

as this bill is concerned, but might be of importance in other bills.

THE SPEAKER: It is a general Parliamentary rule that when a thing is ordered to be done on such a day, it cannot be brought forward at an earlier day. The object is obvious—to prevent surprise. It may not be a matter of importance in this case, as the hon. member says; but it may in others.

MR. BURT: Supposing the House should not be sitting on the day fixed for bringing up a report, you could never bring it up, if there was no other time for doing so except the date originally fixed.

MR. PARKER: I can understand the Parliamentary rule that no motion shall be brought forward on a date earlier than that fixed for it, so that the House may not be taken by surprise. But there is no question of surprise in bringing up the report of a select committee.

MR. RANDELL: I cannot agree with the hon. member. I think there is a reason why a report should not be brought up before its time. Notice of motion for the adoption of the report at the next sitting may be given, and carried, and the report may be adopted, before some members who may be interested—but who may not anticipate that the report would be brought up until the day fixed, and who may therefore be absent—had an opportunity of discussing it. I think, myself, with all due deference to the legal opinions expressed that the Standing Order is as clear as possibly can be, and I believe your Honor has ruled on former occasions that a report cannot be brought up before the day fixed for bringing it up.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he apprehended the true meaning of the words "on such day," in the Standing Order, taken in conjunction with the context, was "by such day"—that was to say, the committee were bound to be ready with their report by the time fixed, or, if not, they should get further time.

MR. BURT said he remembered, on one occasion, a day being appointed to bring up a select committee's report, and it transpired that the day fixed would be subsequent to the prorogation, and the committee brought up their report on an earlier date.

THE SPEAKER said he certainly should not permit any action to be taken with regard to a report brought up before the day fixed, which, undoubtedly, would be contrary to Parliamentary practice. Of course if the House wished this particular report to be brought in, he had no objection. At the same time he must say the rule appeared to him very plain,—that a report could not be presented before the day appointed by the House for its presentation.

MR. PARKER said, under the circumstances, he would defer bringing up the report until Monday.

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

LEGISLATIVE COUNCIL,

Monday, 5th November, 1888.

Appropriation Bill (Supplementary), 1888: third reading.—Constitution Bill: second reading; adjourned debate.—Beverley-Albany Railway Syndicate: Relaxation of conditions of Land selection—Clause 48 of Land Regulations and Mineral Discoveries—Adjournment.

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

PRAYERS.

APPROPRIATION BILL (SUPPLEMENTARY), 1888.

Read a third time and passed.

CONSTITUTION BILL.

ADJOURNED DEBATE, MOTION FOR SECOND READING.

On the order of the day for the resumption of the debate on the second reading of the Constitution Bill,

MR. MARMION said: Sir—It is not necessary for me to detain the House long. Hon. members who have already

spoken have gone so fully into the question before us, that they have left very little ground for me to traverse. Moreover, the debate that has occurred this session is not the first that has taken place in this Council on the same subject, and on previous occasions I have gone pretty fully into the matter now before the House. I am afraid that some hon. members, in dealing with this matter, have not kept very closely to the question really before us, but have travelled over the whole of the ground covered by the bill, which seemed to me to be somewhat of a mistake, as I apprehend another opportunity will offer itself for dealing with the bill in detail, more especially if the amendment of the hon. member for Sussex is agreed to this evening. Even if it is not agreed to, I presume that, after all, we are only dealing at present with the main principles of the bill; its details will have to be discussed in another House, by another body of members—or possibly the same members—in another session, after the country has been appealed to. Therefore, I think it would be as well not to go into details on this occasion, but, as far as possible, confine ourselves to the amendment now before us, dealing with the question of an elected Upper House. With reference to that amendment, I may say that I am to some extent in favor of it, but only to this extent: I feel that amongst perhaps a majority of the electors of the colony there is an idea prevailing that it would be better, and more satisfactory to most people, that under our new Constitution we should possess an elected rather than a nominated Upper Chamber. I don't think that many of the electors have gone to very much trouble to consider over the matter, and I think this feeling against a nominated Upper House is to a certain extent due to a prejudice which attached for many years against nominee members under the present Constitution. Speaking generally of those electors whom I have had the pleasure of coming across, I find there is a feeling rather of indifference upon this subject. The prevailing feeling among my own constituents, from what I can gather, is that we should certainly adopt that form of Government known as Responsible, and that, having come to that conclusion, the sooner that change takes place the better, and they

are prepared to waive certain principles—or details that may appear to involve principles—in order that no great delay may take place in the introduction of this form of Government. This being the case I feel some little hesitation in having to address the House on the subject. A short time ago I addressed my constituents at Fremantle, and they were good enough to place in my hands, and of my hon. friend here who represents them with me, what I may call the right to please ourselves in this matter, and do what we considered best in the interests of our constituency and the interests of the colony. Therefore, I feel I am justified in adopting the course which I consider is the best one in their interests and in the interests of the country. Although I believe a majority were in favor of an elected Upper House, still, if it was going to cause any lengthened delay, they were prepared to accept that which was recommended to them by the Secretary of State for the Colonies, namely, a nominated Upper House; and what I would like to see now is some amendment made in this amendment of the hon. member for Sussex—something less uncompromising, something that would not bind us down to that hard and fast line suggested by the hon. member's amendment, which amounts to this: unless we can get an elected Upper House we won't have anything. I should prefer informing the Secretary of State that we still adhered to the opinion that an elected Upper Chamber would be best for the colony; and that, while we were prepared in a spirit of compromise to accept his suggestions as to the land question and the question of the natives, we thought he might do the same with us as regards an elected Upper House. Of course if he still refused, some other course might be open to us. Possibly some provision might be made in the bill which would give the first nominated Upper House a tenure of a certain number of years, at the end of which it would be absolutely open for us to substitute an elected Upper Chamber, if we found it did not give satisfaction. My own impression is that the people of the colony would be perfectly satisfied with some such compromise, and I have very little doubt myself it would be accepted by the Secretary of State.

The difficulty I feel in adopting the amendment of the hon. member for Sussex is this: we approach the Secretary of State in such a bold uncompromising spirit, and tell him we cannot accept his nominated Upper House on any condition; and that appears to me to place us in this position: assuming the Governor were to telegraph this to the Secretary of State, and the Secretary of State were to reply that Her Majesty's Government were not prepared to grant us Responsible Government upon any other condition but that the Upper House should be a nominated one, we should then be obliged to eat our own words and accept his dictum, or else throw out this bill. Now I do not care to be placed in the predicament of having to accept either the one or the other, if I can avoid it; and I think the matter can be so represented to the Secretary of State that we may be able, if necessary, to withdraw with as much grace as possible from what may appear an untenable position, rather than risk losing Responsible Government altogether. If we were to refuse to pass the second reading of this bill during the present session of Council I believe it would give rise to a feeling of great disappointment. There is a feeling abroad now, shared in by many people, that there are some of us who are rather lukewarm on this subject, and not in earnest—that we are not firm, but rather weak-kneed; and certainly if it went forth that, having had an opportunity of reading this bill a second time, we had thrown it out, people would say that we were never in earnest at all upon this question of Responsible Government. For my own part, I have made up my mind that having now taken the first step forward, I shall never retrace it. Hon. members are aware that I never was a strong advocate for this change, but having—as I believed in accordance with the general wish of the public of the colony—joined with those who considered the time had arrived for adopting it, I am not prepared now to go back from that position. I am prepared to accept a Constitution Bill even with some blots upon it, and to stand by the issue, rather than withdraw from the position we have taken up. I believe myself, if we adopt a Constitution with a nominated Upper House, and we

find it does not answer our purpose, we shall have strength enough, within the two Houses, to alter it hereafter. I believe myself it shows a sign of weakness on the part of those who imagine that, once we adopt Responsible Government with a nominated Upper House, we shall have so little strength and so little virtue under that form of Government that we shall not be able to amend the Constitution ever afterwards, or remove any blot or weakness we may find in it. I think myself it would be in the best interests of the community that a compromise of some sort should be arrived at in this matter, and that we should not go to the Secretary of State and tell him point blank that we will not accept a nominated Upper House at any price. I don't think it is necessary, nor do I think it would be wise to do so. I see no harm in again referring to him, and urging our views as strongly as we possibly can upon him. But that is a very different thing from saying that we will not pass this bill so long as it provides for the establishment of a nominated Upper House, and that is virtually what the amendment of the hon. member for Sussex amounts to. I think as a last resort we might have a proviso inserted in the bill that the principle of nomination as regards the Upper House shall only remain in force for a certain number of years, say six years or ten, and that at the expiration of that time the elective principle should supersede it. A provision to that effect would have the force of statute law; and there would be no necessity to have the matter settled by the two Houses hereafter, or for the Upper House to commit what has been called political suicide. The nominated Upper House would simply cease to exist, as such, at the end of a given period. This is simply a suggestion, a sort of compromise which may possibly meet the views of all parties, including the Secretary of State himself. It appears to me that the suggestion is not at all repugnant to what Lord Knutsford has himself thrown out in some of his despatches. I do not think it can be said that he wishes to bind us to a nominated Upper House for ever. I think on the contrary that anyone reading his despatches between the lines will find something that encourages us to hope that hereafter there

will be no opposition to our adopting an elected Upper House, if we think it desirable to do so. I find in his despatch of the 30th July last he says: "I still think it desirable that such Chamber should be nominated, at all events in the first instance, and until the population of the colony has considerably increased." I think there is a great deal of virtue in those words "at all events in the first instance." They appear to me to be tantamount to saying that as the population of the colony increases there will be no objection to our having an elected Upper Chamber, if we desire it. The Secretary of State goes on to say: "It is, however, worthy of notice that none of the three colonies which possesses a nominated Council have taken measures to change it for an elective body, and (he adds) the working of these Councils has stood the test of thirty years experience." There is a great deal in that, and it seems to me it is an argument which we shall find it very difficult to get over. We find that in three of the most populous of these Australasian colonies—and certainly not those that are the least prosperous: I do not say they are the most prosperous, but they are not the least prosperous—we find that in New South Wales, in New Zealand, and in Queensland they have had a nominated Upper House, some of them, for the past thirty years, and they have them still, and they have not at all lagged behind the other colonies in the march of progress. Nor has it been shown that any attempt has been made to substitute an elected Upper House for the existing nominated Chamber. [Mr. RICHARDSON: New South Wales.] It has never been shown that the attempt was attended with any very encouraging result. [The COMMISSIONER OF CROWN LANDS: 33 to 5.] That certainly was not very encouraging, and we have never heard of its ever having been tried afterwards. At any rate, I hope the hon. member for Sussex will consent to modify his amendment, and not press it in its present form, which, as I have already said, may place this Council in a somewhat undignified position, should the Secretary of State refuse to sanction this alteration in a vital principle of the bill. I think it would be a source of great disappointment to the public if this Constitution Bill were to be thrown out this

session, and the question made the subject of prolonged negotiations as to whether we shall have a nominated Upper House or an elected one, to start with. I know there is a feeling outside averse to any unnecessary delay in the settlement of this question, and I am very anxious myself, most anxious, that there should be no delay in passing the second reading of the bill. At the same time I am desirous, as far as it is possible without risking the bill, to meet the wishes—or what I assume to be the wishes—of the majority of the electors of the colony, that we should have an elected Upper Chamber. But I think the matter could be put to the Secretary of State in such a way that in the event of his not assenting to our views, we may proceed with the consideration of the bill, and endeavor to arrive at some compromise, such as that I have already suggested. This, however, we shall be able to discuss when we receive the Secretary of State's reply to our telegram.

THE SPEAKER: I think it is well I should point out to the hon. member that he will not have another opportunity of speaking to the second reading of the bill.

MR. MARMION: Not if it is brought in again?

THE SPEAKER: If the bill is not read a second time now, and it is brought in again, the hon. member of course will have an opportunity of speaking to it. But we do not know whether it will be brought in again. If the amendment is not carried now, and the motion for the second reading is, the hon. member will not be able to speak again—unless another amendment is proposed in the meantime.

