

been, to allow vessels to come alongside. It would be seen from this that the Geraldton people had great cause for complaint, in consequence of the action of the Government in diverting this money that was specially voted for the extension of the jetty. He believed some of it had been paid to Sir John Coode, and that was the reason why he had moved for these returns.

Motion put and passed.

The House adjourned at two o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Wednesday, 3rd April, 1889.*

Mandurah Breakwater: Re-appropriation of loan money—Message (No. 9): Attorney General's Pension—Constitution Bill: re-committed—Electoral Bill, 1889: second reading (negated)—Adjournment.

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

### PRAYERS.

### MANDURAH BREAKWATER: EXPENDITURE OF LOAN MONEY.

MR. PATERSON, in accordance with notice, asked what amount of the balance of £981 11s. 7d. left out of original Mandurah Breakwater vote has been already expended in public buildings at Pinjarrah, and in what manner; also how it was intended to spend the remainder?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser)—replying on behalf of the Director of Public Works—said: No part of the balance of the Mandurah Breakwater vote, re-appropriated for Pinjarrah public buildings, has been ex-

pendent. It is intended that the whole of this sum shall be expended in Police and other Government buildings at Pinjarrah, when the character of those most required has been determined.

### MESSAGE (No. 9): PENSION OF THE ATTORNEY GENERAL (HON. C. N. WARTON).

THE SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to inform the Honorable the Legislative Council that he, yesterday, received the following telegram from the Right Honorable the Secretary of State:—

"London, 1st April.

"Pension Attorney General ought to be two-thirds [of salary]. Find precedent Victoria."

"The Constitution Act of the Colony of Victoria, Section LVIII., provided that officers displaced on political grounds should receive pensions at the rate of three-fourths of their salary if their service had extended to ten years or upwards, and at the rate of two-thirds of their salary if their service had been less than ten years. No other distinction was drawn.

"The Governor would now ask Your Honorable House to reconsider the vote for Mr. Warton's pension in Schedule D. to the Constitution Bill, and to raise it from £800 to £400 per annum which would be two-thirds of that officer's salary of £600 per annum, not counting certain fees received.

"Among other reasons, the very restricted and almost entirely tropical field now offered by the Imperial Colonial Service to an officer desiring a new appointment therein, as compared with the far wider and more favorable field offered when the Victorian Constitution Act was passed thirty-five years ago, seems a valid reason why a High Officer of a Colony, now to be compulsorily retired under the West Australian Act, should not receive less consideration than was accorded to like officers in Victoria, in 1854. This is no doubt partly why the Secretary of State considers that the precedent of Victoria should apply.

"It may be remarked that the arrangements made in respect of one of the

"official members of the Executive Council, the Director of Public Works, have saved the colony from payment of any pension in respect of that officer, and that only four officers have in all to be pensioned.

"Government House, 3rd April, 1889."

## CONSTITUTION BILL.

### RE-COMMITTED.

The House went into committee for the re-consideration of the Constitution Bill.

Clause 6.—Number of members to constitute the Legislative Council:

MR. PARKER (for Mr. Burt) moved that the words "not being more than fifteen" be struck out, and the words "to the number of fifteen" inserted in lieu thereof. This was in accordance with the decision arrived at in committee. The clause, as it now stood, left it open for the number of members of the Upper House to be not more than half a dozen, or three, or any number so long as it did not exceed fifteen. The object of the amendment was to fix the number to be appointed at fifteen, neither more nor less.

Amendment put and passed.

### *Qualification for a Member of either House.*

Clause 18.—"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 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 incumbrances 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. SCOTT said he proposed to move that this clause be amended, so as to read: "No person shall be qualified to be a member of the Legislative Council, after Part III. of this Act shall be in operation, unless he be a natural-born or naturalised subject of Her Majesty, of the full age of 21 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 £500, above all charges and incumbrances affecting the same, or of the yearly value of £50, and shall have been possessed of such estate for at least one year previous to his nomination." When this clause was before the committee on a previous occasion, a large number of members—and he believed the majority of the elected members—deemed it advisable that the property qualification of members should be done away with altogether, as regards the Lower House, but, as that was not carried, he thought many members would be prepared to support a reduction of the qualification fixed in the clause as it passed through committee. It would be seen that his present amendment only dealt with the qualification of members of the Upper House; and in fact it did not propose to alter that qualification. But the clause, as it stood, applied to both Houses, and, if this was carried, he proposed to move another clause dealing with the qualification of members for the Lower House, as follows: "No person shall be qualified to be a member of the Legislative Assembly unless he be a natural-born or naturalised subject of Her Majesty, of the full age of 21 years; and, (a.) Is seised at law or in equity of an estate of freehold for his own use and benefit in lands and tenements within the colony of the value of £500 above all charges and incumbrances affecting the same, or of the yearly value of £50, and shall have been possessed of such estate for at least one year previous to his nomination; or, (b.) Has obtained a certificate, under the hand of a Judge of the Supreme Court, that at and prior to his nomination such person is, and for one year previously has been, in receipt of a clear annual income of not less than £300, and has been entitled to vote as an elector for at least one year previous to such nomination." He thought that the qualification he proposed was quite high enough—a £500 freehold estate, or an estate of the value of £50 a year—even for the Upper House, which was not supposed to be the House that so much represented the people as the Lower House; but, for the Assembly, he thought it was not neces-

sary to insist upon such a high property qualification, and it would be seen that he proposed to admit any man who was an elector, and was in receipt of £300 a year, from any source. There might be many people, in towns especially, who might not possess any freehold estate, but who might be otherwise well qualified to occupy a seat in Parliament. Many people preferred to put their money in other kinds of investments besides landed property, and he did not see why they should not be as eligible as a man who owned land. He believed that in the first Constitution Acts of some of the other colonies a similar provision existed.

THE ATTORNEY GENERAL (Hon. C. N. Warton) pointed out that by striking out the words "Assembly nor," in the second line of the clause, and inserting the word "Council" in lieu thereof, the hon. member would attain the same object as if he moved the long amendment which he had placed before the committee. The clause would then only apply to the Legislative Council, and he understood the hon. member did not propose to alter the qualification of the members of the Council. If the committee agreed to this amendment, the hon. member's other amendment, dealing with the Assembly, would follow as a separate clause.

MR. SCOTT thanked the Attorney General for his suggestion, which, he said, would meet his views, and be simpler. He, therefore, would move (in lieu of the amendment he had given notice of) that the words "Assembly nor," in the second line of the clause, be struck out, and the word "Council" inserted in lieu thereof.

Amendment put, and negatived on the voices, without discussion.

MR. SCOTT said that, in the face of the decision just given, he would not proceed with his other amendment.

MR. BURT said the clause, as it stood, was somewhat inartistically worded; he did not know whether the Attorney General proposed to amend it in any way.

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought it would do as it stood.

Clause 21.—Provision in case of a member selling or otherwise disposing of his qualifying property :

MR. PARKER, without comment,

moved that the following words be added to the clause: "Provided further, that the provisions of this section and of the two next preceding sections shall not apply to any member of the Legislative Council until Part III. of this Act shall come into operation."

Amendment agreed to.

*Office holder taking the oath as member thereby to vacate his office.*

Clause 28.—"If any person while holding an office of profit under the Crown, other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay, be elected a member of the Legislative Assembly, or of the Legislative Council after Part III. of this Act shall be in operation, he shall, if he takes the oath or makes the affirmation hereinbefore prescribed, be held by so doing to vacate his said office."

*Except chief executive officers.*

"This section shall not apply to offices liable to be vacated on political grounds:"

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that the subsection be struck out, and the following inserted in lieu thereof: "Provided always, that there shall be five principal Executive offices of the Government liable to be vacated on political grounds, and that to such offices this section shall not apply." This, he said, was consequential upon what the committee agreed upon the other evening.

