

he believed the most costly one would have met with general approval, if we had the means; but the committee thought that the plan now recommended would suffice for present requirements. Of course the responsibility rested with the House, and the money would have to be provided; but where it was to come from was not for him at present to say. But he thought the House ought to indicate the extent of the accommodation they considered necessary; and he had no objection to the amendment at all. The Works Department knowing the feeling of the present House would be able to prepare their plans accordingly.

MR. SHOLL hoped it was understood that the plans were to be of a building that would not cost more than £6,000.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that was the intention of the committee, and that the amount was to include furniture and fittings.

Resolution, as amended, put and passed.

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

## LEGISLATIVE COUNCIL,

*Friday, 12th April, 1889.*

Report of the Select Committee on the Petition of Eliza Tracey—Constitution Bill: Message (No. 12)  
—Message (No. 16): Defence of Fremantle—Importation of Vine cuttings from South Australia—Adjournment.

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

PRAYERS.

### PETITION OF ELIZA TRACEY.

MR. RASON brought up the report of the select committee on the petition of

Eliza Tracey, and moved that it be received and read.

Agreed to.

MR. RASON moved that it be printed.

MR. PARKER said he had no desire to oppose the motion, but he believed the evidence was very voluminous, and would involve a large amount of printing; and, judging from the report of the committee and the conclusions arrived at, it was not much use printing all this evidence.

MR. RASON said there were other matters dealt with in the evidence which the committee did not like to take up the time of the House with in their report, but which would be of the greatest interest to those members who cared to read the evidence.

Motion agreed to.

### MESSAGE (No. 16): DEFENCE OF FREMANTLE.

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

"With reference to Address No. 10, of the 11th instant, respecting the Defences of Fremantle, the Governor proposes to inform the Right Honorable the Secretary of State that this Government has agreed to provide, and the Legislature to vote the funds required for the erection of a battery and for improved mountings for two 7-inch guns at Fremantle, for two Maxim guns, and for the necessary upkeep of the battery and instruction of the Volunteer Artillery who are to work it, as stated in the Governor's Message No. 3, of the 25th ultimo, and that the funds for the capital outlay specified will be appropriated as needed during 1889 and 1890; the cost of the battery to be reduced as far as possible by the employment of prison labor.

"The Governor hopes to be able to arrange, without any great expense, that an officer of the Royal Engineers shall visit Fremantle, to settle the site and details of construction of the Battery.

"Government House, 12th April, 1889."

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Hon. members have heard the Message read. I only rise to say that that is the interpretation attached

by the Governor to the resolution of the House.

MR. SHOLL: I think the Government should take care that they have a vote of the House before incurring this expenditure.

MR. PARKER: I think the proper course, if members are not prepared to sanction this expenditure, is to move that the Message be considered, and a reply sent to it. I think His Excellency was quite justified in arriving at the conclusion he apparently has done from the resolution passed the other day.

# CONSTITUTION BILL: MESSAGE (No. 13\*).

## POINT OF PROCEDURE.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I rise to take Your Honor's directions as to the course I should pursue in dealing with His Excellency's Message, and the amendments it deals with in the Constitution Bill, whether these amendments should be considered in committee or with your Honor in the chair?

THE SPEAKER: I have considered this point very carefully. We have no standing orders ourselves regulating the procedure in dealing with amendments suggested by the Governor in a bill sent back to the House for its consideration; and I think, under these circumstances, we cannot do better than follow the course adopted in the Imperial Parliament when amendments are sent back to the Commons from the Lords, and that is deal with them with the Speaker in the chair. Unless the House otherwise wishes, I think that would be the proper course to adopt in dealing with these amendments; let each amendment be taken separately and put from the Chair.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I bow to your Honor's decision. I now move that in the Preamble, lines 2 and 3, page 2, the word "now" be inserted after the word "should." The words "by a Legislative Council and a Legislative Assembly" be omitted. The word "such" be omitted, and the word "a" inserted in lieu thereof.

Amendments—put and passed.

Question put—That in Clause 10, line 1, the word "seven" be omitted, and the word "five" inserted in lieu thereof."

\* p. 253 ante.

THE ATTORNEY GENERAL (Hon. C. N. Warton): It will be seen from His Excellency's Message that certain reasons are given for this amendment. As His Excellency says, to fix a quorum of seven, not counting the member presiding, for a Council of only fifteen members—some possibly not yet elected or some writs not returned—may lead to practical inconvenience. As we know, this Upper House will consist of five triads (so to speak), each district returning three members; and it is possible that the writ for one or more of these districts may not have been returned when it may be necessary to summon Parliament; so that we may have a House of only nine members, and we are insisting upon a quorum of seven. I appeal to members who are connected with boards or societies or corporations, whether there is not great difficulty experienced in obtaining a quorum, very often, for the transaction of ordinary business; and whether it is advisable to fix a quorum so high as this for the Upper House, which is proportionately higher than the quorum for the Lower House, and infinitely higher than the quorum in the House of Commons or the House of Lords, or, I should imagine, than any other assembly, or association, or board.

Amendment—put and passed.

Question—That in Clause 18, lines 2 and 3, the words "nor, after Part III. of this Act shall be in operation" be omitted and the word "or" inserted in lieu thereof—put and passed.

Question—That in Clause 19, line 18, the words "nominated or," and the marks of parenthesis, be omitted—put and passed.

Question—That in Clause 21, line 15, page 6, the words "the property qualification mentioned in section eighteen and" be inserted after the word "that"—put and passed.

MR. PARKER: The next amendment is in Clause 69, dealing with the amount of the Civil List; and it strikes me it will be very much more convenient if we postpone this until we come to the schedule dealing with these amounts. That was the course adopted in committee.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I have no objection.

MR. SHOLL: I have an objection. I

intend to object to any alteration in these amounts.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): Wait until we come to the schedule.

**MR. SHOLL**: Yes, I know: but I have a reason in preventing it to be done now.

**SIR T. COCKBURN-CAMPBELL**: I don't know whether it is telling tales out of school, but a great many members are aware that the action taken with regard to the lands depends very much upon the action that will be taken with regard to the Civil List; and I think it would be very desirable that we should know what action is to be taken in regard to the Civil list.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): It is clear that the figures inserted in this 69th Clause must be the total of the figures agreed to in the schedule.

Consideration of amendment in Clause 69 postponed.

Clause 76—Control of the lands to be vested in the Legislature:

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser): I rise to move the amendment suggested in His Excellency's Message, to strike out all the words after the word "repealed,"—being the words added to the clause on the motion of the hon. and learned member for the North, deferring the operation of the Act until the waste lands south of the tropic of Capricorn are vested in the Legislature. I am not aware that it is necessary that I should speak at any length upon this; but I think it as well that I should state why, in my opinion, these words are unnecessary in the bill. I think it is really a matter of sentiment rather than of difference of opinion on the part of members wishing to have the words retained. I do not propose to go over the ground I did in moving the second reading of the bill; at the same time I think it is necessary that I should allude to the despatch which directly deals with this question, in order to show that the Secretary of State has all along intended to give the Legislature this control. We find it clearly expressed in his despatch of July 30th, 1888, dealing with this question. This House in the session of that year agreed to certain resolutions on the subject of Responsible Govern-

ment, and among them were these: "That special statutory reservation to Her Majesty's Government in the Constitution Act of power to control legislation affecting Northern lands is unnecessary, the Crown having a right of veto upon all such legislation;" and "That the proposed arrangement for funding the proceeds of sales of Northern lands, with a view to their future local use, would be a needless complication, the Regulations lately sanctioned by the Secretary of State not contemplating alienation of those lands except in townships and in special areas." The Secretary of State referring to these two resolutions, says: "As regards Resolutions 2 and 3"—which are the resolutions I have just read—"I would point out that the power of disallowing the laws of a self-governing colony after they have been passed, is, in itself, a not very effective control. It tends to create considerable friction between the Home and the Colonial Governments, and the exercise of such power would, in my judgment, prove to be more distasteful to the colony than the retention by the Crown, over a certain area, of the power now vested in it by the law of regulating the disposal of the waste lands of the colony." Lord Knutsford goes on to say: "With this view therefore I propose to leave in force the Act 18 and 19 Vic., cap. 56, and to make new regulations under that Act, which, after preserving all leases and rights which have been duly granted or created, would vest in the Legislature"—I hope members will bear this in mind—"would vest in the Legislature of Western Australia the sale, letting, and other disposal of the waste lands of the Crown south of Latitude 26°, or of such parallel of latitude or other boundary as may from time to time be approved by Her Majesty in Council for that purpose, and would give them"—that is, the Legislature of the colony—"full power over the proceeds arising from the sale, letting, or other disposal of those waste lands." Am I wrong in saying that in my humble opinion the insertion of this proviso in Clause 76 or the omission of it is merely a matter of sentiment, or more a matter of sentiment than anything else? The Secretary of State here is under an obligation to give the Legislature full power

over the proceeds of the lands and to vest the control of them, south of a certain latitude to be agreed upon, in the Legislature of the colony. I hope that members will feel satisfied with that assurance, and will be disposed to place that reliance upon Her Majesty's Government which we ought to do, in the face of such an assurance. It is clear to my mind that the intention of the Secretary of State in this matter is the same as the intention of hon. members themselves. I really cannot see the object of retaining these words, and I hope the House will be of the same opinion. I shall say no more, but simply move the amendment I am directed to move.