MR. MARMION: Then, in order to test the question, and to bring about something like a practical result, I feel disposed to run the risk of proposing a further amendment, which is this—that the following words be added to the amendment now before the House:—"Unless with a proviso in the bill that the constitution of the Upper House shall, after a term of six years, be altered from a nominated to an elected House." The amendment would then read as follows: "That this House, while otherwise agreeing to the main provisions of the bill, objects to pass any

measure which provides for a nominated Upper Chamber,—unless with a proviso in the bill that the constitution of the Upper House shall, after a term of six years, be altered from a nominated to an elected House.” I think that will commend itself to the majority of people as a fair compromise, and I think it will so commend itself to the Secretary of State. I am not strongly wedded to the wording of the amendment, nor do I think it will matter very much in the end. What I am desirous of is to have some proposal that will command a strong majority, so that it may go to the Secretary of State supported by the united voice of this House, and I hope it may also have the support of the Governor: it would, at any rate, strengthen the hands of His Excellency if the amendment were passed by a substantial majority. There are several other points in the bill which open up a wide field for discussion, and one is the question of land legislation, and another the question of the control of native affairs. In accepting the bill as it stands I am going strongly against my own convictions, and doing so simply with the idea that it would be useless to fight any longer about these points. If I thought there was any chance of success I would fight to the bitter end, for I think it is a slur upon the colony that it should go forth that we are not worthy to be trusted with the management of the aboriginal race without special legislation of this kind. I think it is a blot upon us, that will take many years to wipe out, and that it will always remain a stigma upon us, in the eyes of the other colonies. If there was the slightest chance of our being able to alter the opinions of the Secretary of State upon this point, I would never yield the point. With reference to land legislation again, I think we have been dealt with most unfairly in this matter. When we consider the amount of enterprise and public spirit, and the amount of capital, which this colony has expended upon our Northern territory, when we consider the hardships endured by our colonists in opening up this territory for settlement, nobly assisted as they have been by enterprising men from other parts of Australia who have cast their lot with us, and who have spent their means and risked their lives, and some of them lost their

lives—when we bear all this in mind, and all we have done to develop this distant portion of the colony, I do think the Home Government have not acted fairly with us at all, or dealt with us in anything but a liberal spirit, when it compels us to draw a line of demarcation between ourselves and this portion of our territory, as regards land legislation and revenue. There was no reason in the world why, if it was thought desirable by the Secretary of State that we should not have the same power as we now possess with regard to the control of the lands—there was no reason in the world why we should be required to fund the money received from land sales in these Northern parts. It appears to me not only an ungenerous policy but an unwise policy, for to a great extent it will have the effect of reducing to a minimum our interest in the welfare and progress of these Northern districts, and eventually it must lead to separation, and that too at a much earlier date than would otherwise have been the case. It almost seems to me that this was the object which the Home Government had in view, so that they may have an opportunity of creating a Crown colony out of the Northern part of the colony at an earlier date than they would otherwise have been able to do so. If there was any necessity for this division of the colony at the present time I think the line of demarcation should be drawn somewhere about the tropic of Capricorn, which would be a scientific geographical line of separation, understood by everybody, and it would certainly give us at the same time a larger slice of territory than at the divisional line at present proposed. I do not see at all why the 26th parallel should be the line fixed upon, embracing in the Northern colony the Gascoyne district, in the development of which so much Western Australian enterprise and Western Australian capital and Western Australian energy, have been expended. I say it is ungenerous, and unfair, to this part of the colony to call upon us to give up the territorial revenue derived from these districts, which have been made what they are by the expenditure of our own money and our own settlers' energy and enterprise. I am sorry to think we cannot alter it now, but there is nothing to prevent us

expressing our opinions and giving vent to our feelings in the matter; and I am sorry that other members have not thought fit to do so in the course of this debate. Sir, I need not detain the House any longer. This question is pretty well worn thread-bare, and it would be futile to reiterate the arguments which have been used in this House already. I hope, however, that hon. members will realise the position they are called upon to fill to-night, which seems to me to be this: if they vote for the amendment of the hon. member for Sussex they will be placed in this awkward predicament if the amendment is passed: they tell the Secretary of State point blank that they cannot accept this bill, and that they won't pass it. [Mr. PARKER: Not that we won't, but that we object to pass it.] Well, it will place us in a very awkward position if the Secretary of State refuses to give way. Hon. members I think will find some difficulty in swallowing the leek. On the other hand if we adopt the compromise which I have suggested, and which I believe the Secretary of State would also be likely to accept, it will, in any case, place us in no worse position than we are in now, and certainly no great amount of harm can follow from it. I am sure it will be to the best interests of the colony to have this question of Responsible Government, now it has arrived at this stage, settled once and for ever, without further delay, and not have it kept dilly-dallying before the eyes of the colony, and make ourselves a laughing-stock to the other colonies. Let us adopt some prompt and decisive course that will enable us, within a few months, to enter upon that form of Government which some of us have been anxious for, for years, and which will give us the management of our own affairs, without reference to any superior outside authority.

MR. KEANE formally seconded Mr. Marnion's amendment.

MR. RANDALL: I don't know, sir, whether the hon. member for Fremantle has thoroughly thought out his amendment; it appears to me it would be very much better either to adopt the motion of the hon. member for Sussex, or to carry the second reading of the bill. The old adage says "Between two stools you fall to the ground," and I think if

there is really a strong feeling in the minds of the members of this House, and a strong feeling also in the mind of the country on this subject, it is their bounden duty—notwithstanding it may delay the second reading of the bill—to oppose the bill so far as it relates to this question of a second Chamber. I am quite sure it would be worse than useless to send home such a resolution as that proposed by the hon. member for Fremantle. We may rest assured that this question has been carefully considered by the Secretary of State—and when I say the Secretary of State I think we may include the Cabinet, for I presume this question of granting a Constitution to Western Australia has been made a Cabinet question; I am not at all disposed to think that Lord Knutsford in his despatches and in this bill is sending out his own ideas only, but that he is supported, after due and careful consideration, by his colleagues in the Cabinet. Therefore I hope the hon. member for Fremantle will not be supported in his amendment, which it appears to me would be utterly fruitless. With regard to the main question at issue, the constitution of the Upper House, I have already spoken, last session, in favor of a nominated second Chamber. I felt it was not expedient then to give any very lengthy reasons in support of my views, because at that time I thought there were only one or two members who entertained the same opinion; there was a very general consensus of opinion amongst hon. members that an elected Upper House would be much better for the colony; and I had expected, when the subject came to be re-opened, that the elective principle would be very strongly and earnestly supported in the House this session. But I find the House now very much divided upon the subject, and that some of those who were strongly in favor of an elected Upper House are now hesitating, because they fear—and I think very naturally fear—that unless they give way, time will be lost, and time is a very important consideration in the present circumstances of the colony. In the state of affairs existing in this country at the present time any long delay in the settlement of this constitutional question would become almost intolerable; and I would strongly advise hon. members, if they will allow

me to do so—perhaps it is presumptuous on my part—to adopt one course or the other. My own feelings in the matter are not very strong, whether we have a nominated or an elected Upper House, because I think that any Legislative Council, whether the members of it be appointed or elected, will do its duty to the country. I feel quite satisfied of that. Although it has been asserted here that elected Upper Houses in the other colonies are very much stronger, and fulfil their functions very much better than nominated Upper Houses, I think that has not been proved. We have had the assertion, but no facts to support it. I think when members rise in their place to oppose a bill like this, embodying an important principle such as the constitution of the Upper House, the duty, or the burden rather, lies on their shoulder of showing and proving to us that an elected chamber possesses advantages or virtues not possessed by nominated chambers. I could not follow to-night the arguments used the other evening in favor of an elected Upper House, they were too numerous; and I think, after the somewhat prolonged debate that has already taken place, it would perhaps be wearying to members were I to attempt to do so. But I may say that I have considered the question as carefully as I could, in connection with the constitution of our own colony, and I think after all the practical side of the question is the most useful for us to consider, and its application to the circumstances of our own colony. I don't know that we need care so much—although perhaps it is interesting to know—how these Upper Houses have worked in the other colonies; and the testimony which I have on the subject, which is from a very high and competent authority—I have not got it with me now, but I have it at home—is to the effect that it would be difficult for anyone to state which had done its work best, the nominated or the elected Upper House; that they had both done their work, in the main, well and faithfully. It is important for us to know that, I think, coming as it does from an observant and unprejudiced authority. We may safely, then, draw the conclusion that in our own colony likewise, whether we adopt an elected or a nominated

second Chamber, it will do its duty faithfully and well. I take it that the duty of an Upper House is to exercise a restraining and moderating influence upon hasty or immature legislation. We know that Legislative Assemblies are exposed to every passing wave of popular opinion, and these pass over young communities especially, very often, and are very strong for a time; and Ministries and the members of these popular Chambers—though not in accord perhaps with public opinion, so far as their own private judgments are concerned—are not always strong enough to resist it; and hence the necessity for providing a second Chamber which shall be capable of exercising a check, by reason of its being in a position to regard public questions with greater calmness, greater deliberation, and greater independence. It was said the other night, I think, that nominated Upper Houses were out of date, an anachronism, and not in accord with the spirit of the times. I do not know that we are bound to accept that dictum as correct. My own opinion is that we may sometimes go back, and adopt usages and institutions which were in vogue years ago, with profit and advantage, and find that they have lost nothing by the mellowness of age. I think it is our duty to consider our own surrounding circumstances, and the adaptability of these institutions to meet those circumstances. If we had in this colony an active, vigorous, and matured public opinion upon political matters, there would be some ground perhaps for our more strongly insisting upon an elected Upper House as well as a representative Lower House. But such is not the case. The interest taken by people here in political affairs is languid and spasmodic. What do we generally find to be the state of public feeling, among country constituencies especially—and I think it applies in a lesser degree to public feeling on political matters in our towns? Unless there are some burning questions to excite the enthusiasm or the passions of the electors they take little or no interest in politics; and we often find a candidate having a walk over, without any struggle or opposition at all, and the elective principle is to a large extent vitiated by that fact. I remember some years ago, when this Council very hastily passed some resolutions in favor of

Responsible Government, members said that they were supported by the opinion of their constituents, and I know that telegrams went from the House to several country constituencies, asking whether public feeling in the district was in favor of Responsible Government or not. I happen to know the history of one of those telegrams, which perhaps may be taken as a fair sample of how public opinion was gauged on the question at that time. The telegram was directed to a certain prominent person in a somewhat remote town, and he showed it to two others, I believe, in the township, and having consulted together, and put their heads together, these three persons agreed, "Oh, it's all right, we are in favor of Responsible Government at any rate; let's telegraph back that public opinion here is decidedly in support of the change." That was how the pulse of public opinion was felt in that constituency, and I venture to think it was a fair specimen of what took place in other districts where those telegrams were sent. I am giving some prominence to this question of an Upper House, for it is the only one that is prominently brought before us at present; it is an important principle of the bill, no doubt, and we have to deal with it, and we should endeavor to do so to the best of our ability. It was said the other night, in the course of this debate, that for members of the Upper House to be nominated by the Governor and the Ministry of the day was a vicious principle, and one which very likely they would exercise to aid and to further their own political ends. I cannot conceive that the Ministry of the day or the Governor in Executive Council (which would constitute the Cabinet) would be influenced by such considerations, and, if they were, I cannot conceive they would find fifteen gentlemen of intelligence and some knowledge and experience of public life to accept seats upon any such conditions. I take it that these gentlemen would be influenced as much as the electors themselves with a desire to do the best they possibly could for the colony, and that we should have in that Council men who would be an honor to it and a credit to the colony, and who would be prepared to guard its best and truest interests. The hon. member for Greenough said the

other night—whether inadvertently or designedly I do not know—but he paid a high compliment to the nominative principle, though avowedly an advocate of the elective principle; the hon. member of course went a great length to argue his pet project of a single Chamber, and in doing so he drew attention to the fact that for many years past we had had the nominated element and the elected element sitting together in this House, and that they had worked harmoniously, and, on the whole, well, and had done good work for the country. I think nothing could be a stronger argument in favor of a nominated Upper House than that admission, coming from an hon. gentleman who was strenuously opposed to the principle of nomination, and who argued strongly in favor of an elected House. I sympathise very much with the views of the hon. baronet, the member for Plantagenet, on this question, and with the reasons he has given for insisting strongly, as the very best policy we could adopt, upon having an elected Upper Chamber. I understand the object of the hon. member, or his idea, is that for the purposes of this Upper Chamber the colony should be divided into so many provinces, and that the members of the Upper House should be elected by these provinces, thus giving country interests a fair chance of being represented, and of having some check upon the preponderating influence of the centres of population in the Lower House. I can sympathise very much with such a view of this question, if the hon. member entertains such fears that justice may not be done to country constituencies by the members of the Lower Chamber, when legislation specially affecting rural interests, such as the land laws, has to be considered, and other questions relating to country interests as distinct from town interests, which are pretty sure to be largely represented in the more popular Chamber. The hon. member for Greenough and the hon. member for Plantagenet are at opposite poles, I think, on this question; one is looking at it from a Radical or an ultra-Radical point of view, and the other (as the Commissioner of Crown Lands said of the supporters of an elected Upper House) from an ultra-Conservative point of view. But I feel that I am in harmony with the views of hon.