MR. PARKER said the effect of the amendment would be that the non-application of the clause would be limited to five Executive officers or Ministers, thus binding any future Government to five. If at any time hereafter we should decide to have six Ministers, instead of five as at present proposed, the Constitution Act would have to be amended, and, as the committee were aware, that involved a reference to the Imperial Government, and possibly considerable delay. For this reason he thought it would be better to leave the clause as it stood. There might hereafter be a necessity for the appointment of a Minister of Agriculture or Minister for Mines, in addition to these five Ministers; and the clause would have to be amended accordingly, if the

Colonial Secretary's amendment were now agreed to. The clause, as it stood, left the number unlimited, and he saw no particular object in limiting the number to five.

THE ATTORNEY GENERAL (Hon. C. N. Warton) pointed out that this clause in the bill, as originally introduced, contained the following provision: "This section shall not apply to the offices of Chief Secretary, Attorney General, Treasurer, Commissioner of Crown Lands, or Director of Public Works." These names, however, were struck out in committee; and the curious result was, that, by omitting the names they omitted the number of the Executive offices, and, as this clause should really be read in conjunction with Schedule B. (which provided for the salaries of five Ministers only) it was necessary to specify the number in this clause. If they did not provide for this number, they might only have three Ministers carrying on the Government of the colony, and dividing the £3,200, provided for in Schedule B between them, instead of among five as intended. What they wanted to provide was that there should be at least five Ministers to carry on the Government of the colony.

MR. PARKER said if the idea was that possibly one or two Ministers might divide this £3,500 amongst themselves, he was prepared to meet that by moving another amendment, providing that there shall be at least five Executive offices.

THE ATTORNEY GENERAL (Hon. C. N. Warton) thought that would do.

THE HON. SIR J. G. LEE STEERE did not think it would do at all. What they wanted was to limit the number of Ministers, which would not be done if they said "there shall be at least five." They could have ten or twenty, according to that. In Victoria they provided that there should not be more than so many Ministers; and, when they wanted another Minister—and of course it might be the same here, we might want to add another member to the Ministry hereafter—when they wanted another Minister a special Act had to be brought in, to provide a salary for him. He believed it was the same in England. He remembered that some time ago when it was found necessary to appoint an additional Secretary of State, an Act of

Parliament was brought in to provide for this additional Minister. He thought he could see very good reason why there should not be more than a certain number of Ministers in the House; they might otherwise get an undue preponderance of power. There might be some very troublesome member on the Opposition side, and they might silence him by giving him a portfolio. He could see there was an objection to having the number unlimited.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he quite agreed with His Honor the Speaker. He thought we would require five Ministers at present to carry on the Government, and that for the present the number should be limited to five. If occasion arose for increasing the number, and for appointing other Ministers, it would be competent for Parliament to provide for such appointment.

Amendment put and passed.

Clause 29, subsection (5)—A member accepting a pension or an office of profit, from the Crown, to vacate his seat:

MR. A. FORREST said he had an amendment to propose in this subsection. He wished to amend it so that it should not apply to members accepting an office of profit from the Crown, so long as the office was a ministerial one, or liable to be vacated on political grounds. In other words, he wanted to provide that a member need not go back to his constituents for re-election, upon accepting office in the Ministry. This question was debated pretty fully the other night, and it was only lost by the casting vote of the Chairman of Committees.

MR. BURT: There was a second division on virtually the same point, and it was carried by two.

MR. A. FORREST: I think it is not necessary that members should go back for re-election. There will be no chance for a Northern member to become one of the Ministry, if we are going to compel him to go back to his constituents all that distance. It would take at least a week or ten days for the writ to get into the district, then there would have to be a certain time given for the election, and there would have to be a return to the writ. Altogether it might take a couple of months before a man's return was assured. The result would be that no

member representing a Northern district would ever be offered a seat in a Ministry. I do not think that is fair. I don't see why Northern members should be handicapped in this way. It may be said it would not be necessary for the member to go up in person; but, if he did not, he would very likely lose his seat. Somebody else on the spot might be put in opposition to him, and slip in. I should think no constituency would ever object to its member becoming a Minister. Most constituencies would be only too proud to see their member admitted into the Ministry. I think it's a perfect farce to require members of these far-away districts to go back for re-election, and I hope all the Northern members, at any rate, will agree with the amendment I am going to propose. I am sorry I did not think of giving notice of it. I now move that after the word "than," in the 2nd line of the sub-section, the words "an office liable to be vacated on political grounds, or" be inserted in lieu thereof. I am sorry the hon. member for the North (Mr. Richardson) is not present to support me; but I think every member who represents a distant constituency ought to do so. Once a member is elected by a constituency, I fail to see why he should be put to the trouble and expense of another election, simply because he has joined the Ministry. People in this colony are not wealthy; they cannot afford to stand a second contested election sometimes.

MR. BURT: I hope members do not think I am going to depart in any way from the vote which I gave last week on this question. I am not in the habit of changing my opinion in a week—an opinion so strongly expressed at the time. As to the difficulties referred to by the hon. member for Kimberley, it is absurd to suppose that it would be always necessary for a member to go back to his constituents in person. We know that writs and returns to writs may be forwarded by telegraph. When we talk of sending members back to their constituencies, we do not mean that they shall go back bodily. I hope nobody is so foolish as to be misled by any such suggestion as that.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): If he wanted to make sure of getting in he would.

MR. BURT: I do not see why. How

many members now sitting in this House have been returned without going to their constituents at all?

MR. A. FORREST: Because there was no opposition. How would it be if there was opposition?

MR. BURT: He might go, or he might not go; that's the answer to that.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): But he couldn't go, if it was a long way off. A member representing Kimberley, for instance.

MR. BURT: Then he wouldn't become a Minister, that's all; so there's an end of it. I do not suppose we are all going to be Ministers in this House. If we are, it will be necessary to ask our constituents when we are elected whether they have any objection to our becoming Ministers of the Crown. I think it would be well not to reopen this question. I trust that those who supported me last week will not fall back now, after the lapse of a few days, without certainly good reasons for their change of front.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I wish the hon. and learned member himself would give us some reasons for the position he has taken up on this point, for I think the fancied difficulties he refers to will be found to be real difficulties. The hon. member says it is childish to talk about a member going in person all the way to Kimberley to seek re-election. The hon. member will find he is mistaken in that. He probably thinks that elections at the North in the future will be the same as they have been in the past—a mere farce, a mere walk over for him and a few others who may desire to represent a constituency in this House. I think he will find he is mistaken. I hope that under another form of Government the people of the North will take a greater interest in political affairs. I know this: they will be compelled in their own interests to see that they are adequately represented, and I believe they will do so. I think they are intelligent people, who will look after Northern interests and who I believe will desire to be represented in the Government of the colony, to some extent at any rate. I do not think the hon. member's attitude towards this question will meet with much support from the people of those

districts, seeing that if the hon. member carries his point they will absolutely be debarred from ever being represented in the Ministry of the day. It is almost certain that if a member is not on the spot, when a contested election takes place, he will be ousted for party purposes if for no other. What chance would many members of this House, even at present, have of being returned if they did not go to their constituents? My opinion of the matter is this, that it must cause great delay and inconvenience unless this clause is amended. I believe it is the general custom in the other colonies—I don't know that it is a good custom, but it exists—that no Ministry goes out of office except on a direct vote of want of confidence, and, I think, when that vote of no confidence is passed, the sooner they go out and a new Ministry gets to work the better, otherwise the business of the country must suffer. It must remain at a standstill, and generally confusion reigns over everything. Therefore the sooner the better the new Ministry is ready to take office. It is said that in this colony ministerial changes are not likely to take place often. We don't know that yet. I look at it from a common sense view. I do not think people will want to change their Ministers unless they consider it would be to the public advantage and the interest of the colony; but, when a change is necessary, no doubt we shall have changes; and the object of this amendment is to admit of those changes being carried out without much delay and detriment to the public service. It has been said that South Australia is the only colony where this provision does not prevail, and it has been pointed out that there have been more frequent changes of Ministries in South Australia than elsewhere. But I think that statement does not go for very much. It has not been proved, nor attempted to be proved, that this frequent changing of Ministries has been detrimental to the colony; and unless those who put forward that argument are prepared to show that these frequent changes have had an injurious effect upon the progress and welfare of the colony, their argument goes for nothing. We know that in England, as the Attorney General has

told us, this practice of Ministers having to go back for re-election is regarded with growing disfavor by statesmen of all shades of opinion. We also know that it is a perfect farce; and that it is a very rare thing indeed in England, or in the other colonies, for a Minister not to be re-elected. If so, what is the use of our perpetuating this farce in our new Constitution, with the probable result of causing no end of confusion in departmental work, and unnecessary delay. I appeal especially to members representing Northern constituencies in this matter. I think it is a very serious matter for those constituencies. I believe it will result in the Northern districts of the colony being virtually excluded from any active representation in the future Government of the colony. It is all very well for the hon. and learned member who introduced this provision into the bill to say it will not affect him. He thinks he can sit in his office in Howick Street, and send a telegram to his constituents, and that all he will have to do will be to wait for a return telegram saying he has been re-elected. But I am afraid the hon. member will find himself deceived, in the future. I believe this clause will cause great confusion and delay, and that it will be found to be practically unworkable.

