Marshall asking me to withdraw my motion, as he had resigned, or was about to resign. On looking into the matter, however, I find I cannot adopt this course, because on reading the Constitution Act I see it is provided that as soon as a member is declared bankrupt, his seat becomes vacant. By section 23 of that Act it is provided that no person shall be qualified to be a member of the Legislative Council. . . . if he . . . be an undischarged bankrupt, or a debtor whose affairs are in course of liquidation or arrangement. Then by section 29, if any member of the Legislative Council ceases to be qualified, or becomes disqualified, his seat thereupon becomes vacant. Further by section 10, whenever a vacancy occurs the President shall cause a writ to be issued to supply the vacancy. Therefore a member who becomes disqualified cannot resign, because his seat has already become vacant. My only course now is to move this motion, so that the West Province may have its full complement of members as soon as possible.

THE HON. D. K. CONGDON: I have much pleasure in seconding this motion. I think, under the circumstances, that Mr. Marshall, who enjoyed the privilege of being a member, has treated the House somewhat badly. Having been declared bankrupt, his seat has become vacant, and the sooner it is filled the better I shall be pleased. Fremantle, as the hon. Mr. Burges said the other night, is very poorly represented in this House—even taking it numerically—and the sooner we have the full complement of members the better for the Province.

THE PRESIDENT (Hon. Sir G. Shenton): This morning I received a telegram from Mr. Marshall, which reads:—"I have already written yourself and Wittenoom. I intend resigning this week. Kindly confer with Wittenoom." No resignation has come to me.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Possibly it may be among my letters, which I have not yet had time to open.

THE PRESIDENT (Hon. Sir G. Shenton): The resignation should have come to me.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I should like to make a few remarks at this stage. In order to enable the business to proceed more expeditiously, I pur-

pose asking hon. members to adjourn until this evening. I already owe an apology to the House for having been absent yesterday, and an explanation is, no doubt, due to hon. members. On Saturday last I went to Albany for the purpose, amongst other things, of opening a school, and to transact some other business in connection with the town of Albany, and which I finished on Monday. To make sure that I should be in time for the opening of this House on the following day, I made arrangements for a special train to leave Albany at 7 o'clock p.m. on Monday. The mail boat was to have been in at noon, but it did not arrive until 6 p.m. Everything was ready, and some of the passengers were actually seated in the train. We found, however, that the steamer had anchored three miles out, and on the launch going out to her it was ascertained that she had landed a smallpox patient at Colombo. Even the pilot could not get on board. We had to return, and I then gave orders to cancel the running of the special train, as it would then have been impossible to land the mails and have them fumigated in time for the train to leave and catch the Government train which left Beverley the next morning. We went back to the boat, and found that in consequence of the smallpox patient having been landed at Colombo the doctor had placed the cargo, mails, and passengers in quarantine for nine days, which would complete the necessary 21 days from the last outbreak. I could not, therefore, arrive here in time for the meeting of the House yesterday, and I hope hon. members will make an allowance under the circumstances. I telegraphed to my hon. friend, Mr. Parker, to help me, and I have now to acknowledge his kindness. The whole of the inconvenience was caused entirely by the want of thought on the part of the agents of the ship in not telegraphing from Colombo to the agents here the state of affairs. The agents at Albany had no intimation whatever that there had been any sickness, and the consequence was that 34 passengers were landed in the outer harbor in the middle of the night, without any provision being made either for food or bedding. I have taken upon myself, as the Minister representing the Post and Telegraph Department, to send a strong telegram to the agents for the ship, in Sydney, telling them what a disgraceful piece of negligence had occurred, and what injury had been done to the colony. Then yester-

day I started by the usual train, and, by a piece strange ill luck, it broke down, and we missed the 6:30 a.m. train from Beverley. I had then to come on by the goods train and only reached here five minutes ago. Hon. members will thus see it is impossible for me to go on with the business. There are several notices on the paper, and I am not prepared to discuss them, or give satisfactory replies. I therefore ask the indulgence of the House until 7:30 p.m.

THE HON. E. W. DAVIES: I do not rise to oppose this suggestion, but I may inform the House that it has been very inconvenient to the members for Fremantle not to have been notified before as to what was proposed to be done. If the Minister had telegraphed to let hon. members know the position, we might have been saved the trouble of coming here this afternoon. The Hon. the Minister for Mines proposes that we should adjourn until this evening, but I would suggest that it would be more convenient to some members if we adjourned until to-morrow.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I only suggested an adjournment until this evening, so as not to delay the business more than is absolutely necessary; but if hon. members would prefer to-morrow I shall be quite willing. The Hon. Mr. Davies has complained that I did not telegraph and let hon. members know how matters stood, but I may say that I did take the precaution to telegraph to the President, to Mr. Parker, and to the Clerk of the Council. The last named gentleman I asked to let hon. members know I could not be here.

THE HON. D. K. CONGDON: I think it would be more convenient if we were to adjourn until to-morrow.