MR. PARKER: Sir, we have now arrived at an amendment that I think we shall, after due consideration, feel bound to reject. We know that the Governor would not have returned this bill for amendment in these particulars unless he felt it was his bounden duty to do so; nor is he likely to take any captious objection to any amendment in the bill introduced by members of this House. We also know full well that in returning the bill for these amendments His Excellency is acting merely as the agent of the Secretary of State in the matter. We have only to look at the telegram sent to the Secretary of State by His Excellency to be assured that His Excellency, himself, thought that the amendments made in the bill by this House were only right and proper. We find the Governor telegraphing to the Secretary of State in these words: "Have the honor to inform you that the Legislature of Western Australia, dealing with the whole question in most fair and loyal manner, have agreed without material alteration to bill approved by Her Majesty's Government for introduction of Responsible Government into this colony. Approval of Parliament only now needed." And His Excellency goes on to say: "Would urge that Act of Parliament be at once drafted for introduction immediately on arrival of the bill in England." It is clear, therefore, that the Governor himself would never have sent back this bill to the House because of these amendments; and it is well that we should bear in mind that the bill has been returned solely at the instigation of the Secretary of State. In dealing with this question

we have to consider whether our duty towards our constituents, our duty towards the colony, warrants us in omitting these all-important words from this clause. I am sorry that I am afraid I shall have to detain the House for some little time, but as this is a most important matter I think it my duty to go back and to trace the history of Responsible Government into the neighboring colonies, and see the course that was adopted in those colonies, so far as the Imperial Parliament was concerned. In New South Wales and in the colony of Victoria, the Legislative Council of those two colonies, respectively, passed bills which contained not only such a provision as this which it is proposed to be struck out here, and which is merely to the effect that the bill shall not become law until the entire management of the land is vested in the Legislature, and we have the sole control of it; the Legislatures of those colonies went further than this, and inserted in their bills a provision that the lands of the colony should absolutely vest in the colonial Legislature. I will not say that New South Wales absolutely went that far, but Victoria did, and in their bill provided not only that the control of the land should devolve upon the local Legislature but also that the land itself should be vested in the Legislature. We do not go so far as that; all we say is that this bill shall not become law until the Secretary of State's promise shall have the validity of parliamentary sanction,—the promise that we shall have full power to manage and control the lands of the colony, south of a certain latitude. In order to protect ourselves we put a proviso to that effect in the bill; and anything more reasonable than that I really don't know. The other colonies I have named went much further than that, and the House of Commons adopted those bills. In regard to both those colonies, Enabling Acts were passed in which the lands were specially vested in their respective Legislatures; and they further provided, by what is known as the Waste Lands of the Crown in the Australian Colonies Act, relating to the repeal of certain previous Acts, and making provision in lieu thereof; it was further provided in that Act that so far as South Australia and Tasmania were concerned, so soon as those colonies passed a Con-

stitution Act (similar to the bill we are now passing, and under the same Imperial statute, the 18 and 19 Vic.), and the Act received the Royal assent, the lands in those colonies would be under the sole control of their respective Legislatures, and also the proceeds of such lands. By a subsequent Act, assented to by Her Majesty on the same day, it was provided that the waste lands of the Crown in South Australia and Tasmania should be vested in the Legislatures of those colonies. There was no occasion, therefore, for the Legislatures of South Australia and Tasmania to specially provide in their Constitution Bills that the land should vest in them; it vested in them at once by virtue of this Imperial statute. Singularly enough, no such provision was made as to the lands of this colony. The provision made as to this colony was this: "It shall be lawful for Her Majesty, by instructions under her signet and sign manual, or through one of Her principal Secretaries of State, to regulate the sale, letting, disposal, and occupation of waste lands in Western Australia, and the disposal of the proceeds arising therefrom, until Parliament shall otherwise provide." Under that statute, as members are aware, we have had several sets of regulations framed since it was passed; and we have only to look at the last regulations, proclaimed in 1887, and the despatch which was addressed by the Secretary of State to the Governor on that occasion, to see clearly the view that is taken by the Colonial Office as to the powers of the Crown in respect to the lands of this colony. Sir Henry Holland (he was then), writing to the Governor as to the Regulations passed by this House, says: "These regulations represent the views of the Colonial Government and Legislature," but, he says, "they are not in their present shape fully complete"—the schedules had not accompanied them—"and it is therefore necessary that Her Majesty's instructions should be conveyed to you in a somewhat different form"—referring clearly to the instructions mentioned in the clause I have quoted from the 18 and 19 Vic. The Secretary of State suggests certain amendments in the regulations, and the Governor had not even the power to make those amendments without the consent of the Secre-

tary of State, so the Secretary of State says: "Under the authority given by section 7 of the Act 18 and 19 Vic., cap. 56, I convey to you the Queen's instructions to make the above amendments." That shows the view taken by the Colonial Office as to our power to control our waste lands, under this statute; and it is under the same statute that Lord Knutsford proposes to give us the power when we get Responsible Government. It will be seen from that despatch that the Legislature of this colony has virtually no power to make regulations even, without their being submitted to and approved by the Secretary of State, under the Queen's instructions. We know that as a matter of grace we have been allowed to frame regulations, for the approval of Her Majesty's Secretary of State; but we know, too, that in some instances considerable alterations have been made in the regulations framed by us, when they have been sent Home. Let us look again at the proclamation issued by the Governor when these regulations of 1887 came into force. We see from that again that it is only under the instructions of the Secretary of State, given under the power delegated to him by the Queen under this 18 and 19 Vic., that these regulations are proclaimed and become law. The Legislature and the people of this colony, as a matter of law or of right, have no voice whatever in the matter. We must feel that if that state of affairs is to continue, as is suggested by Lord Knutsford, under Responsible Government, that is not the sort of Government we generally associate with the name of Responsible Government. It is not Responsible Government as it exists in the other Australian colonies or in any of those great self-governing colonies of the Empire that have gone in for that form of Government. Let us now look at the despatches and correspondence that have led up to the present position of this question. On the 6th July, 1887, this House passed two resolutions on the subject of Responsible Government, one of which was: "That in the opinion of this Council the time has arrived when the Executive should be made responsible to the Legislature of the colony." The other was: "That it is further the opinion of the Council that Western Australia should

remain one and undivided under the new Constitution." Those resolutions were forwarded Home by the Governor on the 12th of July in the same year, and on the 31st of August the Secretary of State telegraphed to the Governor as follows: "Prepared to accept both resolutions in principle with reservation as to special provisions for government of Northern districts and protection of natives." It will be observed that there is not a word in that telegram about reserving the control of the lands in the Southern portions of the colony. We cannot for a moment suppose that the Secretary of State for the Colonies was not aware that the very essence of Responsible Government was the control of the lands. His permanent officials must have known that in the case of the other colonies the control of the land was given to them on their assuming that form of Government, and that in no instance had a colony adopted Responsible Government without at the same time having the management of the lands. He must have known this, and must have known that such was the intention of this colony; and, knowing it, he telegraphs to the Governor that he approved of our resolutions, with certain reservations as to the government of the Northern districts, but not a word about reserving any control over the land. Therefore, I think we may fairly take it that at that time the Secretary of State fully intended that we should have the same control of our lands as the other colonies had when they adopted the same form of Government. There was no idea at that time on the part of the Colonial Office to refuse to give us these waste lands. The only reservation made was as to the government of the Northern part of the colony in the event of separation, and as to the natives. In a subsequent despatch Lord Knutsford explained what he meant with regard to this reservation as to the Northern territory. I say it was never intended at that time that the lands in the Southern part of the colony should not be vested in the Legislature. If anyone has any doubt on that point he has only to look at the despatch addressed by the Secretary of State to the Governor on the 12th December, 1887, in which Lord Knutsford says: "If some means can be devised by which the unalienated lands in the out-