MR. RASON: I must say it seems to me this is nothing more nor less than a deliberate attempt to upset a decision arrived at by this committee, after considerable debate, only a short week ago. I can hardly think that members who voted a week ago in favor of this provision will be likely to turn round and support this amendment now, or that the arguments of the Commissioner of Crown Lands will induce them to change their views within this short space of time. The argument is that it will be very inconvenient and cause some delay if members on accepting a seat in the Ministry have to go back bodily to their constituents, or run the risk of not being re-elected. But we must bear in mind that we are dealing with men who have already been chosen by the same constituency as fit and proper persons to represent them; we should not be dealing with untried men or men whose merits were unknown to their constituency; and, surely, if a constituency considered a man

a desirable member before, they would consider him doubly desirable as a Minister of the Crown. The Commissioner of Crown Lands says it is a mere farce, and that Ministers in ninety-nine cases out of a hundred are always re-elected. The hon. member might have told us something more than that; he might have told us that in ninety-nine cases out of a hundred Ministers seeking re-election are not opposed, because people know that a member who has already been chosen by a constituency to represent it, must, when he is honored with a seat in the Ministry, go back for re-election with advantages tenfold greater than when he was elected by them in the first instance, and that all the chances are in his favor. It is always an advantage and an honor for a constituency to be represented by a member of the Ministry, and the chances of anyone successfully opposing him are very remote indeed. The difficulty to be feared would be with the opposition candidate, and I think that is a difficulty we ought to try to encourage rather than to remove, otherwise we might have changes of Ministries every day, on the slightest possible occasion, if Ministers had nothing to do but walk across the House and take their seats on the ministerial benches. No Ministry would be secure for a day. No Ministry could rely with any confidence upon any following; and how would the Government of the country be carried on? We should probably have half a dozen men in the House all anxious to be leaders, and seeking to form Ministries of their own, if the formation of a Ministry rested with themselves, and they had not to go to the country to have their actions ratified. On the other hand, by compelling members of a Ministry to go back to their constituents for re-election, we have some guarantee that they will not endeavor to oust other people out of office unless they feel pretty sure that the country will approve of their action.

Question put, that the words be added—

Ayes	...	...	9
Noes	...	...	14
			—
Majority against	...		5

AYES.  
 Hon. J. Forrest  
 Hon. Sir M. Fraser, *&c.*  
 Mr. Grant  
 Mr. Marmion  
 Mr. Pearse  
 Mr. Shenton  
 Mr. Sholl  
 Hon. C. N. Warton  
 Mr. A. Forrest (*Teller.*)

NOES.  
 Mr. Congdon  
 Mr. De Hamel  
 Mr. Harper  
 Mr. Keane  
 Mr. Loton  
 Mr. Morrison  
 Mr. Parker  
 Mr. Paterson  
 Mr. Randell  
 Mr. Rason  
 Mr. Scott  
 Hon. Sir J. G. Leo Steere, *Kt.*  
 Mr. Venn  
 Mr. Burt (*Teller.*)

#### Qualification of Electors.

Clause 39.—“Every man shall be entitled to be registered as a voter, and “when registered to vote for a member “to serve in the Legislative Assembly “for an electoral district, who is qualified “as follows (that is to say):—

“(1.) Is of full age and not subject “to any legal incapacity; and  
 “(2.) Is a natural-born or natural-  
 “ised subject of Her Majesty,  
 “or a denizen of Western  
 “Australia; and

“(3.) Possesses within the electoral  
 “district for which he is reg-  
 “istered either a freehold es-  
 “tate in possession at law or  
 “in equity of the clear value  
 “of One hundred pounds  
 “sterling above all charges or  
 “incumbrances affecting the  
 “same; or

“A leasehold estate in possession  
 “of the clear value of Ten  
 “pounds sterling *per annum*;  
 “or

“A lease or license from the  
 “Crown empowering him,  
 “subject to the payment of at  
 “least Ten pounds sterling  
 “*per annum*, to depasture,  
 “occupy, cultivate, or mine  
 “upon Crown lands; or

“Occupies as householder a  
 “dwelling-house within such  
 “district of the clear value of  
 “Ten pounds sterling *per*  
 “*annum*; or

“(4.) Has possessed such estate,  
 “lease, or license or occupied  
 “such dwelling-house for at  
 “least one year before being  
 “registered; and

“(5.) As a lodger has occupied with-  
 “in the electoral district for  
 “which he is registered, for  
 “at least one year before be-  
 “ing registered, a room or

"rooms or lodgings of the  
"clear annual value, unfur-  
"nished, of Ten pounds ster-  
"ling.

"No man shall be entitled to vote at  
"any election for the Legislative As-  
"sembly or for the Legislative Council  
"when constituted under Part III. of  
"this Act, who has been attainted or  
"convicted of treason, felony, or any  
"infamous offence in any part of Her  
"Majesty's dominions unless he shall  
"have served his sentence for the same,  
"or have received a free pardon for such  
"offence, or a pardon conditional on his  
"not leaving the colony ;

"Nor shall any man be entitled so to  
"vote unless at the time of the election  
"he shall have paid all rates and taxes  
"in respect of the qualifying estate,  
"lease, license, or dwelling house, except  
"such as shall have become payable  
"during three months next before such  
"election :"

MR. BURT wished to point out a  
manifest absurdity in the wording of the  
3rd sub-section. The clause started by  
saying that "Every man shall be entitled  
to be registered as a voter," who, *inter  
alia*, "possesses within the district for  
which he is registered"—and so on ; how  
could they say that a man was "entitled  
to be registered" who already *was* regis-  
tered ? The same contradiction of terms  
appeared in the 5th sub-section. The  
whole clause, in fact, was very inartisti-  
cally worded. The 5th sub-section had  
been simply pitchforked in when the  
amendment of the hon. member for Fre-  
mantle was adopted, as to including  
lodgers in the franchise. He, therefore,  
proposed to amend the clause, so as to  
make it a little more shapely, and to  
remove some of the difficulties with  
which it was now surrounded. He  
moved that all the words down to  
"registered," in the second line, be  
struck out, and "Has possessed for at  
least one year before being registered,  
within the electoral district for which  
he seeks to be registered," inserted in  
lieu thereof. Also that all the words  
after "Occupies," including sub-sections  
(4) and (5), be struck out, and the  
following inserted in lieu thereof :—

"(4.) Has occupied for at least one  
"year before being registered,  
"within the electoral district

"for which he seeks to be  
"registered :

"(a) As a householder, a dwelling  
"house of the clear value of  
"Ten Pounds sterling per  
"annum.

"(b) As a lodger, a room or rooms  
"or lodgings of the clear  
"annual value, unfurnished,  
"of Ten Pounds sterling."

Question put and passed.