members generally when I say that there is every reason to suppose that a nominated Upper House would serve the best interests of this colony as fully and as effectually as an elected one. I do not at present propose to go more deeply into the question—I do not think it is necessary to say anything further beyond this: here we have a bill sent to us embodying the views (I think we may take it so) of the Imperial Government on the constitutional question, and in this bill we have three main principles strongly insisted upon, one being the division of the lands, another being the management of native affairs, and the other a nominated Upper House. I do not think the Secretary of State insists upon the first principle so very strongly and firmly as he does the others—I do not think he is so strong even upon the question of the boundary line; nor do I think he feels so strongly upon the native question, as he does upon this one point that we should have a nominated Upper Chamber; and, I ask hon. members, is it worth while to risk the long delay which may ensue if this principle of the bill is rejected? After all I do not think the point is of such great importance as it has been attempted to make it—I mean in the public press, and by one or two members of this House. I have been, and still am, somewhat uncertain as to what would be the result if the amendment of the hon. member for Sussex were carried—I mean how it would affect our position as regards the bill itself. I thought that if a fundamental principle of a bill was rejected, by an amendment, it had the effect of killing the bill, and that the bill would consequently be withdrawn. Of course hon. members know that this Upper House question is one of the main principles of the bill, and that which is most strongly insisted upon by the Colonial Office; and, if the amendment of the hon. member for Sussex is carried, I take it that it will be tantamount to rejecting the motion for the second reading of the bill. I am not sure upon that point; but I notice that one of our Standing Orders provides that when a bill has been rejected it cannot be brought forward again during the same session.

THE SPEAKER: The mere passing of the amendment would not amount to a rejection of the bill. All it would do, if

carried, is to determine that the bill shall not be read a second time now. It will be perfectly competent for the Government, by giving notice, to bring forward a motion for the second reading again. The substantive motion is "That the bill be now read a second time." If the House agrees to the amendment, it decides the question in the negative, and the bill will not be now read a second time. But it may be read a second time at some later date, upon notice being given.

MR. RANDALL: I am glad to hear it. I was rather afraid that the result of carrying the motion of the hon. member for Sussex would be to kill the bill, altogether, so far as this session is concerned. I should like, before sitting down, to say one or two words upon some other questions embodied in the bill, which have been spoken to by other members in the course of this debate. I shall not address myself to the question of a Single Chamber. The hon. member for Greenough spent nearly half his time the other night in dealing with that subject, but I think he was out of order in doing so, for the question is one that is not contained within the four corners of the bill sent for our consideration; nor is it referred to in the amendment before the House. With regard to the question of the franchise, I think that in this colony household suffrage is almost equivalent to manhood suffrage; it embraces every man that is really worthy of a vote, and I should be opposed to a lowering of the franchise in that direction. But while I would not be willing to lower the franchise I would be willing to broaden, in the direction of giving lodgers a vote. But I think the question will have to be very carefully considered by this House, because there are dangers lurking behind the admission of lodgers into the franchise, dangers which we shall have to face, and be careful that we do not open the door so wide as to admit persons to the enjoyment of the franchise who cannot by any possibility have any interest in the welfare and progress of the colony. With regard to the qualification of members of the Council and of the Assembly I am in favor of still retaining some property qualification. It is said there is no property qualification for members of the House of Commons in England. But

the circumstances of the two countries are entirely different. They may safely in England abolish everything in the shape of property qualification for members, and still have some safeguard that the privilege will not be abused, because we know that the expenses of a contested election in England are so great that no poor man, at any rate, or a man of no substance,—unless his expenses were subscribed by his constituents—could possibly hope to enter the House of Commons. Here it would be different, as hon. members know, and I need not say more than state the fact. There is another view of the question. It is known that some members have to come a considerable distance to attend the sittings of this House, and I hope that under the new Constitution we shall have all the country districts, as far as possible, represented by country members. I think it is to be deplored that so many members who now represent country districts are residents in the town; I think it defeats to a large extent the true principles of representation. Under Responsible Government it is proposed to increase the number of members, and the sessions, we may expect, will be of longer duration than at present; and unless a man has some means he would not be able to bear the expense of a long sojourn in Perth, away from his business. It may be a matter of minor consideration, but it is one that should weigh with us in determining this question of the property qualification of members. I know very well, as has been hinted in the course of this debate, it is easy for a man to manage to secure a property qualification—it is not a very high one—and perhaps that might be one argument for not continuing it, and insisting upon a property qualification under the new Constitution. I think, however, it is a very minor point. But, if it should be decided that there shall be no property qualification for members, I think it would follow, as a matter of course, that there would have to be some compensation or remuneration to members coming from a distance, for the assistance they rendered to the State. I am not prepared to say that I am altogether opposed to that principle, so long as the amount of the honorarium is confined to the mere reimbursement of ex-

penses out of pocket. These, I think, are the principal points in the bill calling for any observation at present. But the main question of all for our consideration this evening, is that involved in the amendment now before us—the constitution of the Upper House; and I think if members carefully and dispassionately consider that question, they will find there is very little ground for apprehension that a nominated Upper House will not serve this country fully as well as an elected Upper House. Therefore I think this consideration should be allowed to weigh in the balance in favor of proceeding with the second reading of this bill without further delay, and I trust that may be the result of the voting this evening. I have never taken any active part, as members are aware, in promoting a change in the Constitution in the direction now proposed. But, as I have said on a former occasion in this House, the question has now reached a stage in which a change is inevitable, and I think it would be damaging to the colony if the settlement of the question were long delayed. I think it is our duty now to remove every obstacle to the rapid progress of this bill through the House through its remaining stages, so far as it is proposed to take it this session; and that we may safely leave the issue and the consideration of the main question to the country at large. No doubt it will be made a very prominent question upon the hustings; and, after having had an opportunity of considering the utterances of members in this House and the comments of the press upon the subject, I think the country will have very little difficulty in coming to a conclusion upon the matter. If the country should pronounce decisively in favor of an elected Upper House, and prefers to wait until we can convert the Secretary of State from what some people regard as the error of his ways, I think we may safely leave the issue to the country.

MR. SHENTON: When this question was before the House last session I spoke in favor of a nominated Upper House, therefore my views on the subject are known to hon. members. At the same time, in the case of an important measure of this kind, I think it behoves us to give the matter every consideration, and to listen to all that has to be said not only by

those who are in favor of a nominated Upper Chamber, but also by those who are opposed to it. As to the amendment of the hon. member for Sussex, I should like to refer to what has already been mentioned by some previous speakers, with reference to Lord Knutsford's action with regard to this bill. I think Lord Knutsford has shown us clearly that he has given every consideration to this question, and has shown us that, although willing to give way on some points—and I would remind the House that he has done so as regards his pet scheme of a single Chamber—there are other points upon which he is not prepared to give way, points which may be said to be inconsistent with Imperial policy. But all must acknowledge that the Secretary of State has gone most carefully into all these questions; his despatches show that clearly. Every point is argued, and reasons are given why he cannot agree with some of the resolutions passed by this House last year, and supported by the Governor. In other matters we find Lord Knutsford ready to give way, and I think it will be admitted that the present bill is an improvement upon the original bill. It must be borne in mind that whatever Lord Knutsford's own experience as to colonial administration may be, he has the benefit of the assistance of an experienced colonial politician in his Permanent Under Secretary, Sir Robert Herbert, who was Colonial Secretary in Queensland when Responsible Government was introduced in that colony, and became the first Premier, and who therefore has had some practical experience in the introduction of Responsible Government into these colonies. Looking at the covering despatch of Lord Knutsford accompanying this bill, I feel pretty confident myself that Sir Robert Herbert has been the moving spirit to a great extent as regards several of the alterations that have been made in the original bill. One of the reasons why I think the Colonial Office insists upon a nominated Upper Chamber is the paucity of our population. It will be remembered that this was one of the main reasons urged by Lord Knutsford in favor of our having only one Chamber at first; and, having given way to us on that point, he still is of opinion that looking at the small number of electors in the whole colony it

would be better that we should have a nominated Upper House. I have just been looking up the number of electors who are registered in the colony, and I must say it astonished me. I find from the amended roll made up for this year that there are only 5,763 electors in the whole of Western Australia. When we come to divide this number by 30—the number of members proposed for the Lower House—it will be seen that the number of electors for each member is very small indeed. Of course the percentage would be still smaller if we had the members of the Upper House elected as well as the members of the Lower House; and, unless there was a very high qualification for electors for the Upper House, we should virtually have the same people returning members for the two Houses. I have always been led to believe that one of the great advantages of having an Upper House is that it may be a check upon the Lower House, and I fail to see how that is to be accomplished if we have the same electors returning representatives to each House—which would be the case under this bill, unless it is very much altered. That is one of the great objections to an elected Upper House, with our present small population; and, no doubt, the Secretary of State sees this. Therefore, it appears to me, we ought to consider carefully whether we ought not to accept the bill as it stands, for the present, in view of the delay which is almost sure to take place if this matter is to be fought out. Hon. members all know that I am not one who has been strongly in favor of this change of Government; but, at the same time, I must acknowledge that the present unsettled state of affairs is doing an enormous amount of mischief to the colony, retarding all progress; and the sooner this question is settled the better it will be for the country. It appears to me that, if this amendment of the hon. member for Sussex were carried, it would create a feeling abroad that now, when we have Responsible Government really within our grasp, we are afraid to accept it, and that we are too weak-kneed to take the fatal plunge. Unless this bill passes its second reading, so that it may be referred to the country, there is no knowing how long the present state of uncertainty and transition may continue. It appears to

me that this is not the time to decide whether we shall have a nominated Upper House or an elected one; it is for the electors of the colony to decide these questions at the hustings, when they return their representatives to deal with this bill finally. Therefore, I think, no good could arise from adopting the amendment of the hon. member for Sussex. Lord Knutsford distinctly says that Her Majesty's Government have no wish to preclude us from altering any of the details of the bill, so long as the main principles are maintained, and especially (he says) the nominated Council. If this amendment be carried, what may be the result? It may be that Lord Knutsford will not yield a point on this question, and we should either have to go back upon our own words, or put off the bill altogether. There is a chance now of having this question settled, and a bill passed through the Imperial Parliament enabling us to enter upon this change at once. But if we delay it, who is to say that a change of Ministry may not take place at home, and we may lose the support of the present Cabinet in this matter. It is well known that in the House of Commons there is a very strong feeling against this measure, and are we to assist our opponents in blocking the passage of the bill, and keep this colony in its present state of uncertainty, with everything at a standstill, simply because of a difference of opinion as to whether we should have an elected Upper House or a nominated one? A great deal has been said about ascertaining the views of the country on this point. I have had an opportunity of ascertaining the views of some parts of the country, and so far as I can make out—although there may be in the towns a preponderance of opinion in favor of an elected Upper House—I believe that in the country, if a census or plebiscite were taken to-morrow, the majority would be in favor of a nominated Upper House, for this reason: there is a feeling among country constituents that their interests will be more effectually guarded and their rights better preserved by an Upper House whose members are nominated than by one whose members are elected by numerical majorities. Therefore it appears to me that the sooner this question is disposed of the better. If we do not proceed with