lying portions of the colony may be preserved for the benefit of its future inhabitants, it may be possible to establish Responsible Government in Western Australia." Then he goes on to suggest that as regards the land south of the Murchison river, "it shall be lawful for the Legislature of Western Australia to regulate by Act, in the usual way, the sale, letting, and other disposal of the waste lands of the Crown south of that line, and the disposal of the proceeds arising therefrom." How is it possible for the Legislature of the colony to do this by an Act in the usual way, unless the lands are vested in it? We know it is ridiculous to speak in one breath of doing this by an Act of this Legislature, and to talk about doing it by virtue of a regulation. The two things are inconsistent. It is evident that the intention of the Secretary of State at that time was to let us pass an Act, in the usual way. In a subsequent despatch, of the 31st of August, 1888, the Secretary of State appears to have repented somewhat of his previous pledge; for he says, in dealing with the draft bill sent Home by the Governor: "As you will have anticipated from paragraphs 5 and 6 of my despatch 69 of the 30th July, the 44th Clause of your bill, placing the disposal of the waste lands in the hands of the new Legislature, has been omitted; and I shall in due time be prepared to issue such regulations under the Act 18 and 19 Vic., cap. 56, as may be necessary to carry into effect the arrangement described in my despatch." He now goes back to the old idea of doing it by regulation. How on earth he proposes to vest the control of the lands in the Legislature by means of a regulation is more than I can imagine, unless it is done by an Act. He cannot do it under the 18th and 19th Vic., for that statute delegates to him, himself, as one of Her Majesty's principal Secretaries of State, the power to regulate the control of the lands of the colony, and does not authorise him to delegate his own delegated powers to this Legislature. Therefore, when the Secretary of State talks of vesting the lands in the Legislature by issuing regulations, he talks what I can only regard as simple nonsense. I think the Attorney General will agree with me, as a lawyer, that the Secretary of State cannot delegate the powers vested

in him by statute, under Her Majesty's signet and sign manual,—that he cannot divest himself of those powers and delegate them to this Legislature, unless it is done by an Act of Parliament. The Secretary of State himself must have intended to vest the lands in the Legislature, as was done in the other colonies, when he proposed “that it shall be lawful for the Legislature of Western Australia to regulate by Act in the usual way the sale, letting, and other disposal” of them. But he subsequently becomes alarmed, apparently; he fears to face the House of Commons with an Act to confer this power upon us, and he suggests that it should be done by regulation, as may be from time to time required. That is all he proposes to do now. And what would be the result supposing we were to give in on this point? I have not the slightest doubt, if this amendment is carried and this proviso is struck out, that this bill will be passed immediately when it gets Home; I don't suppose there will be any opposition to it; I do not think, myself, there would be any necessity for an Enabling Act. It seems to me that, as in the case of South Australia and Tasmania, there would be no necessity for an Enabling Act. The special object of an Enabling Act is to vest the land in the local Legislature, and if we do not insist upon this proviso there will be no necessity virtually for an Enabling Act, and the bill will pass through the House of Commons *nemine contradicente*. We shall then be in this position: we shall find ourselves with self-government and the very mainspring of self-government gone, the motive power, the sinews of war, the public estate, taken from us. We shall be told that if we want to do anything with the land, it will be “regulated” for us by the Secretary of State. If we want our regulations altered in any form we shall have to send them to the Secretary of State to see if he approves of the alteration, exactly in the same way as now. I wish to look at this matter as fairly as I can; and there is another way of looking at it, which is this: it has been so put to us by the Commissioner of Crown Lands, that if we had Responsible Government we would be in a stronger position to insist on our rights, and could bring more pressure to bear upon the Imperial authorities, a

pressure which they could not very well resist. But why should we run this risk? No doubt, in the course of time they would have to give way; we could offer such resistance to any Imperial scheme of colonisation, and throw such obstacles in the way that they would be bound eventually to give in. But why should we have to adopt such a course to obtain our rights? Why should we run any risk at all? I do not see the slightest reason for it. Why should we not be dealt with in this matter in the same way as the other colonies? Why should Western Australia be the exception? Why should we not have the same privilege as South Australia, as Tasmania, as Victoria, as New South Wales, as Queensland, as New Zealand? I fail to see any reason why we should be treated differently in 1889 than those colonies were treated thirty years ago. The Colonial Secretary in speaking on this subject said it was a mere matter of sentiment. Well, sir, I cannot see it in that light. I cannot see that it is only a matter of sentiment. It appears to me to be a matter of principle. It was never even suggested, so far as the other colonies were concerned, that they ought not to have the control of their lands. I really cannot understand how the hon. gentleman can regard it as simply a matter of sentiment. [The COLONIAL SECRETARY: So it is.] A mere matter of sentiment that we should insist on having the control of our lands! [The COLONIAL SECRETARY: You are promised it.] The hon. gentleman says we are promised it. When I first addressed the House on this subject, on the second reading of the bill, I said I thought we might safely trust the promises of the Secretary of State in regard to this matter. I regret to say that I am now rather doubtful about trusting him. [The COLONIAL SECRETARY: Why?] Because he seems anxious to go back from his promise. All we seek to do in this clause is to provide that this bill shall not become law until that promise is carried out. But the Secretary of State says it must not be included in the bill. That seems to me to savor very much as if he did not intend to carry out his promise; otherwise, what possible objection could he have to this proviso?

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser) : Because he promises to do it in another way.

**MR. PARKER** : Do what ?

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser) : To do all he has promised.

**MR. PARKER** : That is all we are asking him to do. If we had added a proviso that the lands shall vest in the Legislature, I think the Secretary of State might fairly have taken exception to it, and said it was not in our power to do it,—that it was for him to vest the lands in the Legislature. But we have not done anything of the kind. We have not attempted to vest them in the Legislature ; all we say is that we do not want, nor do we mean to take, Responsible Government until the lands are vested in the Legislature, or, in other words, until you, the Secretary of State, have carried out your promise. The Colonial Secretary says that the Secretary of State has made this promise ; if so, and he intends to carry it out, what earthly objection can there be to this proviso in the bill ?

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser) : Because he objects to it.

**MR. PARKER** : Which is an unreasonable objection, I think, and one which this House would be very unwise to give in to. We are asked, apparently, by the Government—I will not say by the Government ; by the Secretary of State—to place every confidence in him ; but the Secretary of State declines to place any confidence in us, he will not place any confidence in the Legislature of this colony. He says, in effect, “ I ask you to place implicit confidence in me, but you must not expect me to place any confidence in you.” How any reasonable man could object to be asked to carry out his promise I cannot understand. We actually do not go so far as that ; we simply ask that this bill shall not become law until that promise is fulfilled. If the Secretary of State had taken objection to our fixing the division line at the tropic of Capricorn instead of the 26th parallel there might have been some reason in it, and one could have understood it, and I should have been quite prepared to have given in. But when we find him curtly refusing to allow this

amendment in the bill, and assigning no reason, I think we ought to adhere to our previous decision. I mean to do so. When I first spoke on this measure, some three weeks ago, I had a very high respect for the promises made by Lord Knutsford, and I imagined that if we passed this bill, the Home Government, instigated by Lord Knutsford, would have agreed to it immediately and introduced the necessary Enabling Act into the House of Commons. But since the receipt of this telegram, I regret to say that I do not place so much confidence in His Lordship's promises as I did before. I fear that the idea now is this : that by excluding altogether all reference to the lands in this bill, it may pass the House of Commons without opposition, and that having done so, there is no intention to vest the lands in this Legislature. Such being the case I think we ought to adhere to our proviso ; and if we find that Lord Knutsford does not intend to fulfil his promise, to vest the land in us, well, sir, it will then be our province to take such constitutional means as we may think proper to enforce what we deem our rights.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest) : I think I may begin what I have to say by stating that I would have very much liked to have seen this proviso remain in the bill, but, as hon. members all know, Her Majesty's Secretary of State does not wish it to be inserted. The hon. member for the Vasse told us that if this proviso is omitted from the bill, the bill will be passed at Home at once, without any trouble at all. I hope members will remember that,—in the opinion of the leader of the elected side of the House—if this proviso is struck out, the bill will be passed by the House of Commons without any delay.

**MR. MARMION** : A bill with the pith taken out of it.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest) : The hon. member for the Vasse also told us that we should then have Responsible Government without the sinews of war to carry it on, and that we would be just in the same position then as we are in now as regards the control of our lands. The hon. member also asked why should we run any risk ? I would like to remind



the hon. member that these views which he has so forcibly given utterance to to-night are views which he has acquired very recently, because up to this evening, or a day or two ago, I know the hon. member was not so hot upon this point, and was quite prepared to pass the clause as sent down by the Government. But the hon. member has been—I do not use the words offensively—"got at" by the hon. and learned member for the North. If it had not been for the hon. member for the North, this bill would have been passed by this time and been on its way to England. The hon. member for the North has been the prime mover in this matter. [Several hon. members: No, no.] Hon. members may say, No, no; I do not hesitate to say that had it not been for the action of the hon. member for the North this proviso would never have been inserted in the bill. The hon. member, I say, is the father of this clause; at least that is my humble opinion, and we all know that the hon. member for the North is not a very ardent advocate of Responsible Government, and that it would not displease him if the passage of this bill were postponed for some years to come. The hon. member for Sussex told us that no other colony had taken Responsible Government without the control of the land. All I can say is, if we can believe anything, *we* also shall have the control of our lands, in this southern part of the colony. The Secretary of State throughout his despatches has told us so. He has over and over again said that we shall have the management of the lands south of a certain boundary, and full power over the proceeds arising from them. Some members, and I believe the hon. member for the North among them, imagine that under this power the Secretary of State would be at liberty to move the boundary line as he liked, and shift it about in any direction. I maintain that is not a reasonable construction to place upon it. I think the intention of the Secretary of State is that we should have wider jurisdiction as time goes on,—not that it should be curtailed. It is much more reasonable to suppose that our jurisdiction over the Southern portions of the colony will be extended rather than curtailed as years go by. The hon. member for Sussex also told us that this