MR. RANDELL moved that the last  
four lines of the clause be struck out.  
He thought this would commend itself to  
the good judgment of members gener-  
ally. The payment of rates was entirely  
a municipal matter ; and, whatever opin-  
ion they might have as to the value  
of such a provision in a Municipal  
Act, he failed to see that it had any con-  
nection with the qualification of an elector  
in a parliamentary contest. He might  
say it would be practically inoperative.  
We had no machinery at present whereby  
we could ascertain whether an elector had  
paid his rates or not. It was a very  
difficult provision to carry out even in  
municipal elections, and he believed it  
was not very successfully done.

MR. BURT thought there would not  
be the same objection to this provision if  
it only applied to registration, but it  
certainly was out of place as a bar to a  
man who was already registered as an  
elector exercising his right to vote for a  
member to represent him in Parliament,  
simply because he was in arrears with  
his municipal rates. As the hon. mem-  
ber, Mr. Randell, said, it could not be  
worked in the face of the requirements  
of the Ballot Act.

MR. DE HAMEL thought that, hav-  
ing regard to the new Electoral Bill  
which had been introduced by the Gov-  
ernment, there would not be much neces-  
sity for this provision. The 6th Clause  
of that bill provided that "any person  
claiming to vote shall : (a) if he claim  
on a residential qualification, personally  
prove his right to be registered, to the  
satisfaction of the Court ; and (b) if he  
claim on a non-residential qualification,  
make a statutory declaration before a  
Justice of the Peace."

THE ATTORNEY GENERAL (Hon.  
C. N. Warton) : That is not before us  
now.

MR. DE HAMEL : No ; but having



regard to that, I think the best way would be to strike out this municipal provision, as to the payment of rates, altogether, from the present bill.

MR. PARKER said the reason he objected to the paragraph was because it would be practically impossible to carry it out in parliamentary elections. It might be possible to do so in municipal elections, where the question could be asked of a voter whether he had paid his rates, and a reference to the rate book would show whether he had or not. But in a parliamentary election it would be inoperative. It could not be put to the test, except upon a scrutiny. If the hon. and learned member for the North desired his view carried out—that the provision should apply to registration, and not to voting—that could be done in the Electoral Bill.

The amendment was accepted, and the last paragraph of the clause struck out.

MR. BURT said he noticed there was another amendment on the Notice Paper in the name of Mr. Richardson: To move the following new sub-section—"Or is a graduate of any University in the British Dominions, or a Barrister-at-Law, or a Solicitor, or a legally qualified Medical Practitioner, or a Minister of any church or religious denomination, or a Schoolmaster possessing testimonials from the Central Board of Education that he is qualified to teach, or an Officer or retired Officer of Her Majesty's land or sea forces." As the hon. member for the North was absent from the House, he proposed to move this amendment himself, merely in order that the committee might become seized of it.

MR. PARKER said exactly the same provision was in force in some of the other colonies, where manhood suffrage obtained.

THE ATTORNEY GENERAL (Hon. C. N. Warton) submitted that it was too late to move this amendment now. They had just dealt with and struck out the final paragraph of the clause, and this amendment should have followed sub-section 5.

THE CHAIRMAN said it could be done, but the wording would have to be altered.

MR. BURT said he did not propose to press the question.

The matter then dropped.

*Certain sections to lapse.*

Clause 43.—"On the coming into operation of this Part, the first and second paragraphs of section six, and sections eight, nine, and thirty of this Act shall, saving validity of things done, cease to have any operation."

MR. PARKER said this clause referred to the coming into operation of the elective Council. The second paragraph of section 6 was this: "No member of the Legislative Council shall hold any office of profit under the Crown other than such as is liable to be vacated on political grounds, or than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay." He thought that ought to remain in operation whether they had an elective or a nominated Upper House. It would be remembered that they altered that paragraph in committee before. He moved that the words "and second" be struck out.

Agreed to.

*Council may proceed to business although full number of writs shall not have been returned.*

Clause 47.—"Upon the general or any subsequent election, the Legislative Council shall be competent to proceed to the despatch of business, at the time appointed by the Governor for that purpose, notwithstanding that any of the writs of election not exceeding three shall not have been returned, or that in any of the electoral divisions the electors shall have failed to elect a member to serve in the said Council."

MR. PARKER moved that "two" be inserted in lieu of "three," in the seventh line. The clause it would be seen applied to a general and any subsequent election of the Legislative Council, and it provided that it would be competent for the Council to proceed to business, although the writs for three out of the five electoral divisions of the colony had not been returned. As each division returned three members, the Upper House, according to this, could proceed to business although the writs for the election of nine members out of fifteen had not come to hand; in other words, the House could go to work when only six members had been returned. As they had declared that eight members should form a quorum, he did not see how these six

members could proceed to the despatch of business. Therefore he moved that "two" be inserted instead of "three."

Agreed to, without comment.

Clause 70.—Sum payable to Aborigines Board:

MR. PARKER moved that the following paragraph be struck out: "If in any year the whole of the said annual sum shall not be expended, the unexpended balance thereof shall be retained by the said Board, and expended in the manner and for the purposes aforesaid in any subsequent year;" and the following inserted in lieu thereof: "If at the end of any year the whole of the said annual sum shall not have been expended, then, and in any such case if the unexpended balance over and above all debts and liabilities chargeable against or payable out of such balance shall exceed the sum of £1,000, the surplus of such unexpended balance above that amount shall be repaid to the Consolidated Revenue Fund." His original intention was to have moved that the whole of the unexpended balance, whatever it amounted to, should be returned to the Consolidated Revenue; but, upon reconsideration, he thought it would be advisable to submit the amendment in its present form, by way of a compromise. The effect of this would be, that, if in any year the Board had a surplus of more than £1,000 at the end of any year, over and above its debts and liabilities, anything over this £1,000 should revert to the general revenue,—not the £1,000 itself, but what was over and above it. For instance, if the Board had an unexpended balance of £1,500, at the end of the year, £500 would be repaid to the general revenue. He could not help thinking that this was a reasonable compromise. It appeared to him if the Board had a large surplus which they did not want, the money should be returned to the consolidated revenue. There could be no object that he could see in their hoarding it up. It could not do the aborigines any good to keep this money at interest in a bank. If the committee agreed to this amendment it might have the effect of infusing additional energy into the Board, to do their utmost to expend the money to the advantage of their protégés, and there would be no necessity for any repayment to the revenue. On the other

hand, if the Board, after doing everything they thought necessary for the welfare of the natives, had a large surplus balance, surely there could be no objection to the balance being returned to the revenue, if it exceeded £1,000.

MR. A. FORREST could not agree to the amendment. So far as he was concerned, he preferred to leave the bill as it stood. They would be offering a premium to this Board to be extravagant. If they did not expend the whole of their allowance every year, the balance could go to a fund, for the benefit of the natives. But if they passed this amendment, they might depend upon it the Board would go out of its way to spend the whole of their allowance every year, and there would be no saving at all.

MR. VENN thought it would be far better that any surplus should go to some fund for native purposes. After all, the Legislature may be sure that if there should be any accumulated funds in future years it would be available to be worked upon by future legislation. He thought it would be injudicious in every possible way to compel this Board to spend their £5,000 a year, whether they wanted it or not, sooner than have it taken away from them. If the House admitted the principle of setting apart this native fund at all—and they had done so—he thought it would be better to let the bill go as it stood.

MR. RANDELL said that £5,000 seemed a large sum to give this Board every year, but as it had been agreed to give it, he thought it would be unwise to render it imperative on the part of the Board to return any unexpended balance to the Treasury. It might have the effect of making them less economical than they otherwise would be; whereas if they were allowed to place it to some fund of their own for native purposes they might see their way clear to carry out some particular scheme or other for the amelioration of the natives, and for improving these reserves which it was proposed to set apart for them. He should have preferred to have seen the amount of the grant reduced in the first instance; it seemed to him that £5,000 a year could not be beneficially expended at present in doing any practical good for these natives.

MR. RASON thought the whole arrangement, whereby they agreed to set

apart, for ever, the sum of £5,000 a year—and more by-and-bye—for the sole benefit of the natives, savored of absurdity, in view of the acknowledged fact that their number was decreasing every year, and that it was only a question of time when they should disappear altogether. The day would come probably when there would be only one surviving blackfellow, King Billy or some other worthy son of the soil, upon whom the Board could lavish this £5,000 a year, together with the accumulated surpluses of many years. He thought it was absolutely necessary there should be some provision for returning the unexpended balances to the general revenue of the colony.