the second reading of the bill now, we may find that we shall be no nearer a settlement of the question two years hence than we are at present, and, in the meantime, what is to become of the country? It is needless at this stage to go over the arguments in favor of a nominated Upper House, but I think we should not lose sight of the fact that the system of nomination is in vogue in the great colonies of Canada, New South Wales, Queensland, and New Zealand, and has been for the last thirty years, and the people there are satisfied with a nominated Upper House. There is no doubt that there is much truth in the remark that there are many good and useful men who will never come forward to serve their country, if they have to face a contested election, but who would be quite willing to give their services if they were appointed to a seat in the Upper House. We might lose the services of some of the best men in the colony in this way; and I don't think we could afford to do that when we come to work this new Constitution. Some objection has been taken to the clause in the bill dealing with the aboriginal natives; but, so far as opinion goes, I think it is a very wise provision on the part of the Secretary of State to keep this native question out of the region of politics, and relieve the Cabinet from it. When recently discussing this part of the bill with some of the leading politicians in the other colonies, all whom I met told me they considered this one of the best features of the bill, because nothing hampers a colonial Cabinet more, as a rule, than this native question, involving as it does questions of Imperial policy. Here it is proposed to keep it independent of politics altogether, and I think we shall have every reason to be thankful to the Secretary of State, rather than otherwise, for this provision. As to the proposed division of the colony, as regards the control of the lands, I think it will be seen that Lord Knutsford in his despatch does not draw a hard and fast line at the 26th parallel. In his last despatch to the Governor he says: "I should wish to learn your views as to the best line of division, whether you would suggest that the 26th parallel of latitude or any point slightly further North should be taken." I think myself

the line should be taken at the tropic of Capricorn, which is the most scientific division we could have, and, geographically speaking, the best and most convenient. I feel sure that Lord Knutsford would give way on this point, and fall in with the views of the majority of members. Sir, without detaining the House any longer, I cannot conclude without again impressing upon the House the inexpediency of delay in the settlement of this constitutional question, and the grave injury which we should be doing to the colony if things were kept in the present state of uncertainty and stagnation for another two years, and everything in the shape of progress and public works retarded.

THE ATTORNEY GENERAL (Hon. C. N. Warton): Mr. Speaker—Sir: The hon. member for Fremantle always tries to be as virtuous as he can, and the hon. member began his speech by laying down a strict line of action for himself; and that was, that he would only speak to the particular question before him. But the hon. member, carried away by his own eloquence, wandered over many other points of the bill, and at last developed an idea in the shape of an amendment,—which I submit (with all respect) the hon. member had not the slightest idea of developing when he began to speak. [Mr. MARMION: Yes, I had.] Then I accept the hon. member's statement. The hon. member was followed by an hon. member on this side of the House (Mr. Randell), who likewise deviated somewhat from the plain path before us. Therefore I may also be pardoned perhaps if I allude to one other matter than that immediately under consideration. In the course of the debate it has been stated that a nominated Upper House is the product of a Conservative Minister at home; but that the proposal here is opposed by the more Conservative members of the House, who, it is said, have taken up the more Liberal idea of an Upper Chamber, elected by popular vote. I am a Conservative myself, but I hope not of so narrow-minded a type as to be unable to see good in both sides of politics. It appears to me that if we want a well-regulated Government we should allow these two different instincts to develop themselves into principles, and those principles into

party; we would thus allow these two instincts to have fair play—one the instinct of progress, and the other the instinct of conservatism. The two instincts might be roughly likened to the feelings of a man in his youth and in his age; on the one hand we have the restless activity of youth, and on the other hand the mellow sedateness of age. Hon. members knew what the French proverb said—*Si jeunesse savait et vieillesse pouvait les choses en iroient mieux*, which may be roughly translated by the bitter cry, "Oh! if youth only knew, oh! if age only could; oh! if a man could but be old and young at the same time." It is so in the political world. We have the activity and hopefulness of youth, combined with the wisdom and caution of age; and if you have two Chambers you combine both. As to the exact way of carrying out that union, that is a question for statesmen to consider; but what strikes me is this: if we have an elected Upper Chamber we shall really only have a second edition of the Lower Chamber; and the two instincts I have referred to would not both have fair play. We should have (metaphorically speaking) a superabundance of youthful activity, and a corresponding lack of the wisdom and ripeness of age. We should have the same appeals to popular passion and popular prejudices, resulting in nothing more or less than a double edition of popular feeling,—not unmixed perhaps with popular folly. Why is it that the House of Lords, the Upper Chamber in England, is so strong and so powerful, providing as it does an efficient guarantee for political order and steadiness? Not simply because the members of the House of Lords are as good men of business as the members of the House of Commons, not because they are equal to them in intelligence and statesmanship, but because they represent a different feeling, a different instinct, and are not dependent upon their constituents for their position. It is of course absurd to think of comparing the institution of Crown nominees in a Colonial Legislature with that of the hereditary peerage in England. No conceivable contrivance could invest the constitution of a rudimentary colony with those ancestral associations, and with that rank and dignity, resting upon a loving reverence for

the past, which surrounds the British House of Peers. But there is nothing that I am aware of to prevent us from having an Upper Chamber without the inherent infirmities of a legislative body which owes its existence to the popular will, and the popular passion of the hour—an Upper Chamber which, while enjoying the confidence of the public, is not dependent for its existence upon the whim or mandate of any particular constituency. There is another view to be taken of the value of a nominated Upper House. There is a danger in these young colonies of members being tempted to take—I say it with all respect—a low view of the functions of Parliament. There is the danger, too, of constituencies taking a lower estimate of the duty of a representative than that of making laws for the welfare and good government of the community. I am referring to the danger of borrowing, and the consequent temporary stimulus given to trade and industries by the expenditure of large sums of borrowed money. This appears to me to be the temptation into which all young communities should pray not to be led. The temptation is necessarily greater in a country like this, where its progress and prosperity are to a certain extent dependent upon loan money; indeed, without loan money I do not see how its resources and its industries are to be developed. But there is this terrible temptation, that every member returned by a constituency will have pressure brought to bear upon him to get a fair share—and, if possible, to get more than a fair share—of this borrowed money for the particular constituency which he represents. That is a danger which surrounds every House whose members are sent to it by the popular vote. Every member is tempted to look after the particular interests of his own constituents, rather than to look after the general interests of the colony. And, so long as this temptation lasts, so long as this pressure is brought to bear upon representatives, so long as this hunger for borrowed funds remains unchecked, we all know what the end must be. Some day there will be an awakening, a rude awakening, and possibly financial disaster,—possibly national bankruptcy and disgrace. What body or institution would be better calculated to

interpose a check upon this indiscriminate borrowing than a nominated Upper House, consisting of men of standing in the community, independent in every sense of the word, high-minded, sedate, conservative if you like, free (by virtue of their position) from the inherent infirmities of the more popular chamber, and nominated to that position by the Crown? We all know there are such men in this colony, men who would make very useful and careful members of an Upper House, but many of whom would not be willing to face the ordeal of a popular election. Such men are to be found in all countries, and there are such men here—he need not name them—men who would never care to face the turmoil of a contested election, who would never care to stand before a constituency, a target for attack and a butt for every jest; but who, having a large stake in the colony at heart, and who would be able to take a high, and intelligent, and an independent view of public affairs. Why should the services of these men be lost to the colony? Why should not the country avail itself of them, and find in them that element of stability necessary in building up the fabric of its new Constitution? Why, I ask, should we not have all the available talent we can have? One reason why I at one time thought Responsible Government was rather premature, or, perhaps, almost impossible for this colony at present, was because of the difficulty which I apprehended there would be in finding a number of capable men to fill both Houses; but, if we were going to throw away a number of the best men of the colony, by shutting them out of this Upper Chamber, those difficulties would be largely increased. That, sir, is one of my principal reasons in supporting a nominated rather than an elected Upper House—it would render available the services of some of our most valuable and useful men, who otherwise would not come forward to serve their country,—who would not do so if they found they had to fight for a seat, and to undergo the worry and turmoil of an electioneering struggle. There is another question to be considered. Hon. members are aware that under the Constitution Bill the right of imposing taxation belongs to

the Assembly, or Lower House, by reason of its being the popular representative Chamber. That is as it should be. But if this Upper House should also be elected by the popular voice, would it not have as much right as the Lower House to deal with measures of taxation? With a nominated Upper Chamber, with functions analogous to those of the House of Lords, that Chamber would feel a delicacy about interfering with the taxation of the country, or coming into conflict with the Assembly upon a matter which properly came within the exclusive province of the House of Representatives; it would devote its whole energy to questions of general legislation. There would be far greater danger of a collision between the two Houses, as regards questions of taxation, when each House has a claim to say that it has an equal right to represent the people as the other. Friction and deadlocks are far more likely to arise between two Houses claiming co-ordinate powers in money matters, than between two Houses one of which is elected by the people and the other nominated by the Crown. Then, again, we must consider the position we are practically placed in at the present moment with regard to this bill. It would perhaps be indecent of me, after Mr. Speaker has given his ruling, to express any view different from that ruling, but I must say I am of opinion with the hon. member, Mr. Randell, who said he had always understood that when an important amendment was moved, condemning an important principle of the bill, and that amendment was carried, it killed the bill. We know that if the question was—"That the bill be *now* read a second time," and the answer was in the negative, you could bring it on again a dozen times, because the word "*now*" is the essence of the matter. But when we have an amendment disapproving an important principle of a bill, that amendment becomes the essence of the matter, and, if carried, the bill would be dropped, and you could not send it up again during that session. Still, that is only my own view; His Honor the Speaker has given his ruling otherwise, and of course my view will not prevail.

THE SPEAKER: Under Responsible Government a Ministry would drop the

bill because the amendment affected the principle of the bill, and, therefore, the policy of the Government. But that is not the case here, where we have not yet got Ministerial Government.

THE ATTORNEY GENERAL (Hon. C. N. Warton): Then I will say no more on that subject. The Secretary of State has been blamed by some hon. members for introducing this nominated Upper House into the bill. Has the Secretary of State deserved these attacks made upon him? What has the Secretary of State done? Knowing that the colony was anxious to have this new Constitution with as little delay as possible, and knowing that there might be indefinite delay in concluding the negotiations between the Colonial Office and the colony if these negotiations were continued through the medium of despatches, backwards and forwards—knowing that delay was considered injurious here, what did the Secretary of State do to facilitate and expedite the settlement of the question? He took infinite care and trouble to have a bill prepared, and that it should be ready by the time the House assembled in October; and, in that bill and the despatch accompanying it, Lord Knutsford embodied, in a clear and intelligible form, the views of Her Majesty's Government on the subject. In the accompanying despatch the Secretary of State said—and the House should bear in mind his words: "In conclusion, I have to state that should the bill which I now send be adopted by the Legislative Council, I shall be prepared to take steps for the introduction into Parliament of the Bill which, as I have already informed you, it will be necessary should be passed before Her Majesty can be advised to assent to the measure. Her Majesty's Government do not, however, desire to preclude the Council from altering any details in the bill"—there is "ample scope and verge enough" for as many amendments in committee as hon. members may wish. The words of the Secretary of State are "Her Majesty's Government"—not he himself, Lord Knutsford, but Her Majesty's Government do not desire to preclude the Council from doing this,—showing that, most likely, as the hon. member Mr. Randell has said, this question has been made a Cabinet question.