bill should not be allowed to come into force until the Secretary of State has kept his promise. All I can say in respect to that is: we have not given the Secretary of State a chance yet of keeping his promise. We have not afforded him an opportunity of fulfilling his pledges. He has told us in clear terms what he proposes to do for us, and I think it is not right for the hon. member to say that we ought not to let this bill become law until the Secretary of State carries out his promises, when we have never given him a chance of doing so. After all, if this bill does not become the law of the land, I don't know that the Secretary of State would suffer very much. I don't know that he is likely to be much affected by it. I think it is the people of this colony who would have reason to complain, and not the Secretary of State. Anyone might suppose from the language of the hon. member for Sussex that we were doing a favor for the Secretary of State in passing this bill. The hon. member says we won't have the bill unless this clause is in it. Anybody would think that the Home Government was forcing Responsible Government upon us against our wishes, and that we were determined we would not have it except on our own terms. I do not think that is the case. So far as I know, there has not been any attempt on the part of the Home Government to force a change of Constitution upon us. It has been the wish of the people of the colony themselves, and the wish of this House, and not the wish of the Home Government. I hope, therefore, no one will repeat the hon. member for Sussex's style of argument, and say we are not going to take this and we are not going to take that, as if there was an attempt on the part of the Secretary of State to force this change upon us. My own opinion, as I have said, is that it would be a good thing for us to have the control of the lands, not only south of the tropic of Capricorn but of the whole colony. That is what I should like to see. [Mr. SHOLL: No, no.] Why, No, no? The hon. member apparently would like to see Responsible Government adopted for this part of the colony where he has no interest, but he is afraid of it in that part of the colony where his interests chiefly lie. I tell him that to his face. I ask the House to

reflect and consider what our present position is as regards the management of our lands. This House has had considerable experience and dealings with the Imperial Government with reference to our lands for many years past. We have gradually been gaining greater control over them, and we now virtually regulate the management of them ourselves. At the present moment the land laws of the colony are exactly in the shape in which they passed this House, and were framed by this House. If we only retained the same power under Responsible Government as we do now it seems to me that the advantage would be all on our side. I can certainly see no disadvantage. We certainly would be in no worse position if we continued to exercise the same powers in respect of the lands as we do under the present form of Government. But we have the assurance of the Secretary of State that under Responsible Government he intends to give us full control of the land, full and complete control. Practically, we have this now, and we may be sure that this power will not be curtailed under a more liberal form of Government. The Secretary of State tells us distinctly that we are to have full power to deal with the lands south of the 26th parallel, or wherever the boundary line is fixed; and more than that, he proposes to give us a limited control over the Northern lands, the only proviso being that we shall fund the proceeds of any sales of lands, at the North, in view of that part being hereafter created a separate colony. I do not think that is any hardship at all; I think it is a fair and reasonable proposition, and one which we are all willing to agree to. The Government of the colony will, I hope, always be ready to do justice to the Northern parts of the colony. We are only asked to provide that the proceeds of the sales of land at the North shall be devoted to public works at the North, that the expenditure shall take place where the revenue comes from. I think we have done so in the past; I think the North has had its fair share of expenditure upon public works. I am sure no one in this House would object to the proposal as to the Northern land and the revenue derived from the sale of it. I cannot see, as I have already said, that even if we only retained our

present control over the lands of the colony, we should be at any disadvantage if we had Responsible Government to-morrow. I think we would be gainers by it. We know very well that for years past we have virtually been allowed to do what we liked with our lands; we have given millions of acres of it away to syndicates and others, and there has scarcely been a proposition made by this House that has not been assented to. How then can it be said that we have no control over the land? Have we not within the last few days agreed to give away to another company a large area of land in the neighborhood of Albany, and have we not another proposal to give away some more land in the Southern districts? All this is done under our present regulations, and if the Secretary of State undertakes, as he has promised to do, to give us full power to regulate the disposal of the lands in future, I think we may well rest satisfied that this promise will be fulfilled in one way or the other. It has been said that if this power is to be given to us by a regulation, we shall run the risk of having the regulation altered at the whim of every Secretary of State. I consider that a very foolish argument. It is just as reasonable to expect that our Constitution may be altered at the whim or fancy of any Minister of the Crown in England. Our land regulations have not been altered in the past at the whim of any Secretary of State, and why should we suppose that they would be in the future? It is said that the same power that can make can unmake. No doubt it can; and the same power that gives us a Constitution can do the same. I am referring to the power of the Crown. The same power that has given a Constitution to all British dependencies can take that Constitution away. The Crown, as has been said by a great authority on the subject, has never parted with its rights over any of its possessions. So that the same argument as applies to the land applies to the Constitution. There is no fear that our land regulations would be altered at the whim of every successive Secretary of State: they would be as permanent in the future as they have been in the past. I hope no member is going to be carried away by such an argument as that. I think that in the

best interests of the colony the House would do well to accept this amendment, and allow the bill to go Home, and, as the hon. member for Sussex says, be passed without opposition or delay, and become the law of the land. I think we cannot go far astray where we put our faith in the written word of the Secretary of State. Let it rest with the Secretary of State to fulfil his promise. The hon. member for the Vasse appealed to the Attorney General whether as a matter of law he did not agree with him that the Secretary of State had no power to do what he promised to do. My answer to that is this: the Secretary of State has made his promise, let him find a way to fulfil that promise. I do not see that it devolves upon us to show him how he is to do so. Let him do it in his own way. I do not think we have any right to assume that he is ignorant of the way it has to be done; and I think we may safely trust to him to find a way out of the difficulty, if there is any difficulty. I think we shall find that it is easily done. He can do it by means of the Enabling Bill, or in any other way that may seem to him best, and most likely to attain the object in view. I take it he is in a better position than we are to know what course is the most prudent to pursue. Even if there should be some difficulty in obtaining for us all we want at the present moment, surely we will be in a better and a stronger position to fight for our full rights as a self-governing colony than we are now. We shall then be on an equal footing with the other members of the Australian group, and be in a position to enlist their sympathy and assistance. I would earnestly urge on those members who are in favor of Responsible Government—and I know some of them are not—but I would strongly urge those who really are, to trust the Secretary of State, to accept what he has offered to get us, and let us have it. If we find that we want more hereafter—and I have no doubt we will want more—we can easily pass a bill through the Legislature of the colony, if it is the wish of the people, and leave it to those in the old country who may care to seek to thwart the wishes of the people of the colony to adopt such a course if they think fit. We can, at any rate, then enforce our wishes with the additional

weight of the influence of the other colonies, and I do not think we need fear that with the aid and the combined influence of all our sister colonies we shall not succeed. At present I do not think there is anything to be gained by delay. The hon. member for Kimberley is never tired of telling us how ruinous it is to the best interests of the colony to have this question hanging in the balance, as it has been for two or three years past; and other members are always dilating upon the injury that the colony is suffering from this state of suspense and transition. Now we have a Constitution Bill approved by the House, approved by the Governor, and (with this slight difference of opinion as to the best course to adopt as to the lands) approved by Her Majesty's Government; and I think the wisest thing we can do is to let the bill go, and let us have an end to this period of stagnation. Let us get to work with our new Constitution, without any further delay, which we are told on all hands is disastrous to the commercial, as well as the political, interests of the country.

MR. SCOTT: I must say I, for one, cannot agree with many of the remarks of the Commissioner of Crown Lands. Although the hon. member for the North was instrumental in putting in this proviso, I think it has been clearly explained by the hon. member for Sussex that such a principle as this could never have been allowed to go unchallenged. We know every other colony obtained this power, and I do not suppose it ever entered the head of any of us that we were going to take Responsible Government without the same power over the land, or that we were to be treated differently from the other colonies. The control of the lands is the fundamental principle of Responsible Government, and no one ever thought that we were going to have the one without the other. No doubt it was to the foresight of the hon. member for the North that we owed the insertion of a proviso to that effect in the Constitution Bill; but it is not right to say that it is owing to the action of that hon. member that we are still discussing this very important provision, and, I think, very necessary provision. I certainly do not feel inclined to be made the laughing stock of all the other colonies, as being one of those who agreed to give Western

Australia what may be called a sham Constitution. The Commissioner of Crown Lands may say what he likes, but that is the kind of Constitution we shall have if we don't mind. We shall simply have Responsible Government in name, and nothing more, an empty shadow. The Commissioner of Crown Lands also says it will make no difference whether we get the control of the land in this way or in the way proposed by the Secretary of State. If so, I fail to see the reason why there should be such objection to us having it done in this way. Why should not the land be vested in the Legislature here as it was done in the other colonies? The Commissioner of Crown Lands says we have not yet given the Secretary of State a chance of carrying out his promise. We have not refused to give him a chance. We want to give him a chance, and we say: when you carry out your promise, we are quite ready to take upon ourselves the responsibilities of governing the colony ourselves. The Secretary of State does not want to trust us it appears, but he thinks we ought to trust him, and let him do what he thinks right for us. We don't so much distrust his promise as his ability to carry out his promise. I see no reason at all why the clause should not stand as it is; and for my part I intend to stick to my previous decision. I think it is most essential that we should have this proviso in the bill.