MR. SHENTON thought that long before the day arrived when King Billy would be the sole surviving native, the Legislature would step in, and prevent any such abuses as that contemplated by the hon. member for the Swan. This provision was not irrevocable, any more than other provisions in the bill; and he thought it would be better to leave the clause as it stood. It would be almost an inducement to the Board to spend the whole of their income every year, if this amendment were agreed to.

MR. SHOLL said he would have been prepared to have supported the original amendment which the hon. member placed on the Notice Paper, but he thought the one now proposed was a greater evil than the clause as it stood. It would simply be an encouragement for this Board to spend every penny of their income. There was another objection: it would be an inducement for settlers and others who had any old native servants, and who would have been quite willing to support these natives in their old age had it not been for this fund—it would be an inducement to them, seeing that money had been provided for their maintenance out of public funds, to apply to the Government or the Board to take these old natives off their hands.

MR. PARKER said he had not the slightest desire, himself, to press the amendment. It appeared to be an unfortunate amendment that did not please any party. But he must say he could not see the force of the argument that if you compelled the Board to return a portion of their surplus funds you would encourage them to be extravagant, while if you did

not ask them to return any of their surplus funds they would be less extravagant. However, as the amendment did not seem to meet with the approval of either party, he would ask leave to withdraw it.

Amendment, by leave, withdrawn.

Clause 72.—Rights of civil servants, &c., reserved:

MR. PARKER said that this clause reserved "all rights and benefits which at the commencement of this Act are by law claimable by, or accruing to, any civil servant of the Government." He understood that under the present Civil Service Regulations a great many formalities had to be observed in the way of proceeding against any civil servant guilty of any misconduct, and, if his salary was more than £100 a year the power of dismissal was vested in the Secretary of State. If we were going to have Responsible Government and the entire management of the civil service, it would be absurd to have to resort to all this roundabout method of getting rid of a clerk drawing £100 a year, by going to the Secretary of State. He, therefore, proposed to remedy that by moving that the following words be added to the clause: "Provided, nevertheless, that the power to suspend or remove any civil servant from his office shall be vested in the Governor in Council."

Amendment agreed to, without comment.

Clause 73.—Legislature, as constituted by this Act, empowered, by an absolute majority of both Houses, to alter any of its provisions:

MR. LOTON moved that the words "absolute majority" be struck out, and the words "at least two-thirds" inserted in lieu thereof. He thought they were all agreed that their main object in framing this Constitution Act was to ensure stability—to secure a Constitution that would not require to be altered, or that could be altered at every passing whim, but a Constitution that would be able to serve us for years to come. This clause gave them power to alter the Act and to alter the Constitution "with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively." According to that a majority of one only would be sufficient

to have the Constitution altered—that was to say, if 16 members of the Assembly voted in favor of it, that would be a sufficient number to carry it in that House of 30 members; and if 8 members of the Legislative Council voted for it that would be sufficient to carry it in that House of 15 members. He thought that was not a sufficient safeguard against changes of the Constitution, and what he proposed was that the necessary majority in the Assembly should be 20 to 10, and in the Upper 10 to 5, or in other words a majority of at least two-thirds. He did not think it would be desirable, nor would it be conducive to the best interests of the colony that they should be always tinkering with their Constitution, and that no alteration should be made without good and reasonable ground, which would commend itself to a substantial majority of the people as represented in Parliament. He did not think that to require a two-thirds majority was at all unreasonable, and he hoped there were others who would be of the same opinion.

MR. MARMION did not much like the amendment. If the Home Government had intended that we should not have the power to make any alterations in this Act, except by a two-thirds majority, they would have provided for it in the bill, and, as they appeared quite willing to let us do it upon a simple majority, he saw no reason why we should make any objection. It might be that a change proposed was a very desirable one, and one that would be very beneficial; yet there might be a difficulty in getting a majority of two-thirds in both Houses to agree to it.

MR. DE HAMEL said if it had been intended to have one House only, he should have been in favor of the amendment; but, as they were to have two Houses, he thought a two-thirds majority in both Houses was too high to insist upon before any change, however trivial, could be effected in the Constitution. He thought it would be a great drawback to the effectual working of the Constitution.

The amendment was negatived on a division, the numbers being—

Ayes ... ..	8
Noes ... ..	14
Majority against ...	6

AYES.  
Mr. Grant  
Mr. Harper  
Mr. Keane  
Mr. Shenton  
Mr. Sholl  
Hon. Sir J. G. Lee Steere, Kt.  
Mr. Venn  
Mr. Loton (Teller.)

NOES.  
Mr. Burt  
Mr. Congdon  
Mr. De Hamel  
Hon. J. Forrest  
Mr. A. Forrest  
Mr. Marmion  
Mr. Parker  
Mr. Paterson  
Mr. Pearce  
Mr. Randell  
Mr. Rason  
Mr. Scott  
Hon. C. N. Warton  
Hon. Sir M. Fraser, &c. &c.  
(Teller.)

Clause 76.—Operation of Act deferred:  
MR. PARKER moved some verbal amendments, to render the meaning of the clause clearer. (*Vide* "Minutes of Proceedings," p. 65.)

Amendments agreed to, *nem. con.*

Schedule B.—Civil List:

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved to insert "Five" before the item "Ministerial salaries, £3,200."

Agreed to.

Schedule D.—Pensions:

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I rise to move, in pursuance of the Message (p. 216 *ante*) sent down by His Excellency this evening, that the second item "Charles Nicholas Warton, Esq., Attorney General, £300," be increased by £100. When I moved the second reading of this Bill I took occasion to say that I was sure the House would do justice to the individuals whose claims were dealt with in this schedule, and I believed those words were echoed on every side of the House. With regard to my hon. friend, the Attorney General, I cannot admit, myself, that he has had justice done to him in the matter of his pension; and it appears the Secretary of State is of the same opinion, for we find in his telegram to the Governor that he considers the Attorney General clearly entitled to a retiring allowance equal to two-thirds of his salary; and, for a precedent, he refers us to what Victoria did. I am sure it is unnecessary for me to dilate on this subject; members have already had an opportunity of considering the claims of all those who appear on this list, but, looking at the matter in the fresh light thrown upon it in His Excellency's Message, I feel every confidence that members will be prepared to do justice to my hon. friend.

MR. SHOLL: I think, myself, that perhaps it would be better to adjourn

this question so as to give members an opportunity of considering His Excellency's Message and the Secretary of State's telegram. The Secretary of State has quoted the precedent of one colony; but we may find that there are other precedents, which ought to guide us in this matter quite as much as the colony of Victoria. For my own part, I do not agree at all with the Colonial Secretary when he says that we have not done justice to the Attorney General when we agreed to give him a pension of £300 a year for life, in return for two or three years' service. I think we have acted most liberally indeed towards the Attorney General, and I do not see why we should take it for granted that we ought to give him more simply because the Secretary of State chooses to telegraph to the Governor, referring him to what the colony of Victoria did. I have no wish to act illiberally towards any man, but we must remember that we are in the position of guardians of the public funds, and that we must not be guided by our own feelings in spending the funds of the colony. We have to mete out justice to the colony as well as to individuals. Therefore, without wishing in any way to detract from the value of the services of the Attorney General—for whom I am sure everyone here has a personal regard; I have myself—still, when a public duty like this is imposed upon us, we must boldly face it, and not be afraid to express our opinions in the matter. I think it would be advisable to adjourn this discussion, to give members time to consider this Message.