The despatch goes on to say that Her Majesty's Government do not wish to preclude the Council from altering any details in the bill, "so long as the main principles are maintained, especially the nominated Council (or Upper House), the division of the colony for the purpose of Land Regulations, and the protection of the native inhabitants of the colony." There are only three things specially insisted upon, and the first of these, it will be observed, is a nominated Council. So long as these three principles are maintained, Lord Knutsford says he will be prepared at once to take the necessary steps for the introduction of the necessary bill into the House of Commons. It would be well to bear in mind that we have the Imperial Parliament to propitiate before this bill becomes law. Having perhaps been more recently in England than other hon. members (with the exception of the hon. member for Geraldton), I know a little more about English feeling on this subject; and, having myself been a little "behind the scenes" in politics at home, I may be pardoned if I refer to this matter. The feeling in England undoubtedly is that recently shown in many articles in the leading newspapers of all shades of politics—a feeling of astonishment almost that a population of 42,000 should want a Constitution at all. That is the English view. I am sorry to say it, a great deal of ignorance prevails in England concerning this colony, and this is one phase of that feeling—that it is almost presumptuous on the part of a community of 40,000 souls to demand a Constitution at all. Another impression which prevails is that the colony is an immense tract of most fertile territory, capable of providing homes for hundreds of thousands of the surplus population of the mother country, and that it only requires the introduction of this surplus labor to make the desert blossom as a rose. That is the idea at home; and ideas like these are not to be dissipated in a moment. Public prejudices are not to be uprooted in a month or two, or a year or two. Lord Knutsford has to consider these prejudices and these impressions on the part of the English press and the English people, and to steer his course the best way he can between the upper and the nether millstone—between English opin-

ion on one side and colonial aspirations on the other—and avoid being crushed. The Secretary of State, it must be borne in mind, is a member of a Ministry who has not in the House a Conservative majority—his own party do not at present command an absolute majority; though the Liberal-Unionists will probably keep the Conservative party in office, so long as Mr. Gladstone lives. But delays are dangerous, and at the present moment this measure might be safely steered through Parliament by the Ministry now in office. But if Lord Knutsford finds a strong opposition here to the one main principle which his Government insists upon, is it likely that the Government at home would be very anxious to get this bill passed, in the face of English opposition also? Would not Lord Knutsford naturally say: "I have done all I could for them; they won't understand me; they do not understand English prejudices on the point; and although I have done everything in my power to pave the way for them, I am foiled by the colonists themselves." There is the one other matter which I said I should wish to refer to,—one which in my humble judgment as an old politician, with some experience of parliamentary life in the House of Commons, is of far greater consequence for the colony than this question of a nominated or elected Upper House; and I hope I shall have the sympathy of a great number of hon. members in what I am about to say, which is this: I consider that practically the most conservative point in the bill is that which requires a decent length of residence to qualify for a voter. For my own part, I should like to have this residential qualification extended to two years. The danger I foresee is that, with a short residential qualification, or virtually none at all, Radicalism in its most obnoxious form will be developed. The place will be flooded with fellows who came no one knows whence, and who will crowd themselves on the registers, and, who in this way, will exercise as much influence in political life as those who have resided in the colony for years, and occupied positions of respectability, of authority, and of responsibility. If there is any amendment required in the bill as regards the franchise, it is in this direction—that we should insist

upon a long residence in the colony before giving men a voice in the politics of the country. That, to my mind, sir, is the most Conservative feature in the bill; and the Radicals know it perfectly well. I think we all, or nearly all, agree that we want a decent, respectable, conservative bill, that will give us a Constitution under which the interests of those who have long resided in the colony and made it their home shall be conserved and protected. What I am afraid of is that some hon. members are in danger of losing sight of the really important provisions of the bill (from a conservative standpoint), in their eagerness to obtain a particular form of Upper Chamber; and that questions of real pith and moment are in danger of being overlooked, while we are wrangling over this point of an elected or a nominated Upper House. I am inclined to think—but it is not for me to offer advice—I am inclined to think that the best thing this House could do—I am not, in theory, a very warm admirer of the new Constitution, I am of opinion that practically it has been brought forward a little too soon—but I think the best advice I can give the House is to pass this bill as quickly as possible, and so put an end to this agonising time of suspense, this period of transition (as it is called), and let the colony have a chance of entering upon its new career as soon as practicable, so that it may be able to develop its resources and to carry out those public works necessary for its welfare and prosperity. But let us take care that, in rearing up this political fabric, we surround it with those safeguards which are necessary for its security. Let us, while providing for the free development of that youthful activity, in the creation of a popular Lower Chamber, which would give a freshness and boldness to the fabric—let us not forget that in political architecture there is no substitute for the mellowness of age. Let us be satisfied with a nominated Upper Chamber, that will not be influenced or blown about by the gusts of popular passion; and, above all, let us endeavor to provide against the franchise being thrown open to every bird of passage, here to-day and gone to-morrow, and confine it to the quiet, respectable, decent elector, who has resided in the colony for a sufficient time

to render him fairly entitled to have a voice in the politics of his country.

MR. KEANE: At this late stage of the debate it is not my intention to make many remarks, and the Attorney General has taken a great deal I intended to say out of my mouth. For my part I think if this bill had been allowed to pass its second reading without any comment at all, it would have been better, and let us go to the country and to the hustings upon it, and hear what our constituents have to say. It would certainly have saved a great deal of time, and, after all, that is what it will come to. If the amendment of the hon. member for Sussex, or that of the hon. member for Fremantle were carried at all, I reckon it would only be by a small majority, and therefore it would probably have very little weight with the Cabinet at home. I must say I cannot agree with the Commissioner of Crown Lands in what he told us the other evening that we ought to accept what is laid down for us by the experienced and scientific men of the Colonial office, and have no opinion of our own, on this subject. I think it has been shown very clearly by the hon. member for Greenough that we have an absolute right under this bill to decide whether we shall have an elected or nominated Upper House. At the same time, I would advise hon. members to consider what dropped from the Attorney General just now, with regard to the feeling in England and in the House of Commons with regard to this measure. I think myself we shall find that the House of Commons has more to do with this matter than the Cabinet, and that we shall have to reckon with public feeling in England quite as much as with the Colonial Office. Whatever our rights and privileges may be, it cannot be denied that the House of Commons has an absolute right to throw out this bill if it likes, and we know there is a strong feeling at home against Responsible Government being granted to this colony at all. I say that advisably, having only just returned from England; and I am perfectly satisfied that when the hon. member for Wellington (Mr. Venn) returns and takes his place in this House, as we expect he will in the course of a few days, he will tell members the same thing. There is a strong party and

an influential party in the House of Commons who are dead against Responsible Government for this colony at any price, and I would ask hon. members to bear that in mind. What is the position as regards this bill at the present moment? Last year this House passed a series of resolutions on the subject, which were sent home together with the Debates, backed up by the Governor; and we may depend upon it they were carefully considered by the Colonial Office, and what do we find? We find that although the Governor really went out of his way to strengthen the hands of this House in the representations we made to the Secretary of State, still the Home Government say they cannot agree to all we ask for, but they are prepared to give way on certain points. On one point they are not prepared to give way, and that is this question of an elected Upper House; and I think we should pause before we run the risk of having this bill shelved by the Home Government. This question has become a Cabinet question now, and this bill, I take it, is a Cabinet measure; and, if introduced into the House of Commons as it stands, it would have the support of the present Government, and, no doubt, receive the Royal assent. But if we pull the bill into pieces—I don't know why we should do so—it is not at all likely we shall find it such plain sailing. Although some time ago I was not in favor of a nominated Upper House myself, still, when I come to consider the circumstances of the colony and the present population, I really don't know where we shall find men to come forward to contest elections for an Upper House as well as a Lower House; and, I ask myself, is it for the real benefit of the country that we should press this matter? Although I formally seconded the amendment of the hon. member for Fremantle, I simply did so because I considered it preferable to the other one; but my opinion is that we shall not get either, and I am satisfied that when the question goes to the country, as it will in the course of a month or two, we shall find a majority of members will be returned pledged to support a nominated Upper House, rather than risk any further delay. I don't care what the newspapers may say: they

may have their opinion, and I will have mine, and time will show who is right. I am not going into any arguments *pro* or *con* at present with reference to any other portions of the bill; the only question now before us is that referred to in the amendments of the hon. member for Sussex and the hon. member for Fremantle, and, for my part, I wish both of them would withdraw their amendments.

MR. E. R. BROCKMAN said if he was sure that the hon. member Mr. Randell and the learned Attorney General were right, that if the amendment of the hon. member for Sussex were carried it would kill the bill, he thought he should be acting in the best interests of the country by voting for it, and he believed the majority of country constituencies would do the same. But, as he was afraid it would not kill the bill dead enough, and that the country would still be kept in a state of uncertainty, he should vote against the amendment, for he thought the sooner this question was settled the better.

MR. BURT: I am inclined to agree with what the hon. member for Toodyay said just now, that it matters very little at this stage what our beliefs or what our opinions are; it is for the country to decide whether it prefers a nominated or an elected Upper House. There has been a great effort made in the course of this debate by several members, and especially by the Attorney General, to draw a red herring across the scent, and to divert our attention from the real point. We can go to the country, I take it, upon this bill, whatever becomes of the amendment of the hon. member for Sussex or that of the hon. member for Fremantle. There will be a dissolution whether the bill is carried as it stands, or whether the amendment is carried. In either case it is quite open for the Secretary of State to direct the Governor to send members to the country, and the bill will be laid before it. But scattered as this country is, I cannot help thinking myself that it is only due that members representing country districts should express their opinion on the subject now before us, with the view of guiding the country. It is utterly absurd to think that a scattered population like this can have more than a very limited appreciation of public questions or political life; and when

members say they are going back to the country, to be guided by the opinion of their constituents, it is nothing of the sort. They are going to the country to endeavor to put their own opinion down the throat of their constituents; and the man who promises the public the most will be the man that will be elected, as a matter of course. That is what the next general election will be, and it is utter nonsense to tell me that members are going to the country in order to find out the opinion of the country upon these questions. It is said that the Secretary of State is very much against an elected Upper House. I fail to see it myself. I see a Conservative statesman, of the school of the Attorney General, endeavoring to save us as much as possible, from what, to his Conservative instincts, appears to be a future evil; I see him endeavoring to put into play, in our future Constitution, his own pet theories as a Conservative. That is only what we might expect. He first treated us to his single Chamber theory, and, finding we wouldn't swallow that, he now offers us a second Chamber, provided it is a nominated one. If we don't swallow that, he will offer us something else, and sooner or later we will get what we want. But it is not right to say that the Secretary of State is altogether opposed to an elected Upper House, and that he has made up his mind to give us nothing else. Certain words used by Lord Knutsford in his despatch to the Governor have been quoted by several hon. members, but they all left out the last sentence of the paragraph. They have all quoted that Her Majesty's Government do not desire to preclude us from altering the details of the bill, so long as we adhere to the main principles. But there they stop, and they would have us believe that there is an end of it. It is not so. The Secretary of State goes on to say that if we insist upon making any material alterations in the bill he should wish to be furnished with our reasons for such alterations. That is only fair. I for one absolutely refuse to think for a moment that the Secretary of State will refuse to allow us to have the Constitution we desire. The hon. member for the Greenough, the other night, pointed out quite clearly that under the Act of the Imperial Parliament which is recited in