MR. RICHARDSON: I do not intend to prolong the debate except to state my intention to vote against the amendment, and I hope it will be rejected by a large majority, an overwhelming majority. The Colonial Secretary says that the Secretary of State intends to give us the control of the land; if so, what can be the objection to our saying so in this bill? If the Secretary of State has no intention to reserve any power over our lands himself, what objection can there be to our saying in this bill that we wish the land to be controlled by our own Legislature? If the Secretary of State objects to this proviso it must be because there is something in it that he does not intend to let us have, or some power that he wishes to retain himself. All we ask is that we may be placed in the same position as the other colonies were placed when they adopted the same form of Government. The Commissioner of Crown Lands has been

twitting us because we have been led by the hon. member for the North in this matter. Perhaps we have. Perhaps we could not have been led by a better man in a matter of this kind. I think we may thank the same hon. member for many other useful amendments in this bill, and that the Government should be very thankful to that hon. member, and not be twitting him for introducing them. The Commissioner of Crown Lands talks about us waiting until we join the other self-governing colonies of Australia, and then bringing pressure to bear upon the Home Government; but I think if we accepted Responsible Government without the lands, we would cut a sorry figure among the other colonies. We would still be the "Cinderella" of the family, the poor member of the family. It seems to me that the Home Government want to keep this land question as a kind of rod over our heads in the future, so that if we don't behave ourselves as they would wish us they may threaten to clip our wings, and to curtail our power over the land. It would be a sort of birch to hold over us, *in terrorem*, if we are not good boys. I think if we are fit to be entrusted with Responsible Government, if we are fit to be trusted with the management of our political affairs, we are also fit to be entrusted with the control of our lands. For my own part, I do not think we shall jeopardise this bill much by adhering to this clause as it stands. The Commissioner of Crown Lands twitted the hon. member for the North with a desire to thwart the passage of the bill, and said he did not believe that the hon. member in his heart wished the bill to pass. I think that was an unworthy remark to make, and one that is not likely to have much weight in this House. There are others perhaps who are desirous of hastening the passage of the bill. I hope that members will show that they are made of different stuff than to be blown about by every little puff of adverse wind or opposition, and will show by their action this evening that they do not intend to knuckle down and accept the bill at any price.

MR. LOTON: The hon. member for Sussex has put the various points connected with this question so clearly before us that it is not requisite, I think, to go into the matter again at any length. I

intend to oppose the amendment of the Government, or, in other words, to vote for the clause as it stands. The Commissioner of Crown Lands says we may rely upon the promise of the Secretary of State; but it appears to me that we have two promises made by the Secretary of State, and two different promises, two distinct promises on somewhat different lines. His first promise is that contained in his despatch of the 12th December, 1887, where he says that he intends to provide "that it shall be lawful for the Legislature of Western Australia to regulate by Act, passed in the usual way, the sale, letting, and other disposal of the waste lands of the Crown." That is what we want.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** Keep him to his promise.

**MR. LOTON:** That is one promise, and a very distinct promise. But there has been some further correspondence since that date.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** I know it all.

**MR. LOTON:** I dare say; by heart. The second promise is under date 30th July, 1888, and it goes on different lines altogether to my mind. There he says: "With this view, therefore, I propose to leave in force the Act 18 and 19 Vict., cap. 56, and to make"—what? "To make new regulations." That is a different thing altogether from what he promised to do before. Then it was to be an Act; now it is to be a regulation. We should simply have the same power as we have now, to make regulations, or to recommend regulations, for the management of the lands, for the approval or the disapproval of the Secretary of State.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** He does not say so.

**MR. LOTON:** There is no necessity for him to say so. It is regulated by the 18th and 19th Vic.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** You will have the Enabling Bill.

**MR. LOTON:** As to the Enabling Bill it appears to me that the Secretary of State is somewhat afraid to face the House of Commons with that Enabling Bill. He wants us to be satisfied with

the power to make regulations as at present, instead of having the land vested in the Legislature by statute. On this question of self-government all of us were returned to this House, or I may say nearly all of us, as being in favor of Responsible Government, by which we meant, and the country meant, Responsible Government with full control of the waste lands, and not merely a right to frame regulations to be afterwards referred to the Secretary of State. It is no use burking this question; it is narrowed down to a very small issue, and it amounts to this,—shall we have Responsible Government in name only, without the lands being vested in us, or shall we wait and obtain the substance, and the lands vested in the Legislature of the colony? All I can say is, unless we have the lands I am not in favor of Responsible Government. I am not prepared to accept the responsibilities of self-government without the means of making the most of it, and the right of dealing with the public estate.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** You would not be worse off than now.

**MR. LOTON:** We want to be better off. We want to be placed in the same position as the other colonies. We want to have some finality about our legislation. We want to be able to go to the money market on the same footing as the other colonies, and we want our lands to offer as part security for our loans. There has been laid on the table of the House this session a paper from the Crown Agents with reference to the inscribed stock of the colony. It is not a very important document in itself, but it helps to show how the Home Government wish to keep control of the public estate. In the matter of our loans they discard all responsibilities in regard to our loans so far as the public estate is concerned. It is put forth to the world by an advertisement that the revenues of the colony alone are liable in respect of the stock of the colony and the dividends thereon, and that the consolidated fund of the United Kingdom is neither directly nor indirectly liable. What we want is the public estate vested in us so that we may be able to deal with it as our sister colonies have been able to deal with theirs, for the benefit of the colony.

**SIR T. COCKBURN - CAMPBELL:** I do not wish to prolong the debate beyond one or two short remarks. I really think it is to be regretted that when members of this House are endeavoring to do their duty and do their best for the colony, according to their lights, they should be twitted, as they have been from the Government bench, that they do not care for Responsible Government because they are not ready to take it at any price, and are seeking to get it in the best possible form.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** I believe it's true too.

**SIR T. COCKBURN - CAMPBELL:** He may say so. I believe it is not true. I have as much intercourse with members of the House as the hon. gentleman has, and I believe that one and all are really desirous that the present transition state should come to an end as quickly as possible, and as satisfactorily as possible, and not under conditions which I maintain would be absurd and certainly unsatisfactory. He says we ought to trust the Secretary of State to vest the land in the Legislature in the best way he thinks it may be possible to do so. I believe, of course, in the Secretary of State's integrity of purpose; but that is not everything. This is perfectly certain, for the same thing has occurred before: the Secretary of State cannot do what he has promised to do, in the way he proposes to do it. It is not a mere question of doubt, or a question of uncertainty; it has been tried, and it failed. When Queensland took Responsible Government exactly the same thing happened there, —not deliberately I believe, but by accident or inadvertence. In Queensland there was no question of vesting the land in the Legislature, as in Victoria and New South Wales, by an Act; it was done by letters patent (I think they were called). Letters patent were issued so as to enable the Queensland legislature to deal with the lands of that colony by "regulation." But it was found it could not be done, that the Queen could not delegate her powers in that way to the colonial Legislature, that she could only do so to the Secretary of State; and the consequence was, before the Queensland Government could do anything with their lands they were compelled to have an

Enabling Act passed. And we shall find it will be the same here. The Secretary of State talks of vesting the land by regulation; but he cannot do it. It is utterly impossible. You can only vest by special enactment. There is not the slightest doubt about that. The Commissioner of Crown Lands says we would be better off under Responsible Government even if we did not have the land. I really do not see how that could be. We want to be able to deal with our public estate in the best possible way for the benefit of the colony. Although the Crown now is not responsible for our loans, it is assumed that it does share in the responsibility; but when we become a self-governing colony the Crown will certainly not be regarded as in any way responsible for our debts; and how are we going to obtain loans for the development of the resources of the country if we have no power to offer the public estate as part of the security we have to offer? What will be the good of a power to regulate the management of the lands if we cannot use them as security? Any responsibility that the Imperial Government may be supposed to take now would be gone; and we should be in a lamentable position if we could do nothing towards improving the public estate and developing our natural resources. As to any opposition in the House of Commons, I do not think members need be in the least frightened of the House of Commons. A most curious thing I was told to-day by one who had been reading up the debates in the House of Commons when the New South Wales bill passed through the Commons; and I remember, myself, reading the debates in New South Wales. The Government bench there, as here, kept on telling members that if they did not pass this and that in the way they wanted, the House of Commons would be sure to object, and the passage of the bill would be imperilled, and they would never get Responsible Government. The result was they got the House to agree to a very heavy Civil List and some ridiculous provisions; and the best of it was, the very things they had sacrificed in fear of the House of Commons were things that the House of Commons took no notice of; and things which they thought would pass through the

House of Commons without opposition were the very points to which most objection was raised. What difference can it make to the House of Commons if we say we won't take Responsible Government until we have the land vested in us? We did not go so far as that, though I think we ought to have done so. However, there were objections entertained to that, and it was thought there were constitutional reasons in the way; so it was only proposed that we should provide in this bill that the bill should not come into operation until we obtained control of the land south of a certain parallel. It was considered that this would show the Secretary of State that we considered it absolutely necessary to have this control; and that we did not think it would be practicable for the Secretary of State to do it in the way he now proposes to do it.