MR. SCOTT: I certainly agree with the hon. member for Gascoyne, that unless very strong reasons are shown to me to the contrary, I must abide by the decision we came to on this subject the other night. I think, myself, that we are dealing as liberally as we are called upon to deal with the Attorney General. I think the Government, and even the hon. and learned member himself must feel that £300 is as much as this colony ought to be called upon to give, when it is borne in mind the short term of service which the Attorney General has put in. Without wishing to go into any personal matters, I must say I think it is a most unfortunate thing for this colony that the Attorney General did not come out

here on the same terms as the Commissioner of Railways came out, and that he should not have understood before he came that he would not be entitled to a pension. I think the House has dealt with him in the most liberal way, under the circumstances; and I must say, for my own part, I shall adhere to the original decision arrived at on this pension question.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): It may be all very well to say that it would have been a good thing for the colony if my hon. friend, the Attorney General, had come out here under the same circumstances as my hon. friend the Commissioner of Railways; but I feel perfectly certain he would not have come out here at all, under those circumstances. However, it is useless to argue that point. The circumstances under which my learned friend did come out are not the same as those under which my hon. colleague the Commissioner of Railways did. The fact that he has only been here two or three years does not, to my mind, alter the position by any means. It is not my hon. friend's fault that his office is about to be abolished for political reasons. Seeing with what harmony we have gone through this bill so far, and the spirit of compromise that has guided all parties, I do hope the committee will not depart from that spirit in dealing with this, the last remaining item. I may say, and I do so with great satisfaction, that all the other members of the Government who are concerned in this schedule, are perfectly satisfied with the liberal treatment they have received at the hands of the House; and seeing how desirable it is now that this bill should be proceeded with through its remaining stages, so that, if practicable, it may be in the hands of the Imperial Government in time for being placed before the House of Commons this session, I hope members will decide this question this evening, and avoid any further delay. The only difference of opinion between us now is narrowed down to a paltry £100 a year; and I hope we are not going to delay or to jeopardise the Constitution Bill for the sake of £100 a year to my hon. friend the Attorney General.

MR. VENN: I was always under the impression until within the last few days

that the hon. gentleman who forms the subject of this discussion had been given to understand, before he left England, that his appointment was dependent upon the introduction of Responsible Government.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): I was not so told.

**MR. VENN**: I say I was under that impression until a few days ago; and I gave expression to any views which I may have expressed on this subject under that impression, and stated that if such had been the case I for one would not be disposed to vote for any very large pension to the hon. gentleman, as I felt that under those circumstances he would have come out here prepared to accept any sum that the Legislature might think fit to vote for him. But, if it is a fact—and I no longer doubt it—that the hon. gentleman received no intimation at all before he came out here that Responsible Government was likely to come to pass within a year or two, and that his office would be abolished in that case; I say if the hon. gentleman came out here without any idea of these circumstances, and if, as we are now told, he is entitled to a retiring allowance equal to two-thirds of his salary, I do not see how the House can go back from that position. All our deliberations on the subject of these allowances have been guided by a sense of justice, and to some extent a sense of generosity and of what was right to all parties; and, I am sure it cannot be the wish of any member of this House to perpetrate, as one of its last acts in connection with this bill, an act of anything like injustice or impropriety in any way whatever. Under the circumstances, and in view of the fresh light thrown upon this subject, I for one—although averse, under different circumstances, to giving the Attorney General more than the sum specified in this schedule—feel now that, under the circumstances as at present placed before us, I shall be perfectly justified in supporting this increase.

**MR. PARKER**: I understand the Colonial Secretary only asks us to do justice to the Attorney General; he does not ask us to do any more than justice. Therefore, justice means that we are to give him a retiring allowance equal to two-thirds of his salary.

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser): In my opinion; and also in the opinion of the Secretary of State.

**MR. PARKER**: The hon. gentleman has referred us to what was done in Victoria, and he has referred us to His Excellency's Message; but the question we have to determine is this—what is the Attorney General entitled to? If he is entitled to two-thirds of his salary, I shall certainly be only too glad to give him all he is entitled to. I am only desirous—we are all only desirous—of doing the Attorney General justice. It is suggested that we are bound by the precedent of Victoria. For my part, I cannot admit that we are bound by that precedent at all. What we are bound by is something that has occurred very much more recently than what happened in Victoria thirty years ago. We have certain despatches before us that passed between the Governor of this colony (Governor Weld) and the Secretary of State, much more recently than that; despatches which define exactly the principle upon which these allowances are to be granted. Governor Weld, in view of the proposal made even so long ago as the year 1870, in favor of the introduction of Responsible Government, wrote to the then Secretary of State (Lord Kimberley) on this very subject of the compensation of officers on the abolition of Executive offices. Governor Weld, in a despatch dated 10th July, 1870, gave it as his opinion that no future appointments to Executive offices after that time should be held to stand "on the same footing in regard to pensions on the introduction of Responsible Government," as those previously made, "otherwise cases might occur in which large pensions might be claimed for a very disproportionate length of service." It will be seen how truly Governor Weld's words have come to pass. Lord Kimberley replied to that despatch on the 28th September, 1870, and said he agreed that appointments to the chief offices should no longer be made "without notice of their possible abolition," and without informing the persons appointed that they would be liable to displacement "on such terms as the Legislature might determine." Upon this point the Secretary of State invited

further suggestions, and Governor Weld in a despatch dated the 4th December, 1870, laid it down that in any fresh appointments the terms of compensation for loss of office should be such as should be "sanctioned by the Legislature and approved by the Crown, regard being had to the special circumstances of each individual case." This was agreed to by Lord Kimberley, in his despatch of the 24th March, 1871, as being in his opinion an equitable arrangement. So we see that eighteen years ago it was contemplated and understood that after that time officers removed on political grounds were to be entitled only to such retiring allowances as the Legislature of the colony might sanction; and that no subsequent appointments to Executive offices should be made "without notice of their possible abolition." I understand that the Attorney General received no such notice when he received his appointment. All I can say is, the Secretary of State ought to have given him notice, for the Secretary of State was absolutely pledged to the colony to give such notice to everyone appointed to an Executive office here after that date,—that is, after 1871. The Secretary of State expressed his full concurrence with the arrangement suggested by Governor Weld, and it was the Secretary of State's duty to have given the Attorney General due notice of the tenure upon which his appointment would be held. What we have to do in the face of these despatches is to consider the special circumstances of each individual case, and to grant such an allowance as we—that is the Legislature—may consider fair and equitable. In considering the circumstances of each individual case, I take it that what we have to consider is length of service; and, when we apply this test to the present case, I really do not think it can be said that we are not acting fairly and equitably towards the Attorney General when, for three years' service, we give him a retiring allowance equal to one-half of his salary. I cannot think there is any injustice in that. I think if the Attorney General considers he has a claim to any more than that, if he has a claim upon anyone it is upon the Colonial Office, who neglected to inform him, as it ought to have done, and as Lord Kimberley agreed to do—that his appointment was

subject to abolition of his office upon the introduction of Responsible Government, and to such compensation as the Legislature of the colony might consider fair and equitable. I should be glad, myself, to see the hon. and learned gentleman retiring on full pay, if the colony could have afforded it, and we could have done so with justice to the people of the colony. But we must bear in mind that we are not voting our own money, but the public funds. It is very easy to be generous and liberal with other people's money. But we must not forget that we are the custodians of the public purse, and that it is the public purse this money will have to come out of. The only question we have to ask ourselves is this: is the allowance we have agreed to give the Attorney General, regard being had to the circumstances of the case, a fair and equitable allowance? If members are of opinion that it is, I think we should adhere to it. If, on the other hand, members do not consider it fair and equitable, they will vote for the amendment of the Colonial Secretary. But, in doing so, I cannot admit for a moment that we are bound by the precedent of Victoria.

THE ATTORNEY GENERAL (Hon. C. N. Warton): I should not have interposed in a matter of this delicacy—nor did I the other evening; I left the chamber while the subject was under discussion—had not the matter been reduced to a point. As my hon. friend the member for Sussex has now reduced it to a point, I think it right to grapple with that point at once.

MR. PARKER: Surely the Attorney General is not going to address this House upon a question personally affecting himself.

THE ATTORNEY GENERAL (Hon. C. N. Warton): I shall not vote; but I think it right to grapple at once with the point raised by my hon. and learned friend.