the preamble of the bill it is open for the present Council to establish, instead of the present House, "a Council and a House of Representatives, or other separate Legislative Houses, to consist of such members to be appointed or elected—appointed or elected—by such persons and in such manner" as this House may determine. Therefore we are perfectly at liberty to act within the four corners of that Act, and to decide upon an elected Upper House. Why should it be thought that the Secretary of State would take the trouble to veto this bill, or to raise such difficulties that it would be impossible to get it through the House of Commons, simply because he, a Conservative minister, had recommended a more Conservative policy as to the constitution of the Upper House than we think would answer our purpose? The Secretary of State appears to me to have done all he could to assist us in framing what he considers, from his Conservative point of view, the best form of Government; and, having helped us so far, why should we think that he has done so in order to put his foot down, and say as regards this Upper House, "This or nothing." There is no reason at all why we should think so. It is another red herring drawn across the track. The Attorney General says the present Government, the Conservative Government, may be kicked out at any moment, that they are only kept in by the Liberal-Unionists until Mr. Gladstone dies, and that then this bill would be imperilled. I cannot think so. Who are more likely to give us an elected Upper House—Mr. Gladstone and his party, or Lord Knutsford and his party? There can only be one answer to that question. If a Liberal Ministry came into power would they not naturally reverse the policy of the present Conservative Ministry, and especially with regard to this Conservative principle of a nominated Upper Chamber. Would they not say at once, "These people want to have an elected Upper House, let them have it." An elected Chamber would be more in harmony with Mr. Gladstone's Liberal instincts than Lord Knutsford's Conservative instincts. I think myself we should receive far more consideration from any Government that would be able to turn out Lord Knutsford and his

party than from the present Government. [The ATTORNEY GENERAL: The House of Lords.] The House of Lords indeed! The House of Lords does not stop in anybody's way at the present day. It is as big a nonentity as a nominated Upper House in the colonies. The House of Lords is too busy putting its own house in order, to interfere with us, for fear it may be overturned. They see it is impossible for it, as at present constituted, to withstand the force of public opinion much longer. Therefore I put the House of Lords out of the question. If the House of Commons passes this bill, the House of Lords will follow suit. Then again it is said that the people of England—so we are told by the Attorney General—are of opinion that it is rather impertinent, or rather a cool proposition, for 40,000 people to ask for a Constitution at all. Sir, these are not the "people of England," but the unintelligent and ignorant among them, and they are small in number. Queensland got a Constitution when it had only a population of 23,000, and why should it be considered presumptuous on our part with double that number to ask for a Constitution? Who are the champions of this opposition movement,—if you can call it so. So far as I know it is a gentleman of the name of H. S. King, who asked a number of questions in the House of Commons as to the number of leases, or the number of acres held under one tenure or the other, in Western Australia. Does that point to the existence of a strong party in the House of Commons, inimical to our interests? I say it's another red herring thrown across the path—nothing else. For my own part, having arrived, after many years waiting, at the present stage of this question, I can afford to wait another twelve months, if necessary, in order to get what I consider we ought to get. It is no argument whatever to tell us that this bill would be imperilled, if we do not submit to the suggestion of the Secretary of State as to having a nominated Upper House. I say it is the duty of the Secretary of State, as a Conservative Minister, to warn us against what to him may appear Radical dangers, and, according to his light, to say what he thinks is best for us; but, if we tell him we won't

have a nominated Upper House, I am sure he will say to us: "Well, I endeavored to put you on the straight path, but you *will* go astray; you *will* follow the popular feeling, and won't be restrained by my Conservative safe-guards; you want an elected Upper House—take it and go, but don't blame me." That is what Lord Knutsford will say. There are many reasons why I should prefer a nominated to an elected Upper House, but they are reasons that won't stand the test of experience. I know very well if we agree to this nominated Upper House we shall be furnishing the Radical party with one of the best weapons they could have; and a good cry for the next election, and we should have this question all re-opened, and fought over again. These nominated Upper Houses represent nobody, they do little or no work, and their chief duty, so far as I can see, is to get out of the way when the popular Chamber is coming along. There is a good deal that is not very pleasant or reassuring, I admit, in that thought—in the thought that these Lower Chambers should have all the power that they do have; but, for my part, if you want any effectual check placed upon them, you must have an elected Upper House to do so. Experience has shown that in the hour of strain a nominated House is not to be depended upon. They are either too languid to offer any serious resistance, or, having the inherent infirmity of not enjoying the confidence of the public, they are swept away if they do make a stand. The reason, I take it, why they have not been swept away is because they have the sense to keep quiet, and to offer no strong opposition to the popular Chamber. I cannot say that I feel very strongly on this question, yet I cannot help thinking, and the conclusion is forced upon me, that an elected Upper Chamber is what we want, if we want it to perform the work that a second Chamber is intended to perform. Of course if it is shown that a majority of the people of the colony want a nominated Upper House, I have no objection; the majority may be very sensible people. But I do not think it will be as useful, or as powerful, or as popular, as an elected House; and practically the result will be Government by one Chamber alone. It may be said there would be a

difficulty in obtaining fit and proper persons to sit in this Upper House; I am not going to deal with that question now. That has always been the objection I have had to the adoption of Responsible Government at all. With the principle I have always been in accord, but the difficulty that always presented itself to me was, where the people would come from to work it. But, having now decided to try the experiment, I presume we are bound to go on with it; and, if we hold out, and express what we want, and show why we want it, and why we ought to have it, undoubtedly we shall get it. There are other points of interest in the bill which I should like to refer to, but I need not take up the time of the House to-night—such as the question of the qualification of members and the qualification of electors. Of course, I take it we should all, or nearly all of us, desire to have certain qualifications for members and also for electors; but we find the Radicals at work already, and it is sought at once not only to widen but also to lower the low franchise already in force. In fact, the tendency of political reform in England and elsewhere, as we know, is to come down, and give every man a vote, whoever he is, so long as he has two legs—whether he is educated or not, whether he has the slightest ray of intelligence or not, so long as he can come up to the poll, or be driven to the poll, and give his vote, for anybody. So long as he forms a unit in that great number that works parties and controls the political machine in these days, you must give him a vote. To deny him a vote is simply to afford food for agitators. Many of these men are quite indifferent in the matter themselves; they don't care two straws whether they have a vote or not, or whether it is their birthright or not, or whether it is a glorious privilege or not. They don't care a pin for it, themselves; but those who work the machine won't let them alone. The result is obvious: we shall have the franchise so whittled down that very soon there will be nothing left but universal suffrage. What has been the history of this movement in the mother country of late? Each party trying to overdo the other, when they get into power. They vie with each other in widening and

lowering the franchise. They got hold of Hodge at last, each party professing to be his particular friend. They ran after him, and swore that Hodge was the best gentleman in the land, and, if anyone was entitled to a vote, Hodge was. So they gave him one. I forget now which party it was—whether it was the “three-acres-and-a-cow” party, or the other party. The same with Home Rule for Ireland; one political party tries to outdo the other in its concessions to the popular demand. All this is the natural outcome of party Government—and that is what we are going in for. The Liberal cry now in the old country is “one man one vote,”—on the principle, I suppose, of one man's vote being as good as another's. That will be the franchise shortly in Great Britain, as anyone who is in the habit of reading the papers can see. So it will be here. What is to prevent it? Every man who hasn't got a vote will be made an object for commiseration and agitation, and his enfranchisement will be worked up into a good electioneering cry, until Parliament finds itself bound to admit him. In this way class after class, section after section, will be gradually worked in, until at last we come to the “one man one vote” principle. Therefore, although I am inclined to have a decently fair property qualification, I am afraid it won't stand; and for this reason I should be glad if I could bring a majority of the House to make the qualification of members and of electors as low as we consistently can, so as to give no food for agitation hereafter. We have already seen in the course of this debate how far some members are prepared to go in this direction. One hon. gentleman, I think, suggested that a miner's right ought to qualify a man to be an elector. That is £1 a year I believe; so that if you can get a friend to lend you a pound you may become a free and independent voter. The hon. member for Greenough told us there were a number of men at Jarrahdale who ought to have a vote. No doubt there are many men, artisans and others, at Jarrahdale who if they lived in town would be entitled to a vote, and would deserve a vote. There may be others there who in no way deserve it. But the hon. member told us they all ought to be admitted. We are to have no dis-

tion of persons. Every restriction that may be imposed now will be whittled down in a few years, as it has been in other places, until we come to the "one man one vote" system, and universal suffrage. I don't know that I need say any more on this occasion, because whatever anyone says will not, I am afraid, affect the division that is about to take place. But I will say this much in conclusion: I ask members not to be frightened of what has been said to the effect that this bill will be vetoed at home, or that there is a strong party in the House of Commons against it, who will bar its progress, if we don't take it as it is. That is not the way to fight out a principle. If we really want an elected Upper Chamber, let us express our opinion openly in the division, and take the consequences; rather than be time-servers, and take what we don't want because we can get it a little sooner.

MR. HORGAN: I listened with great interest to the address of the hon. member for Greenough on this bill the other night, and nearly all the points which that hon. member put forward in his speech I fully endorse. He did not go as fully into the subject as I would have wished, particularly as to the single chamber question, and the extension of the franchise. The tendency of legislation at home now is, as the hon. member for Greenough said, to extend the franchise in the direction of manhood suffrage. I hold in my hand a bill that was brought in, last session, into the Imperial Parliament, by certain members of the Liberal party, and the very first paragraph provides for manhood suffrage. This bill (the Parliamentary Elections Bill) was afterwards withdrawn, because the Tories were in office, and those who brought it in saw they could not carry it, so long as the present Tory Government remained in office. The hon. and learned Attorney General prides himself, I believe, upon being a Tory, and belonging to a party that is always opposed to progress. They never do anything in the way of progress except by accident, or when they are driven to a corner; and then they will do anything, in order to keep their place. I have also in my hand a copy of Mr. Gladstone's bill to provide Home Rule for Ireland. I fully believe myself in the efficacy of this bill, through which

Mr. Gladstone and his party lost office. This bill provides for a Legislative body very much like that recommended by the hon. member for Greenough,—that the two orders should sit together in one House. This bill of Mr. Gladstone's, which was to provide for the better government of Ireland, contains a clause to this effect: "The Irish Legislative Body shall consist of a first and second order. The two orders shall deliberate together, and shall vote together, except that, if any question arises in relation to legislation, or to the standing orders or rules of procedure, or to any other matter in that behalf in this Act specified, and such question is to be determined by vote, each order shall—if a majority of the members present of either order demand a separate vote—give their votes in like manner as if they were separate Legislative Bodies; and, if the result of the voting of the two orders does not agree, the question shall be resolved in the negative." The bill goes on to state that the first order shall consist of so many members, who are to possess a property qualification of £200 a year, from realty or personalty; but the members of the second order require no property qualification; and the bill provides that the two orders are to sit together in one Chamber. It also goes on to say that—

THE SPEAKER: I do not want to interrupt the hon. member, but he is entirely out of order in referring to a bill of the House of Commons.

MR. HORGAN: I want to draw a comparison between this bill and the form of Government existing in this colony at present.

THE SPEAKER: The hon. member is out of order in referring to another bill, which has nothing in the world to do with the bill we are now discussing.

MR. HORGAN: I am against the bill we are now discussing, with its two Houses, and one of them nominated. I think what we want is what Mr. Gladstone proposed in this Home Rule bill, that we should have two orders, or two different classes of members, both sitting together, on the same principle as the Anglican Church Synod, where the lay element and the clerical element sit together and vote together, or, if they think necessary, vote separately. This bill of Mr.

Gladstone's is evidently taken from the Anglican Church Bill, which is based on the Church Government Bill of Ireland, when the Irish Church was dis-established. On that ground I submit I am in order.

THE SPEAKER: The hon. member is not in order. So far as I can understand him, he is comparing the Synod of the Church of England in Ireland with a bill introduced here to change the Constitution of the colony.

MR. HORGAN: I am speaking of the Synod of this colony.

THE SPEAKER: The hon. member was referring just now to a bill introduced in the House of Commons.

MR. HORGAN: Well, this is a dying Parliament,—no one can deny that, a dying Parliament: and we are discussing the kind of constitution we want in its place. I thought I had a right to refer to a bill that proposed to provide a constitution for Ireland; but it appears not. We find the Governor in this colony occupying the position of a Premier, and we are entitled to speak of the Premier, in any House, as strongly as we wish, in as strong terms as possible.

THE SPEAKER: I beg your pardon; it is not so. You are to speak respectfully of any member, whether he be Premier or not.