MR. BURT: I am not aware that there is any occasion for me to add anything further to the remarks that I made on a previous occasion when this same subject was under discussion; but, perhaps, as other members seem inclined to make a speech-night of it, I may as well, and perhaps I may be pardoned if I contribute my quota to the discussion: and, with the view of stating something that may be new, I am going to go a little further into the despatches that have passed between the Governor and the Secretary of State than has hitherto been attempted. This question of Responsible Government appears to have been first seriously approached by the Governor towards the latter end of 1886, when he wrote his despatch of the 18th November, of that year. It was written after a public dinner held at Guildford in connection with the Agricultural Society's show. In that despatch the Governor transmits a report of a speech made by him at the dinner, and he refers the Secretary of State to the growing feeling in favor of Responsible Government, and requests to be informed of the views of Her Majesty's Government on the subject. The Secretary of State replying to that despatch on the 4th February, 1887, says: "I approve of the attitude of abstention which you have described in the last mentioned despatch as being proper for the Governor of Western Australia to adopt in regard to

this question under present circumstances; but I would remind you that the Earl of Derby, in his despatch of the 23rd of July, 1883, conveyed to you the views of Her Majesty's Government on one important point, namely, that if Responsible Government were introduced it would not be practicable for Her Majesty's Government to surrender to a Parliament representing a small population, principally resident in the Southern districts, the control of all the vast territory now included in Western Australia." Therefore we see that Her Majesty's Government from the earliest time when this question was mooted—I am referring to the time of Lord Derby's despatch of July, 1883—were determined that we should not have the control of the whole of the colony's lands. Then in December, 1887, we have another despatch from the Secretary of State in reply to one from the Governor, in which His Excellency referred to the action of this House in the matter, in the session of 1887. In that despatch the Secretary of State says—and I do not think it has been referred to yet: "I readily admit that in ordinary circumstances, and within reasonable geographical limits, a population of 40,000 persons, raising a revenue of £400,000, may *prima facie* be regarded as capable of managing its own affairs." That, I think, is the first admission we have on the part of the Home Government of our fitness to manage our own affairs. Then the Secretary of State proceeds: "but it is another matter to hand over to so small a population the control of the future destinies of an enormous territory, presumably capable of supporting some millions of inhabitants, but at the present time containing these 40,000 persons, nearly the whole of whom are congregated in one portion of the territory, of which many parts are still virtually unknown;" and he goes on to say: "Representations have been already made to me"—I suppose by this party that we are told does not exist in the House of Commons, but which appeared to be making representations to the Secretary of State even at this stage—"representations have already been made to Her Majesty's Government, urging that the Northern portion of the colony should not be placed under the unrestricted control of a Parliament

elected by the present small population, resident for the most part in the Southern districts." He is now beginning to define what he meant when he previously admitted that a population of 40,000 might *prima facie* be regarded as capable of managing their own affairs, and that the Northern portions of the colony must be reserved in any case. "If, however," he says, "some means can be devised, by which the unalienated lands in the outlying portions of the colony may be preserved for the benefit of its future inhabitants, it may be possible to establish Responsible Government." At this date he was only yielding on the point that Responsible Government might be established, if we could arrive at some arrangement whereby the lands in the outlying portions of the colony could be reserved for the benefit of the future inhabitants. Then he proceeds to point out how this might be done. He suggests that for the purpose of dealing with all questions as to the disposal of waste lands of the Crown, the colony should be divided at about latitude 26°, and he then goes on to say "that it shall be lawful for the Legislature of Western Australia to regulate by Act, in the usual way, the sale, letting, and other disposal of the waste lands of the Crown, south of that line, and the disposal of the proceeds arising therefrom." There we are on all fours with the Secretary of State. His proposal then was that this should be done by an Act in the usual way. That was clearly the intention of the Secretary of State; and it strikes me, if the Secretary of State's spirit were amongst us this evening he would hardly think it was worth our while to be flogging a willing horse, as it seems to me we are doing. This is exactly the position that the elected members of this House almost unanimously decided to take up when they inserted this proviso in this clause—that the lands south of a certain division line should be vested in the Legislature by an Act in the usual way, as suggested by the Secretary of State himself. Departing from these earlier despatches—and very possibly the Secretary of State had by this time forgotten what he had suggested before—we come to his despatch of the 30th July, 1888, where he proposes that it should be done in another way, by regulation. It does

not at all follow that if he were reminded of his previous suggestion he would not at once say, "If you wish it, certainly." Yet here we are arguing this point as if there was any doubt about it. I believe if the Secretary of State were reminded that he, himself, had proposed the very same thing in 1887, he would probably say, "I find I did, and, upon reconsideration, I think it is as good a way as any, and if you prefer it to what I suggested subsequently, why, have it, if you like." What's the use of our wasting our time in fighting a shadow? What's the cause of all this disturbance? A little bit of a telegram, in which the Secretary of State says he considers it necessary to adhere to his previous decision. Which decision? We know he has given two decisions, but we don't know which of the two he is going to adhere to. His original decision was to do this as we now propose to do it. How do we know what previous decision he means?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): The last one.

MR. BURT: He says the last one. How does he know whether it is the last or the first? There is nothing to show it. Some time ago there were three main principles as to which we were at variance with the Secretary of State, and I ask whether this House, after yielding on every other point, is doing anything that is not quite right and proper in insisting upon this proviso? Are we not acting with all fairness, and are we not acting reasonably and consistently? The Secretary of State laid down three main principles, on which I submit we have virtually yielded. First, there was the native question, a very sore question with many members of this House. We yielded completely on that point, so far as taking the control of the natives out of the hands of the Legislature. Secondly, there was the division of the colony for the purposes of the land regulations. We yielded there also. We have agreed to draw the line as suggested by the Home Government. Then there was the question of the constitution of the Upper chamber. On that question we did not yield, and what occurred? The Secretary of State yielded to a certain extent, and there was a compromise. These matters were put before us as matters



that had arisen in the course of the negotiations, and they have all been amicably arranged without many telegrams. But now some members of the Government, and some other members too, seem to be frightened by one little telegram in which the Secretary of State says he thinks he will adhere to his previous suggestion. We know he has made two distinct suggestions, but we can't say which he means to adhere to. It is said we might leave the matter to be settled by regulation. The objection to that has been already pointed out, and I think it is a fatal objection. It is not the same thing at all as what we want, though the Commissioner of Crown Lands says it is. He says if we are allowed to do it by regulation we shall have full power over the land. I say we certainly shall not have full power. We should have to refer our regulations to the Secretary of State for his approval as we do now. We could not deal with our lands as we liked, or do what we thought was best for the colony. There might be some very important proposition made from a federal point of view, and we would not be in the same position as the other colonies in dealing with it. We would not have a free hand, as they have. Not long ago there was a proposition put forward by some lunatic in New South Wales, I think, or Tasmania, to the effect that a large slice of this colony should be set apart for the general good of all the colonies for defence purposes. I don't know,—but, unless we get Responsible Government and full control of our lands, we might have a lunatic Ministry at Home agreeing to such a proposal as that. It seems to me absolutely necessary we should have full control of our lands, and have it in the way we decided the other day.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): If you can.