MR. PARKER: Then I shall not sit at this table to listen to the hon. gentleman addressing the House on the subject of his own pension. I never heard of such a thing.

(The hon. member then left the chamber, followed by other hon. members).

THE ATTORNEY GENERAL (Hon. C. N. Warton): I simply wish to say

one word with regard to the despatches that passed between Lord Kimberley and Governor Weld eighteen years ago. As a question of law, I contend that those despatches related to the Responsible Government that was then impending, or believed to be impending. That was in 1870. The question of Responsible Government then dropped for a dozen years or more. Other Secretaries of State and other Governors have come in and gone out since then. Circumstances have changed; and I cannot see that it is the duty of every Secretary of State who comes into office to remember these despatches. I can only say that had I been told, when I accepted the appointment, that I was going to give up my home in England, and to leave my practice for the sake of a colonial appointment of two or three years, I should not have come. The Secretary of State is not supposed to think of every despatch that has ever passed between all his predecessors and all the Governors of the colony; and, as a matter of fact, I had not the slightest idea before I came out here that the question of Responsible Government was pending. I neither heard of it nor read of it, nor was I told of it when I was offered and accepted the appointment. I came out here thinking I was going to remain here for life.

MR. A. FORREST: I think, in this matter, members generally wish to be liberal. When this question came up the other night, most of us thought that £300 a year was a fair and reasonable pension to give the Attorney General for the time he had been here. But we hear now that he never was told that his appointment was only for a few years, pending Responsible Government. At this last stage of the bill, I am sure members have no wish to act illiberally. No one would begrudge the Attorney General the full amount he is fairly entitled to, under the circumstances. He tells us that no mention was made to him of Responsible Government coming on in a few years. He is now a man well grown up in years, and I presume he will not be able at his age to go out into the world and fight his way for a living again; and I think, looking at all the circumstances of the case, and the Governor's despatch, we who hold the purse strings in our hands might agree to give the hon. gentleman

what we are told he is entitled to. I do not think we would go very far wrong if we followed in the footsteps of Victoria. Victoria at that time—thirty years ago—was a pretty Radical country. The goldfields were going ahead, and the Government was very democratic; and, if they agreed to give their Attorney General a pension of two-thirds of his salary he must have been entitled to it. My own opinion about this item is this: I think £300 would have been a fair allowance; but after what he has told us to-night, I would go further than that. It appears that the Attorney General came out here, as he thought, to a life appointment, instead of which he is to lose it after two or three years; and I think this House would not go far wrong by voting this extra sum.

MR. SHENTON: We have been referred to the precedent of Victoria; but I would point out that Victoria was a very wealthy colony. It cannot be said so of this colony at the present time. We are not dealing with our own money, but with trust funds. We are simply trustees of the public funds. We are here to represent the people of the colony and to guard their interests. So far as the district I represent is concerned, they are opposed to this large pension to the Attorney General; I have had representations even as to £300 being too much. One thing seems to have been forgotten by those on the Government benches in dealing with this subject. Lord Knutsford in his despatch, replying to the Governor's despatch about this schedule, says he offers no objection to the amounts specified, "should they meet with the concurrence of the members of the Legislature." It will be seen that the Secretary of State leaves it to us. As to the question of salary, although it may be said that the Attorney General draws £600 a year, £500 is the legal amount of salary attached to the office, and the extra £100 a year is subject to the annual vote of this House, on each year's Estimates. If it could be shown that this House was legally compelled to grant the Attorney General two-thirds of his salary as retiring allowance, that two-thirds would only be calculated upon £500 a year. I think myself the House has dealt most



liberally with this officer. He has only been here three years, and we have given him a pension of £300,—£100 for every year of service. I think that is the utmost the colony can afford to give. It would be out of proportion with the pensions given to the other members of the Executive, some of whom have served the colony ten times as long as the Attorney General. I cannot understand how an old politician like the Attorney General, who is always quoting his House of Commons experience, could have been so ignorant as he says he was before coming out here about there being any talk about the colony having Responsible Government. For the last four or five years questions have often been asked in the House of Commons on the subject; and it is strange he should never have heard of it, until he came out here.

MR. BURT: For my part I do not like the manner in which this subject has been introduced, without notice, simply on the strength of a telegram from the Secretary of State. It looks like bringing something like pressure to bear upon us. The Secretary of State says we must give the Attorney General £400. That is what it comes to. I hope members are not to be blown about by every little breeze, or assurance that may come from the Government benches, even in matters of this description. This matter was well considered the other day; and the conclusion we came to was not arrived at by any haphazard way. I think the hon. member for Sussex has very clearly put before the committee the position that should be taken up on behalf of the colony. As he points out, the public funds do not belong to us. Nothing would be more pleasing to our own selves than to give all the members of the Government who may lose their offices their full salaries and something besides. But we must go on some principle, and I think the public will recognise that our decision in this matter has been arrived at on something like a principle, and not in a haphazard fashion. Precedents were inquired after and obtained; and the hon. member for Sussex, who leads the elected side of the House, has pointed out the despatches which guided us, and which constitute, I may say, an agreement between the Secretary of State and this

colony. Surely it is no argument to come here and say that the Attorney General was not told this, that, and the other. The Attorney General says he actually did not know that Responsible Government had even been mooted for the colony. Why, it has been dinned into our ears *ad nauseam* for over seventeen years, and been spoken of and written of in England for years past; yet here is a member of the House of Commons, a gentleman appointed by the Secretary of State to be Attorney General of the colony, who says he never even heard that we had ever considered the question. Of course if he says so, it must be so; still, I can only say that to my mind it is no excuse why we should break this agreement that was made by the Secretary of State with this colony eighteen years ago. The colony then gave the Secretary of State distinct notice, and it was agreed that every officer appointed to an Executive office in the colony in the future should have it clearly brought before him that he was liable to have his office abolished at any time, and that no security of tenure could be given him. I, myself, have put questions on this very subject in this House during the last fifteen years. I remember when Mr. Hocking arrived here as Attorney General, the question was asked by myself or others as to whether he had been informed when he came out here that the colony might go into Responsible Government at any time and that he would be dispossessed of his office; and, if I remember rightly, it came out that he was so informed at the Colonial Office that he might be dispossessed at any time, and that his pension would rest with the Legislature here. The Attorney General told us just now that the precedent alluded to by the hon. member for Sussex was no precedent at all; that the thing died out after that, and was buried for twelve years. It is somewhat strange that the hon. gentleman's own case, as presented to us by the Secretary of State and the Governor, rests on a precedent dating back as long ago as 1853, when the Constitution Bill of Victoria was passed. If the precedent we rely upon, the agreement between the Secretary of State and Governor Weld, which only dates back about seventeen years, is dead and buried,

I should like to know what has become of this other precedent, that dates back five-and-thirty years? Surely that must be dead, years and years ago. Yet here it is brought up this evening, as if it was still in existence. An appeal is made to us, which I admit is rather irresistible, that if we do not adopt the same principle of compromise on this question as we have done on others—on this the very last item, in the last page, of the last schedule of the bill, a little difference only involving a paltry £100 a year, we may jeopardise the whole bill; and we are asked are we going to risk the whole thing for the sake of this £100 a year? That is not the question; and no one has any right to attempt to put it in that light. As I said just now, we must try and act upon some principle. It is not a question of £100 a year or losing Responsible Government at all; it is a question of what the colony ought to give in the face of a distinct agreement arrived at years ago, between the Secretary of State and the Governor of the colony. I do not see why, because this is the last item in the bill, we ought to give the Attorney General more than he is entitled to. Nothing would rejoice me more than to say to the Attorney General, "Take it, and go"; but I cannot bring myself to think that the colony in this particular can afford to give the hon. gentleman what is here set down. We must remember it is an allowance for life; and, if the amount were computed, it would be a very handsome thing on the life of a man like the Attorney General. Invested at eight per cent., as it might be in this colony, it would bring a very handsome return. Holding these views I feel bound to vote against the amendment.