MR. HORGAN: I am alluding to his political conduct. I say the Governor of this colony drew up this bill between himself and a Tory Attorney General, and he sent it home without consulting us, or having any idea of what the wishes of the people of this colony were when he sent it on. [The ATTORNEY GENERAL: No.] The very despatches of the Governor are breathing with Conservatism. It happens that he got his place from the Liberal party at home, but when he finds the Liberal party out of power he attunes his chord to Conservatism; and, with his Tory Attorney General and himself as Premier, both assuming Conservatism, they pretend to speak for the whole colony. What right have they to speak for this colony? If they had acted fairly in the matter they would have submitted this draft bill to the colony immediately after the last session of Parliament, and let people speak out on the matter through their

representatives in this House. But they did not get a chance. The whole thing was higger-muggered. The hon. member for Sussex says we are not to be guided in this matter by what any particular colony has done, but to judge for ourselves. I fully agree with him, but is he consistent? In the other colonies they have manhood suffrage, and he says we ought to have the same here. But the feeling of some members is against manhood suffrage, though things are tending that way in England. As I said, I have in my hand a bill introduced last session in the House of Commons providing for manhood suffrage. The Home Rule for Ireland bill, too, provides that the second order of members shall not require any property qualification,—

THE SPEAKER: I have already told the hon. member that he is out of order in alluding to that bill.

MR. HORGAN: Very well; I will speak of something else. We have been waiting here—I have heard some members say (I was not in the colony myself) that it is sixteen or seventeen years ago since this question was before the House before, and it was then within the grasp of the colony. Well, we have been waiting here all these years, and now it is supposed to be within our grasp again. If we waited so long, why not wait a little longer, and get what we want? The Attorney General stated that the Tories are not in a majority now at home; they are propped up by the crutch of the Liberal-Unionists, and he says that is another reason why we should proceed without delay in this matter. I think not. If the Liberal Party come into office, as I expect they will, I am confident that in a very short time we shall get all that we want here. For these reasons I am opposed to adopt this bill on the second reading. I am against the amendment also.

MR. CONGDON: I have listened with very great interest and every attention to the debate on this important matter, and I have come to the conclusion certainly that I can neither support the amendment of the hon. member for Fremantle, nor can I support the motion of the hon. member for the Vasse. I have come to that conclusion, because I think really and truly that the best interests of the country would be served by this bill

passing its second reading at as early a date as possible. I am of opinion, and always have been of opinion, that a nominated Upper House would serve the best interests of the colony, to my mind, better than an elected Upper Chamber; and I am induced to think so, because (among other reasons) I am of opinion that it would work more smoothly, with less friction, be less likely to come into collision with the other branch of the Legislature, or to disturb the action of the constitutional system. I think that all measures of reform should be brought about in as quiet, as calm, and as gradual a manner as possible. Any sudden wrenching, I cannot help thinking, must prove hurtful to the community where that sudden wrenching takes place. I listened with pleasure to the Commissioner of Crown Lands' speech the other evening, when he placed before us very clearly the experiences of other communities who had adopted this nominated system as regards their Upper Houses, and what I heard from the hon. gentleman certainly confirmed me in the opinion that a nominated second Chamber is certainly not inferior, and in many respects I believe it is superior, to an elected one. I need say no more. The subject, I think, has been very fully discussed and it would be idle for me to think that I could contribute anything further towards a solution of the question we have to consider. I have pondered deeply over the question, but I am not aware that I need give expression to my views any further. I presume the whole question will be submitted to the electorates at the forthcoming election, and the sooner it is disposed of the better will it be for this colony. I am certainly unable to support either of the two amendments before the House, as in my opinion they would only lead to further delay in the settlement of a question which in the interests of the country at large should be disposed of as soon as practicable.

MR. HARPER: I shall not attempt to prolong this debate by any lengthy remarks, but having listened with considerable attention and interest to the views expressed by members on both sides, I should like to make one or two remarks, upon a few points that have struck me in the course of the debate.

The Commissioner of Crown Lands, in speaking the other night in support of a nominated Upper House, and in answering the objection which had been urged against the nominated system because of the temptation it offered to the Ministry of the day to strengthen their party by nominating to the Upper House men who would support their own policy, said that the Premier would not have a free hand in these matters, and would be responsible to Parliament, and was not likely to do anything that would be against the interests of the country. I thought, sir, it was pretty well known by this time, and generally admitted, that the Premier under Party Government was responsible primarily to his own party and not to his country. The guiding policy under Ministerial Government of late years has been party first and the country afterwards. Therefore I think that argument or rather statement, of the Commissioner, has very little weight, on the face of the actual working of the system. The hon. gentleman also told us, or rather intimated to us that this was a question which we in this colony were hardly capable of discussing, ourselves,—that it was a scientific question, and that the dictum of the Secretary of State should be accepted by us as that of an experienced scientific authority on the matter. The hon. gentleman did not tell us whether it was one of the exact sciences. I believe that in most scientific questions there are generally two, if not more, opinions advanced, on all contested points; and when he told us that these nominated Upper Houses had stood the test of thirty years in certain colonies, he forgot to add that elected Upper Houses had also stood the same test. Therefore, the hon. gentleman's argument lost its weight. He also argued that because there had been no strenuous efforts made in those colonies possessing a nominated Upper House to alter their Constitution in favor of an elected Upper House, the people of those colonies must be satisfied with what they have. When he said this, I think the hon. gentleman overlooked one important fact. I believe it is accepted as an axiom by those who have made political economy a study, that democracy never gives back anything, it never yields up a power once obtained. We may take it that the popular Cham-

ber in these colonies is that which represents democracy, and that it exercises the greatest power, deriving its strength as it does direct from the people; and is it likely that any Assembly would seek to curb its own power and restrict itself in the exercise of it, by moving in the direction of giving the other branch of the Legislature greater power? It might just as well be argued, and perhaps with greater force, that because no strenuous efforts had ever been made in those colonies having an elected Upper House to substitute for it a nominated House was a convincing proof of the superiority of an elected Upper Chamber over a nominated one, and that the public were satisfied on that point. The hon. member for Fremantle said the settlement of this constitutional question was such an important matter at this juncture that we ought to accept this bill with all its blots and all its imperfections. I cannot at all agree with that proposition. I think we should be most careful and guarded in accepting a Constitution which admittedly has blots upon it, because we know from the history of the past that to remedy a first mistake of this kind is very difficult afterwards, and that it is hardly ever done. The Attorney General told us that the greatest danger for this country was that of borrowing money recklessly, and spending it recklessly, and he argued that a nominated Upper House would be the best check upon recklessness of this kind. It is a little unfortunate for the hon. and learned gentleman's argument that the history of these Australasian colonies goes to show quite the reverse, and that those which have been most reckless with borrowed money are those which happen to possess a nominated Upper House, namely, New Zealand, Queensland, and New South Wales. New Zealand may be said to have been very nearly ruined by reckless borrowing, and we know New Zealand has a nominated Upper House, which does not appear to have been able to exercise any check upon this extravagance. Some hon. members have argued that this question is a matter that must be settled by the country, and that we are serving no good purpose by discussing it now. The object of those who are in favor of adopting the motion of the hon.

member for Sussex, I take it, is that time may be saved. If the question is left as it stands, and the bill is sent to the country in its present form, without any alternative, and a majority at the general election are returned in favor of an elected Upper House, it appears to me that very much more time will be lost in the settlement of the question than if we were now to see whether we cannot in some way modify the views of the Secretary of State with regard to this question. I cannot see that there is any evidence to be derived from the despatches of the Secretary of State to show that he has arrived at a fixed determination that we shall have a nominated Upper House, and a nominated Upper House only. It is said that the Cabinet has probably been consulted, and that Lord Knutsford in this matter is giving expression to the views of the Conservative Cabinet. I can hardly believe that. I can hardly conceive that such a Radical measure of reform as a single Chamber Constitution, under Ministerial Government, should be the deliberate product of a Conservative Cabinet. One can hardly imagine that the British Cabinet, and that a Conservative one, would have lent itself to formulate such a preposterous departure from constitutional principles, and I cannot help thinking this was some fad of the Secretary of State himself. I think this country has some reason to be disappointed with the action of the Secretary of State in this matter, and the obstacles that have been thrown in our way. It is admitted on all hands that the colony is suffering largely from this state of uncertainty and suspense in which the question is now hung up, and the Secretary of State is well aware of that. Although, as has been said, there is an Imperial statute by which this Council has the right to determine whether it will have a nominated or an elected Upper House, the Secretary of State—knowing the power he has in working upon our necessities at the present juncture—lays it down as a condition precedent to our having this form of Government that we must have a nominated Upper House. Knowing as he does that the colony is anxious to have the question settled, and this period of suspense put an end to, he takes advantage of our position to impose this condition upon us; and, I think,

this colony has great reason to be dissatisfied at the Secretary of State using his powers in that unfair way. I don't know that I need address myself at present to other points in the bill, except a word with reference to the native question. All I wish to say with regard to that question is this: if these native affairs are put in the hands of a board, the members of which will be allowed to work according to their own lights and practical knowledge, I have no reason to believe that this House, or the Ministry of the day, or the country, or the Mother country will have reason to regret of it; but if this Board is to be dominated by the Secretary of State and the Exeter Hall party in England, I can foresee nothing but friction and failure in the working of the system.

MR. A. FORREST: I will not detain the House more than a few minutes, but I do not like to give a silent vote. When this question was before the House last year I voted for an elected Upper House, and gave my reasons at the time for doing so, the principal one being that I thought the country districts would stand a better chance of being represented. Since then I admit I have altered my opinion entirely, on this subject, and for more reasons than one. My first reason has been that this question ought to be settled without further delay. For several years past we have had despatches going backward and forward between the Governor and the Secretary of State, and resolution after resolution passed by this House; and, at last, we have got a bill which, if passed, will give us Responsible Government in a very short time. Would any member here—would any man in this country—like the present state of things in this colony to last another twelve months? Would anyone like to live in the country if it did? Who are those in this House who are carrying on the present agitation in support of an elected Upper House, and keeping this question unsettled? I shall commence with the hon. member for York. Everyone knows him to be a highly respectable and respected gentleman in many ways, but we all know he has been against Responsible Government all his life, and that his heart is not in it. When the question came before the House last year, instead of

voting on it straight, he walked out of the House; and this gentleman wants to keep us from having Responsible Government now that it is within our grasp. The next gentleman I have to mention is the junior member for the North (Mr. Burt). Although not in the House last year when this question came on, we know he has been a persistent opponent of Responsible Government, and it was only at the wish of many of his friends that he changed his views at the last Perth election, when he opposed my hon. friend on the left (Mr. Horgan). We know that when he was in the House before, he always opposed Responsible Government, and he only gave way at the last Perth election for the reason I have stated. I am very glad to see him in the House, although we don't agree on this subject. Now I come to the one whom I consider to be the great stumbling block to this bill, and that is the hon. member for Plantagenet, who represents a very important constituency, and who says we want two Houses and both of them elected. I know a good deal about his district, and I think if the question were put to them—whether they preferred an elected Upper House to further delay in the settlement of this matter they would not care very much for an elected Upper House. [**Sir T. COCKBURN-CAMPBELL:** They are going back from Responsible Government.] I don't think that. Besides representing an important district, he has the influence of a large paper at his back, and every morning and every week we have him putting forward his views about this elected Upper House; and I believe, myself, if it hadn't been for the hon. member for Plantagenet and the *West Australian* this question would never have cropped up in this House to-night. I feel certain that the hon. member for Sussex has not brought this matter forward himself at all, but the hon. member for Plantagenet has asked him to do it. I am sure the hon. member for Sussex himself would agree with me that it would be better for us to accept this bill as it is, rather than that there should be the slightest doubt about its passing. I had intended to couple the hon. member for Fremantle (Mr. Marmion) among these stumbling blocks, but he has made a speech to-night which tends me to leave him alone, for

I believe now he is going to vote with us. I think we should all think very deeply—are we to have Responsible Government or not? Are we going to have the present stagnation to last for ever? I cannot help thinking it would be useless to go to the Secretary of State on this Upper House question. What does he say in his despatch? We can alter the details of the bill, but we musn't touch its main principles, and "especially the nominated Council." Those are his own words. [Mr. BURT: Read the last two lines.] I know. He says if there are any material alterations wanted, he wants a full explanation. That means more despatches backward and forward between the Governor and the Secretary of State. That is what those words mean. But if we don't accept this bill, the Secretary of State lays it down clear enough that we shall not get Responsible Government without further delay. For this reason I think a nominated Upper House should be accepted. I am sure the country would say so, rather than have any further delay. We have had nominated members in this House for the last seventeen years, and they have shown themselves equal to—and some of them a great deal better than—the elected members. I am rather in favor of the proposed qualification of members and the qualification of voters myself. I am not in favor of manhood suffrage. I wouldn't give a vote to the men who "loaf" about public houses and never do a day's work. I would have a property qualification for the members of both Houses, but I think that £500 freehold is too high; I think a leasehold of that value is quite high enough. I should also be in favor of allowing the franchise to be extended to voters, and to holders of miners' rights—for a miner, generally, is a good man. But I wouldn't give it to men who "loaf" about Perth and Fremantle. Sir, I shall support the Government bill *in toto*; or, if the hon. member for Fremantle pushes his amendment to a division, I shall support it, but I hope he will withdraw it. I would prefer voting for the second reading of the bill as it stands.