**MR. BURT:** We have only to ask as submissively and deferentially as we can to get it. I am sure of that. I take it that we have a stronger claim to the land than anybody else, to the land south of the Tropic at any rate. That portion of our territory belongs to us in some little way,—to the 40,000 persons which the Secretary of State admits have some rights: As to the House of Commons and that wonderful party that is hovering

around it—I am sure I don't know who the leader of it is—I do not suppose it will matter to them how we obtain what we want, whether by regulation or by an Act. It is unreasonable to suppose that the House of Commons will object to our having the control of the land of the settled part of the colony, south of the proposed boundary line. It is absurd to think that the House of Commons will refuse to grant us a Constitution simply because of this proviso in the bill, which is only what all the other colonies have had. We have found the Secretary of State over and over again yielding the principle that we ought to have the control of the land in the southern part of the colony, and it is all nonsense to suppose that this bill will not become law if we retain this proviso in it. Is it not in accordance with the wish of a large majority of the House? Why should we yield? Are we to yield at once because the Secretary of State sends a little telegram which nobody understands? I take it there are two parties to this negotiation that has been going on with regard to this question of Responsible Government, and are we to give in at once to every demand made by the other party? Is that the way negotiations are carried on between private parties? Unless a man is a fool he does not accept what is offered to him at once. He tries to get the best terms he can, or thinks he is likely to get. If the other party says he is not inclined to give way, you scratch your head perhaps and say you will think over it. You do not give in in a moment to any terms that are offered. There is generally a good deal of bargaining between the parties before they agree, and a little yielding on both sides. We have yielded as I have shown to the Secretary of State on many points that he considered of importance, and no doubt he will yield to us in this matter when he finds that what we want is only what he himself suggested. As for the House of Commons I don't believe there will be the slightest opposition in the House of Commons to this clause when it is explained to them what we really want. Not only is this matter one that has been approved by a large majority in this House, it has also been approved by the Governor himself. We know that the

Governor telegraphed Home in terms very complimentary to this House for the loyal manner in which it had dealt with this measure, and that he thought there would be no opposition to it. Of course the question of giving us the control of the land will be a question for Imperial legislation, and all we seek to do is to remind the Secretary of State of his promise to do this for us. All we have before us to lead us to think that there may be any possible opposition to it is this telegram in which the Secretary of State says he must adhere to his previous decision. I hope members here also will adhere to their previous decision, and not be frightened or too anxious about this matter because the Secretary of State is not going to give in in a moment. Naturally he would like to be in a position to deal with the House of Commons when this question of the land comes before it; but are we going to be denied a Constitution because of this difference of opinion—if there is any difference of opinion—as to the way we are to have what everybody is agreed we are entitled to have? Will the House of Commons dare refuse us a Constitution simply because we have inserted this proviso in the bill, that we do not wish the bill to come into operation until this question of the land is placed on a satisfactory footing. The Commissioner of Crown Lands has told us that what is at the bottom of all this is my dislike of Responsible Government.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): I did not say dislike.

**MR. BURT**: My desire not to see it.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): Not anxious to see it, I said.

**MR. BURT**: Does he think I am anxious to see the present Government continue much longer? Does he think I am so enamoured of the present Administration that I desire to see it go on for many more years as it has been going on for the last two or three years? What did the Governor, himself, say about the present form of Government two years ago? He told the Secretary of State that the colony had passed the stage at which the Government could be satisfactorily carried on under the existing Constitution, even when that Constitution

was administered in the most liberal manner. The Governor of the colony has openly expressed that opinion, an opinion which I, myself, had arrived at long before the Governor expressed it. Therefore, it is absurd to say that the hon. member for the North tabled this amendment in order to stave off Responsible Government, when we know the Governor, himself, thinks the present Constitution is played out long ago. I think we are all aware that the present Government has not been in a very happy plight for some years past, and that the sooner we get a better team the better it will be for the colony,—a team that will pull straight together, and not a team in which some pull forward, and some pull backward, and some don't pull at all. I think the sooner the better we get a team that will all pull one way. To say that this amendment ever was put forward in order to delay the introduction of Responsible Government is an argument that is not worth listening to for a moment. I do not think anyone really thinks that was the ground of my action in regard to this question. I have been sent here not to oppose Responsible Government but to hasten it, and I hope that I have not, at any rate, been a clog to the settlement of the question that we are all so desirous of seeing satisfactorily disposed of. I have the satisfaction of my own conscience at any rate in the knowledge that I have done what I could to get it settled on terms that will prove advantageous to the colony.

**MR. KEANE**: As the hon. member for the North said, this is a question which has already been pretty well threshed out, and there is nothing more to be added; at the same time, as other members have thought it necessary to express their views, I do not think I ought to give a silent vote. It has been said or suggested that my hon. colleague and myself, as the members for Perth, are amongst those who are pledged to take Responsible Government at any price. I am not. I agree with my hon. colleague there. I think if we took Responsible Government without the land we would be taking the shadow without the substance. I fail to see what use Responsible Government would be to us without the land. Perhaps the Attorney General will tell us how we would be

able to raise another loan if we had no security to offer for it. I reckon we would be in about exactly the same position as we are in now, as to our borrowing powers. It seems to me it would be impossible for any Government to raise a loan for public works, or anything else, if it had no land that it could offer as security. We should simply have to go to the old lady in Downing Street for every penny we wanted to borrow, as we have had to do in the past; and for my part I think we may as well remain as we are as to go in for Responsible Government without the means of borrowing money to carry on public works. That is one of the main reasons we want Responsible Government, so as to avoid this necessity of going to the Secretary of State for every penny we want to raise, no matter how the colony may suffer through the delay. I do not think any member here doubts the honesty or the integrity of the Secretary of State or his good intentions; but there is many a slip 'twixt the cup and the lip; and there is no knowing how long the present Secretary of State may remain in power; and if we leave it to chance, we may find ourselves with Responsible Government in name only. If we are to have Responsible Government at all let us have the substance; let us have the reality, and not a mere sham of a thing. I am perfectly sure the majority of my constituents would be quite satisfied to wait for the substance and not put up with the shadow, which is all we would have if we accepted Responsible Government without the waste lands.

MR. MARMION: After the long debate that has taken place on this subject, not only this evening but on a former occasion, and the many good reasons that have been urged, and urged in more forcible language than I can command, I do not think the House would thank me if I were to travel over the same ground again. But there are one or two points which I think have not been dwelt upon. The strongest opposition to this clause has come from the Government bench. I am somewhat surprised at that when I bear in mind that in the original bill introduced by the Government or drafted by the Government there was a clause similar to this: I mean the draft

bill sent by them to the Secretary of State. In that bill it was provided that the lands of the whole colony should be vested in the Legislature, subject to certain provisions as to native reserves. That shows clearly there was nothing in the mind of the Governor and his advisers at that time operating against the Parliament of this colony having the same powers over the waste lands of the Crown as the Parliaments of the other colonies possess. Since then we have had other despatches, but I think it is clear from the tone of those despatches—I am referring now to the earlier despatches—that the Secretary of State all along intended that we should have the control of the lands in this portion of the colony; the only stipulation he made was as to the Northern territory. For instance, in his despatch of the 12th July, last year, he says: "As regards No. 1 of the resolutions of the Legislative Council, previously transmitted in your Despatch 'No. 80, of the 14th April, I would observe that in suggesting latitude 26° as the line south of which the colony might, under Responsible Government, have the power of dealing with the Crown lands, I did not intend to pre-judge the question whether that or any other parallel should be adopted as the dividing line between the two colonies, should one be hereafter created in the North. But I continue to be of opinion that as long as Western Australia remains undivided Her Majesty's Government should retain control over the permanent alienation of Crown lands north of that or of some other not distant line." That shows clearly that there was no intention to deprive us of the control of the land in the southern portion of the colony; for he goes on to show how he proposed to give us that control. It has been pointed out that he has made two distinct proposals on this subject, and the legal members of the House tell us that one of them cannot be done, that the Secretary of State has not the power to do it. Very cogent arguments have been used in support of that contention. I have every confidence in the Secretary of State's good intentions, but we are told by those who have studied the legal aspect of the question that however good those intentions may be, the Secretary of

State has no power to carry them out as he proposes in one of his later despatches, and that the only way it can be legally done is as is here proposed. There is nothing preposterous about it, at any rate, for we are simply following in the footsteps of the other colonies. And why should we not do so? Why should we not be allowed the same rights as were conferred on those colonies when they were in the same position as we are in now, and were going to manage their own affairs? Is there anything in our past history, is there anything peculiar about us, as a community, that we are not to be trusted with the same powers as our neighbors, and given the same privileges as they had when they took upon themselves that form of Government that this colony is about to assume? Why should we be the only colony of the group that is to have this slur cast upon it? For my own part I do not intend to tamely submit to it. It is my intention to support the bill as it stands, and to oppose the amendment put forward by the Colonial Secretary, not, possibly, at the instance of the Government, but at the instigation of the Secretary of State, as conveyed in this telegram. I should like to allude to what fell from the Commissioner of Crown Lands. I must say I was surprised at some of the hon. gentleman's remarks, knowing, generally speaking, how much to the point he is, how striking some of his illustrations are, and how fertile his brain. I was surprised to find the hon. gentleman making use of this argument: that even supposing we did not get control of the land as we wish, we would not be worse off under Responsible Government than we are at present, and that we would not labor under any greater disadvantages than now. Good gracious! Then has all the agitation that has been going on for years back, all our labors, all our efforts, been wasted for nothing? Are we to gain no greater advantages under the new Constitution than we have had for the last eighteen or twenty years under the present Constitution? Has all the excitement, all the heated arguments and political differences which in some instances have even disturbed longstanding friendships,—have they all been in vain? Are we, after all, fighting for a mere shadow? Have we gone through all this for the sake of being allowed to pass

a few sheets of printed pages in the shape of a Constitution Bill? If that is the hon. gentleman's idea of Responsible Government, of course one can quite understand his advising us to give way on this point. Sir, we intend to do something more than to grasp at a shadow, something more than to pass a bill giving us the right to call ourselves a self-governing colony. We mean to have the substance, we mean to have all the privileges, all the rights that attach to that form of Government. We intend to be placed on the same footing as our neighbors in this respect; and I should like to know why we should not be so. I am sure that the feelings of every member on this side of the House, at any rate, will be with the hon. member for Sussex in this matter. I hope there will be no seceders from the position we took up the other evening when this clause was under discussion, and that by our unanimity we may strengthen the hands of the Governor in any representations he may have to make to the Secretary of State, and that His Excellency may be able to show Lord Knutsford and to show the House of Commons that while we are a loyal community, as loyal as any part of Her Majesty's dominions, we have also some little self-respect and some little political ambition, and that we shall not be content with less privileges under Responsible Government than our neighbors. I have no doubt, myself, that the Secretary of State and the Imperial Government will see that we get those privileges, and that we shall gain some advantage under that form of Government that we do not possess now. I, for one, would not be satisfied with being no worse off under Responsible Government than we are now. I do not mean to put up with the Commissioner of Crown Land's negative advantages, and be content to remain as we are except in name.