THE PRESIDENT (Hon. Sir G. Shenton): Might I suggest that the formal motions be disposed of before we adjourn?

THE HON. S. H. PARKER: Perhaps the hon. the Minister for Mines may have to consult the officials as to some of them. I think we all recognise that the hon. gentleman has been placed in a difficult position, and we can hardly expect him to take up the business this evening, even if we do adjourn. To-morrow is a day on which the Lower House sits, and I think we may well adjourn until then. I might say that although Mr. Wittenoom was not present yesterday, we got through all the business we could have done, even had he been here, except, perhaps, the Federal Council Reference Bill, and no harm

will be done by postponing the consideration of that measure for a time. We advanced all the bills a stage, and members were afforded an opportunity of giving notices of motion. Therefore no inconvenience has arisen through the absence of the hon. gentleman, and I do not think we can now complain, because, under the circumstances, a further adjournment is asked for. I move that the House adjourn until 4:30 o'clock p.m. to-morrow.

THE HON. D. K. CONGDON: What has been done with the hon. Mr. Stone's motion? I move that that question be now put.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I find that I have received a letter from Mr. Marshall, but it is in the nature of a private communication, which I do not think I would be justified in reading to the House. The gist of it, however, is that he will be sending in his resignation some day next week, and that, therefore, the House need not take steps to declare the seat vacant.

THE HON. J. W. HACKETT: I hope this motion will be adjourned also. It seems to me that while we consider the constituency, there are two other matters to be considered as well. One is the rights of members of this House, and the other the position of the House itself. A matter of this kind, it appears to me, should not be decided without some consideration. For myself I should say, the declaration of the vacancy caused by the death of our late lamented friend, Mr. Henty, was a little precipitate. It was done on a mere intimation from a Postmaster, and without any official intimation from a higher authority, such as the Coroner or the Warden.

THE PRESIDENT (Hon. Sir G. Shenton): I received a telegram from the Warden.

THE HON. J. W. HACKETT: The Minister for Mines only read a telegram from the Postmaster.

THE PRESIDENT (Hon. Sir G. Shenton): I received an official telegram.

THE HON. J. W. HACKETT: I am glad we did not act upon the evidence I thought we did. We must remember, however, that the rights of Mr. Marshall, and those of every other hon. member, are bound up to a certain extent with a full and deliberate examination of the law. The Constitution Act provides that every question of vacancy shall be referred to the House, and this means that we are to approach a question in which the rights

of members are at stake, with the greatest caution and with the greatest circumspection. If we were now to decide upon this question while the whole of the other business is being adjourned, it would not, to say the least of it, bear a very satisfactory aspect outside. I would just like to point out that the hon. Mr. Stone in putting forward his motion, has not in any way referred to the legal difficulty which is known to exist; nor has he stated how far the clauses of the Bankruptcy Act override, or affect, the provisions of the Constitution Act which he has referred to. I think we are entitled to a full discussion on this question, and we should have a statement from the Minister, as to the views the Government take of the vacancy, and as to the law affecting the question. I move that the debate on this matter be adjourned.

THE HON. D. K. CONGDON: I second that.

Question put and passed.

POST OFFICE SAVINGS BANK BILL.

This Bill was received from the Legislative Assembly, and was read a first time.

ADJOURNMENT.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) moved that the House at its rising adjourn until 4.30 o'clock p.m. to-morrow.

Question put and passed.

The House at 5 o'clock, p.m., adjourned until Thursday July 11th, at 4.30 o'clock p.m.

Legislative Assembly,

Wednesday, 10th July, 1905.

Railway signalling at Perth and Cottesloe—Tenders for Public Works—Post Office Savings Bank Interest Bill; third reading—Agent-General Bill: in committee—Perth Mint Bill: in committee—Amended Sessional Orders as to Days and Hours of Sitting—Introduction of Sewerage System for Perth and Fremantle—Adjournment.

THE SPEAKER took the Chair at 4.30 p.m.

PRAYERS.

RAILWAY SIGNALLING AT PERTH AND COTTESLOE.

MR. RANDELL, in accordance with notice, asked the Commissioner of Railways, whether it was intended to introduce a better system of signalling at the Perth and Cottesloe Railway Station; and, if so, what system would be introduced, and when.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) replied that a system of points and crossings and interlocking gear was now under consideration, and the work would be carried out as soon as possible.

TENDERS FOR PUBLIC WORKS.

MR. GEORGE, in accordance with notice, asked the Director of Public Works,—

1. Whether his Department had the necessary funds available to carry on the work re tenders now advertised.

2. Whether he would take such steps as might be necessary to prevent any more tenders being called, unless funds were immediately available.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) replied as follows:—

1. The money for the works for which tenders have been called was voted by this House last year; before tenders are accepted the money must be re-voted.

2. No tenders will be called for which money has not already been voted.

AGENT-GENERAL BILL.

IN COMMITTEE.

Debate continued upon following new Clause proposed by MR. MOSS to stand part of the Bill:—

6. No person who may be appointed to the office of Agent-General shall, during his tenure