MR. PEARSE: I have no wish to contribute one more word to this debate, for I think the question has been com-

pletely threshed out. A short time ago, in addressing my constituents at Fremantle, this question was brought prominently forward, as to whether we should have an elected or a nominated Upper House; and the matter was left by our constituents to my hon. colleague and myself to settle it as we thought proper. I feel to-night that if I were to support the amendment of the hon. member for Sussex I should be deferring the settlement of this question, and I feel that the time has arrived when we should take it in hand and dispose of it once for all. The country is now at a standstill; we can neither get public works nor anything else, while we remain in the present state of transition between one form of Government and another. I think the public are anxious for a settlement of the question without further delay, and that they do not care much whether we have a nominated or an elected Upper House. Holding these views, I shall support the amendment of my hon. colleague, if he presses it, rather than the original amendment. But I hope both will be withdrawn, so that we may have this bill read a second time. I shall support the second reading, myself, and I believe I shall be best serving the interests of my constituents and of the country at large in doing so.

MR. MARMION: As I find, sir, from the tone of the debate that has taken place, that there seems a general feeling in favor of the second reading of the bill, and that my amendment is not likely to receive much support, I beg leave to withdraw it.

MR. PARKER: I object, sir, to its being withdrawn.

THE SPEAKER: Then it cannot be withdrawn. It is now in possession of the House, and if any member objects to its withdrawal, it cannot be done.

Question put—That the words proposed to be struck out stand part of the question:

The House divided, with the following result—

Ayes ...	13
Noes ...	9
Majority for ...	4

AYES.

Mr. E. R. Brockman
Mr. Congdon
Hon. J. Forrest
Mr. A. Forrest
Mr. Keane
Mr. Marmion
Mr. Morrison
Mr. Pearse
Mr. Randell
Mr. Sheuton
Hon. C. N. Warton
Hon. J. A. Wright
Hon. Sir M. Fraser,
s.c.m.o. (Teller).

NOES.

Mr. H. Brockman
Mr. Burt
Sir T. C. Campbell, Bart.
Mr. Harper
Mr. Horgan
Mr. Richardson
Mr. Scott
Mr. Sholl
Mr. Parker (Teller).

The motion for the second reading of the bill was then put and passed.

Bill read a second time.

BEVERLEY-ALBANY RAILWAY SYNDICATE.

RELAXATION OF CONDITIONS OF CONTRACT, AS TO LAND SELECTION.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, moved: "That in the opinion of this House the Beverley-Albany Railway has arrived at a stage of its construction when it would be desirable that the Government should relax the conditions of land selection imposed upon the syndicate, so that some part of the fertile lands through which the central portion of the line passes may be opened for settlement at as early as possible a date." The hon. baronet said he hoped members wouldn't think that he intended anything revolutionary; all he wanted was to have as much land as possible brought under cultivation, as well in the interests of the country as of the settlers along the reserved areas. This railway was now in this condition: he believed that about 140 miles had been constructed north of Albany, and about 50 miles constructed south of the Beverley terminus, and that there only remained a gap of about 40 miles that had not been laid; and that within some three or four months probably the line would be completed. On his recent trip down from Beverley to Albany, wherever he met the settlers along the route, he was asked how it was the Government would not allow them to select land along the line, so that they might bring it under cultivation by the time the railway was opened; and, when he got to Albany, the same question was put to him, and it was pointed out to him what a hardship it was that nothing could be done towards bringing the land

under cultivation, and preparing a little traffic for the line by the time it opened. He did not understand how it was at the time; he had been under the impression that land could be selected by the company alongside the railway sections as they were completed; but when he came to inquire of Major Young the meaning of these complaints, Major Young told him that, principally, the good portions of land lying alongside the railway were exactly in the central part of the railway, which had not yet been completed, between the two termini. There was a considerable amount of fair land at this end towards Beverley, but between that and this central portion of the line that was unfinished there was a regular desert, where the line passed through; and after passing over this central portion, again, the line ran through bad land, but when you approached Albany there was some more good land. These good lands at the extreme end required much more capital to work them than the lands in the centre; and it was these central lands which had been applied for by several persons, some of them from the other colonies. But the whole of the land was locked up, and the unfortunate settlers in the vicinity were unable to obtain land at all. It was with the view of having some of this central tract of land thrown open and brought under cultivation as soon as possible, in view of the early completion of the line, that he had brought forward this motion. Unless this were done at once, the settlers would be unable to do anything until the next season, and much valuable time would be lost. The company, too, were naturally anxious to get as much grist to their mill as they could in the way of traffic, as soon as possible after the completion of the line; and he thought the House would agree with him that it was very desirable on every ground that these lands should be thrown open for selection as early as possible. If there was any difficulty in doing this under the terms of the contract, he thought the company might meantime have a license to occupy, subject to the completion of the railway. He would leave it to the Commissioner of Crown Lands to see that the interests of the public were not injuriously affected; but it would be giving a great boon to the

settlers and doing a good turn to the company to have these central lands thrown open as soon as possible, and brought under cultivation.

MR. A. FORREST seconded the motion. He thought there would be very little difficulty in carrying it out, and allowing the company to make these selections. In the course of a few months they would have the right to do so under their contract, and he saw no possible objection to the proposal. This company had carried out their contract with us to the very letter, and deserved every consideration at our hands.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought that in dealing with this question it would be perhaps just as well that he should inform the House of the exact terms of the contract, particularly as regards the right of the company to select their lands. The terms of the contract were that the company were entitled to select 12,000 acres of land per mile for every section of the railway they completed and opened for traffic; and it was quite competent for the company, as soon as they completed 20 miles of the railway from either terminus to have thrown it open for traffic, and had the right of selecting their lands at the rate of 12,000 acres per mile,—or rather, he should say, a moiety of it, the other moiety being reserved until the completion of the whole line. We knew they had not availed themselves of this privilege. One important provision of the contract was that the selection of land should not be allowed in advance of the sections that were to be completed and opened for traffic; and, if the company wished to select any particular portion of their lands at the present time, all they had to do was to open the line for traffic in the neighborhood of those lands. But the company appeared to think—and perhaps it was in the interests of the country itself—that it would be better to have the whole of the line completed, from one end to the other, before availing themselves of this right of selection. This would only be a matter of a few months now. The effect of passing this motion of course would be that it would give the Government power to assist the company, if they desired it, by varying the terms of the contract in the direction indicated, and allow them to select these

good lands before the line was completed and opened for traffic. He presumed the hon. member was moving in this matter in the interests of someone—probably of the contractors—[Sir T. COCKBURN-CAMPBELL: In the interest of the settlers chiefly.] There was one thing which had been explained—why the company had not availed themselves of their right of selection under the contract as it stood, so far as regards those sections of the line completed and ready for traffic. This seemed to show that they were in no particular hurry to avail themselves of their right of selection. So far as the Government were concerned, there was no objection to this proposition, if the House agreed to it; and as soon as His Excellency received the address, he would be prepared to see what could be done in the matter. He agreed that this company had done its work well, and deserved every consideration at the hands of the House; it had carried out all its agreements to the best of its ability, and he did not think himself that, with only about 40 miles of the line to complete, the House would run any risk by agreeing to this motion.

MR. RICHARDSON said the same thing had struck him as being peculiar as had struck the Commissioner—why the company had not availed themselves, under their contract, of the right of selection as regards those sections of the line already completed. It appeared to him a pity that the company had not done so, as soon as they were entitled to do so, in order that the land alongside their railway might become settled and brought under cultivation. If they had done so, this land instead of being now—within a few months of the opening of the whole line—in a state of nature, uncleared, might have been (as regards thousands of acres of it) under cultivation ready to furnish the railway with a good deal of traffic as soon as it was opened, instead of having to wait two or three years for the land to be cleared, and ploughed, and sown, and cultivated. He saw no objection to the resolution. The House placed itself in the hands of the Government in the matter, and he had every confidence that the Commissioner of Lands would guard the interests of the country.

Motion agreed to.

MINERAL LANDS (TIN DISCOVERIES) NEAR BRIDGETOWN.

MR. A. FORREST, pursuant to notice, moved: "That, in the opinion of this House, care should be taken before applications to purchase land, under clause 48 of the Land Regulations, on which tin or other minerals had been discovered, to ascertain whether such minerals existed on the land applied for." Hon. members were aware why he had brought forward the motion. He put a question to the Commissioner of Crown Lands about the same thing the other day. He had on the table before him some specimens of what appeared to be tin obtained in the neighborhood of Bridgetown, and he was informed that, as soon as the discovery became known, a certain firm at Fremantle had made application for some 1500 acres of this land, under clause 48 of the regulations, before there was a chance of bringing the land under the Mineral regulations. He thought if the Government acceded to these applications it would be most unfair towards those who made the discovery of the existence of tin there. They couldn't want this land for agricultural purposes, as it was wretched land; and the object could only be to take it up for mineral purposes, and he hoped the Government would protect the interests of the public, and, if they thought it necessary, declare this land a mineral area.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he had already told the hon. member that he would inquire into this matter, before granting the application which he referred to; and, if he considered it necessary in the interests of the public, he would either temporarily reserve the land in the neighborhood in question or declare it a mineral area.

MR. SHOLL said he did not know anything about the merits of this alleged tin discovery, but he agreed that large areas of land ought not to be granted in fee simple to anybody, if there was reason to believe that it contained mineral deposits in payable quantity. At the same time he thought every reasonable encouragement ought to be given to persons prospecting for tin or any other mineral. He thought a liberal concession should be made to the first discoverer.

MR. PARKER said the motion as worded was unintelligible, and he would suggest that it should be amended, or withdrawn in order that another resolution might be introduced, explaining more clearly what the hon. member really wanted.

CAPTAIN FAWCETT: It is a remarkable fact that some of the residents of this colony are like the "dog in the manger"—they will neither use what is wanted by another nor let anybody else do so. A very striking illustration has recently presented itself in that respect in connection with the land referred to, in this motion, land which some enterprising men have applied for to the Lands Office to purchase in fee simple. These gentlemen want, I understand, about 1500 acres for the purpose of testing it for mineral deposits, though it is applied for under the agricultural area clause. It is quite a speculation—which if successful would greatly benefit the colony, but yet these do-nothing old fossils are striving their utmost to prevent any use being made of land they themselves cannot utilise. Even supposing that tin has been found on the land in question, those who spent their money in making the discovery should not be denied the right of reaping the benefit of the find. They certainly have the best claim, and it is hoped the Commissioner of Crown Lands will not gratify the jealousy of others by withholding the land which the discoverers of this tin are justly entitled to.

MR. A. FORREST said the motion was originally intended as a question, and he was not responsible for the way it appeared on the paper. He believed the Government understood what he meant, and, with leave, he would withdraw it.

Motion, by leave, withdrawn.

The House adjourned at a quarter to eleven o'clock, p.m.