MR. KEANE: I think every member here if left to himself, and we were not dealing with the country's money, would be very pleased to give the Attorney General his full salary to retire upon. When the hon. gentleman tells us that he was told nothing at Home about the colony being likely to go in for Responsible Government, I have no doubt there was good reason why they did not tell him anything about it at Home, for they probably thought that if they did so they would not get rid of him. There-

fore I do not think there is much in that argument.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I am sorry that some members should have taken exception to the Attorney General rising in his place to say a few words in explanation of the position of this question so far as he was concerned. I, myself, am thoroughly opposed to members of the House speaking upon matters in which they are personally interested; but I do not think the Attorney General is the only sinner in that respect in this House. The hon. gentleman only got up to state that he was not acquainted by the Secretary of State, when he accepted his appointment, with the fact that Responsible Government might come to pass soon in this colony. I think the Attorney General was perfectly justified in making that remark, for the information of the House; it was not done with the view of advocating his own cause, so much as to place members in possession of the facts of the case. I do not think there is much more to be said about this question; it has been pretty thoroughly threshed out; but, in order to show my loyalty to my hon. colleague, I have risen again to impress upon the mind of members that, after all, this is a very small sum for the colony, £100 a year, but it is a very considerable sum for a man advanced in years like the Attorney General. I am sure that hon. members are actuated by a desire to do what is fair and right; and I believe that in their treatment of the other members of the Executive they have thoroughly satisfied them, and no doubt they feel very grateful to this House for the consideration shown towards them. I certainly can speak so for myself. But there is one out of the four who is not so pleased; and, if members can bring themselves to think that they can, in justice to all parties, do that which will satisfy him, I believe they will be very glad to do so. I do not intend to speak about any claim which any of us may have upon this House. I believe all the claim that the Attorney General or any of us has is simply that which this House chooses to give us; and if it does not come up to our individual ideas of justice, we must accept it as such.

MR. MORRISON: I think that in

trying to save this £100 a year, and making all this fuss over it, we are doing the country £1,000 a year harm. If a gentleman at Home gets an appointment out here, and he has the good luck to come in for a pension at the end of two or three years, I don't think the shortness of his service—when it is not his own fault—should militate against his getting a fair proportion of the pensions going. I think the hint conveyed in that telegram from England ought to have some weight with members. The hon. member for Sussex said if the colony could afford it he would willingly vote the whole of the Attorney General's salary as a pension for him, but that as we are poor he thought £300 was enough. I do not think that is good reasoning. What we have to consider is the amount this officer is fairly entitled to, under the circumstances. The only thing that has astonished me in that telegram is that more objections were not raised. I must say that in dealing with some of these schedules we have put forward a very poor advertisement to the world as to our future civil servants, especially as to ministerial offices and the Civil List. If we want our colony "run" properly, we shall have to pay good men to "run" it. I believe in paying a good man a good salary, and I don't think the sums mentioned in that schedule show up very well for our future Ministers. It is said that in 1870 Governor Weld laid it down that so-and-so would be a fair allowance; but I would point out that the value of money in this colony now is nothing like what it was in those days, twenty years ago. £600 a year in those days was worth £1,000 to-day; and I do not see why we should go back twenty years to find an excuse for dealing with this particular item. I do not know anything of the hon. gentleman's value as an Attorney General; he may be worth a great deal more or a great deal less, for all I know. But there he is; and, as I said before, it is not his fault that he has become entitled to a pension so soon after entering the public service. We know that some men are born to honor; others have it thrust upon them; and I don't think we ought to grudge the Attorney General his good luck in this matter of a pension.

The committee divided on the amend-

ment to increase the item by £100, the numbers being—

Ayes ...	...	...	4
Noes ...	...	...	16

Majority against	...	12
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AYES.	NOES.
Hon. J. Forrest	Mr. Burt
Mr. Morrison	Mr. Congdon
Mr. Randell	Mr. A. Forrest
Hon. Sir M. Fraser, <i>u.c.m.c.</i>	Mr. Grant
(Teller.)	Mr. Harper
	Mr. Keane
	Mr. Loton
	Mr. Marmion
	Mr. Paterson
	Mr. Pearse
	Mr. Rason
	Mr. Scott
	Mr. Shenton
	Mr. Sholl
	Mr. Venn
	Mr. Parker (Teller.)

Bill reported, with amendments.

#### ELECTORAL BILL.

THE ATTORNEY GENERAL (Hon. C. N. Warton), in moving the second reading of "a bill to provide for the registration of certain electors, and for other purposes," said the bill was in an incomplete form; Schedule A. of the Constitution Bill, defining the boundaries of the electoral districts, having yet to be added. The object of the bill was to provide for the contingency of the Constitution Bill becoming an Act and becoming law. As under that bill there would be certain electoral districts, all named and defined in the schedule, he thought the best plan would be to provide in the present bill for what might be called provisional registration,—that was to say, not to attack the present system of registration at all—in case the present Constitution might continue for some time longer—but simply to provide for the registration of any fresh claims. It was proposed to establish a Registration Court, which would consist of the Government Resident or the Resident Magistrate (as the case might be) for the district, with two other Justices, who might be requested by him to sit with him in such court. The bill provided that such court might be holden at any time within the next two or three months. But there was one provision of considerable importance, and that was that no man was to have a vote unless he claimed it, or his name put on the register by anybody but himself. If he claimed on a

residential qualification, he must personally prove his right to be registered before the court; if he claimed on a non-residential qualification, he had to make a statutory declaration before a Justice. The latter applied to persons who had freehold votes in constituencies where they did not reside. This statutory declaration would have to be sent by the Justice before whom it was made to the Registration Court, with a letter from himself stating his knowledge of the identity of the claimant. These were the main provisions of the bill. It would be the duty of the court to make a list of all persons of whose right to vote it was satisfied, and to post it up, and also send a copy of it to the returning officer. If it should be the wish of the House, he should like the second reading of the bill to pass, so as to have it referred to a select committee. At present it was only a skeleton, and it might be necessary to introduce other provisions into it that were not in it now; and it was with that view that he was desirous of having it referred to a select committee.

MR. PARKER said he had no doubt the hon. and learned gentleman who had introduced the bill had done all in his power to carry out what he conceived to be the wishes of the House; but, he was sorry to say that to his mind the bill did not go far enough. He could not help thinking that we required entirely new provisions made as to the mode of registration, imposing and defining fresh duties upon the revising courts and the clerks to the magistrates, and other provisions, the necessity for which had been made apparent. But this bill, as the Attorney General truly said, was a mere skeleton. [THE ATTORNEY GENERAL: Certainly; nothing else.] It merely provided that there shall be a Registration Court, which we had already. What we required was the machinery for getting the proper people on the roll, and power to the Justices to strike out the names of those who had no longer any right to be there—some more definite and satisfactory method of dealing with the matter than existed at present. No doubt if the bill went to a select committee it might be made a useful bill; but, in its present shape he hardly thought it would be of much service in carrying out the wishes of the House when it expressed a desire

that an Electoral Bill should be introduced this session.

MR. BURT quite agreed with what had fallen from the hon. member for Sussex. He saw that the Victorian Act contained something like 150 clauses; probably our bill would not have to be quite so long as that, but certainly he thought we should require about a hundred clauses. The present bill contained eight. It was a most difficult matter to deal with, an Electoral Bill that would meet all our requirements. At present the revising justices had no power to put on or strike off any names, or to do almost anything they ought to do, if the electoral rolls were to be of any value at all. We wanted an entirely different system, and it would take some considerable amount of time and thought to prepare such a bill. When it was remarked a few days ago that the Government were going to introduce an Electoral Bill at the present session, he certainly felt rather anxious to see it. The bill now before them was admittedly the merest skeleton, and really he did not think they would have time this session for any select committee to work the bill up into anything like what they would like to see. He should think himself, as the House would probably meet again in June or July, it would be time enough to introduce an Electoral Bill then.

Motion for second reading agreed to.

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved that the bill be referred to a select committee.

Negatived.

The consideration of the bill in committee of the whole House was made an order of the day for the 4th April.

The House adjourned at five minutes to eleven o'clock, p.m.

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