**MR. DE HAMEL:** The question under discussion to-night is of such grave import that no member, in my opinion, should record his vote without giving his reason for recording it on one side or the other. I think with the hon. member for the North that this is a matter for negotiation between this House and the Imperial Parliament. After all, we can only ask that Assembly to grant us this concession; it is in the power of the

House of Commons to impose the terms upon which they are prepared to grant us self-government. We cannot dictate our own terms, and at the same time ask for this concession. It is always a very hard thing to have to retire from a position that one has taken up; but, fortunately, we have not taken a fixed position as yet on this question. We have not taken up a position of "no surrender." We have merely put forward in this clause a strong expression of opinion that we ought to have this power vested in us. It was a tentative effort to obtain certain rights which we think we are entitled to. The Secretary of State does not feel disposed to yield this right to us, at any rate in this form. If this House to-night is going to adhere to its former position, and is going to make this a *sine qua non* condition, and to set up a cry of "no surrender," then the whole aspect of affairs will become altered, and we shall enter upon a struggle the result of which it is impossible for any member to foresee. The question, therefore, we should ask ourselves before recording our votes this evening on one side or the other is, have we strength, if we enter upon this struggle, to maintain it against the force of the Imperial Parliament? If we take up this stand, and the Secretary of State remains firm and refuses to give way, let members think for a moment of the position we shall be in. It will then be necessary for us to do one of two things,—either to pocket our dignity and to retire from our position with as much grace as we can, or else we must be prepared to maintain it at all hazard, and thereby imperil the passage of this bill. I ask the House have we a right to run that risk? Have we a right to endanger the safe passage of this bill through the Imperial Parliament? All the elected members of this House, I believe, were returned for the express purpose not only of securing Responsible Government for the colony, but of securing it at as early a date as possible. I ask, therefore, whether we have a right to run this risk and to ignore the mandate of our constituencies, by adopting a course which may have the effect of delaying the introduction of Responsible Government indefinitely. At the present moment we know we have the Secretary of State with us: we have him pledged to give us the control of our

lands. Let us take care that we do not turn him against us. Who is it that is likely to oppose this clause when this bill goes Home? Whom have we to fear? It is not, as has been contended, a small party in the House of Commons, but a very powerful party outside the House of Commons, a much greater power than a small minority in the House of Commons,—the power of the Press, the mighty voice of the British press. We all know that the press at Home has taken a strong position of hostility in regard to the granting of Responsible Government to this colony. When Responsible Government was granted to the other colonies years ago, the English press had not taken up the attitude that it has of late on this question; and we must recollect that the English press in these days is a great power in the land, a power of which we here, at this distance, are entirely ignorant. The Secretary of State knows this; he knows the opposition this clause will raise in England, and that it will imperil the passage of the bill. I believe, myself, that the Secretary of State is anxious to fulfil his promise and to redeem his pledges; I believe he desires above anything to give us this Constitution, and that if he can only get us our Constitution he will then redeem his pledges by giving us the full control of our lands subsequently, as we have been told to-night was done in the case of Queensland. I say, then, we have in the Secretary of State at present a staunch and warm friend and supporter; we have him pledged to do all in his power to pass this bill, and we have him pledged to give us subsequently the control of our waste lands. But if we remain firm—I won't say obstinate—although even the Secretary of State himself were to yield, would that secure for us the passage of this clause in the bill? We shall still have to face the opposition of the press and the opposition of the House, and what will be the position of the Secretary of State then as a member of the Government? We know he will no longer be our staunch friend; he will only be a half-hearted friend, instead of a warm supporter, and he is not likely to make any strong effort to pass the bill. The Secretary of State will never for the sake of a little colony like this—for we are but a little colony so far as our political im-

portance goes—he will never for the sake of a colony like this make the passage of this bill a party question, and risk the defeat of the Government upon it; therefore, I hope members will pause this evening before they decide to adhere to this clause as it now stands. I sincerely hope they will take a more patriotic view of the matter, and not lose sight of the position the colony is placed in, with everything at a standstill and languishing; and also bear in mind that this state of things is largely due to the state of uncertainty in which this constitutional question is in. The country is longing to get out of this miserable state of stagnation and depression, and to have some vitality thrown into its political affairs. It appears to me that the great object of some members in obtaining the immediate control of the lands is that we may be in a position to raise a loan. But I say let us first secure our Constitution; the control of the lands will follow. Then, I think, sir, that Western Australia will go forward in that bright path which lies before it in the future.

**THE ATTORNEY GENERAL (Hon. C. N. Warton):** I almost regret that I had no opportunity of addressing the House before, because I feel that what has been said by my hon. friend, the member for Plantagenet, is so much in accord with my own feelings that it has left little or nothing for me to say. As to the remarks of my hon. and learned friend, the member for the North, I am astonished that with his clear head he should be in the least confusion as to what Lord Knutsford meant by his last telegram, and what decision he referred to. If my hon. friend will think for a moment what the question under debate is, he will not remain in that hazy state of mind. We all know that when the bill was sent home it contained a clause giving the Legislature of the colony power over the waste lands; and he must be aware, as we all are, that that clause was struck out by the Secretary of State, and reasons given for doing so; and there cannot be the shadow of a doubt that the previous decision referred to is not some passage in a despatch written one year ago or two years ago, but this very question which has been submitted for a second time within a very short space of time for the consideration

of the Secretary of State. There can be no doubt whatever on that point; and I pray members not to be under any delusion that there is any confusion in the mind of the Secretary of State on the subject, but that he was referring to this very amendment in the bill which is now under discussion. Complaint is made because the telegram is short. Of course it is short; but it is decisive, and it will be seen on reference to the date that the point is one that is regarded by the Secretary of State as of some importance. The telegram is dated 6.30 p.m. on Saturday—showing what attention Lord Knutsford pays to the matter; sent probably after a whole week of worrying work in Parliament and elsewhere. Of course the telegram is short, but it is not (as has been suggested) curt. I should call it courteous rather than curt,—a courteous business telegram. He tells us as a responsible Minister of the Crown—and this is twice, not the first time, and in this bill too, not in despatches—tells us that he cannot agree to this amendment as proposed. He has given way on some points; but on this he is firm. Therefore, it is a question of whether we intend to indulge in a struggle, as has been said by the hon. member for Plantagenet, and whether we have counted the cost. Let us see what the effect of the amendment is. The effect is to limit the possibility of a compromise. It amounts to this: we will not accept the control of the lands if our jurisdiction is reduced one mile below the tropic of Capricorn. That is what it amounts to. We will not have Responsible Government at all unless we have the control of the lands up to this boundary line and no other. If it had been simply that some part of the land should be vested in the colonial Legislature, it would have been a different thing. But it is a very precise amendment; it draws a distinct line of demarcation; so that supposing Lord Knutsford still sticks to the 26th parallel, or wishes to fix the boundary a few degrees north or south, this amendment would stand in the way. The objection is stereotyped here; the tropic of Capricorn and no other line. It is shutting the door absolutely to any compromise. We are not in the committee stage, where we could alter these words; we are not dealing with the bill at any

stage where amendments could be suggested by any member; we are dealing with a Message from the Governor, who, in a certain sense, performs the functions of the House of Lords; and this House now is in the position of the House of Commons dealing with a bill sent back for amendment by the House of Lords. I ask members to bear in mind—and my words may become true—that the decision arrived at on this question, if confirming their previous decision, will be considered as absolutely shutting the door to any other boundary line being adopted but the tropic of Capricorn. Then comes the question referred to by the hon. member for Perth (Mr. Keane). The hon. member appealed to me whether the Secretary of State had the power to give us the control of the land in the manner he suggested. I will come to that presently. The hon. member for Perth referred to his action, in regard to this matter, pleasing his constituents. I appeal to him and I appeal to all other members, in all candour and fairness, whether this is a question of pleasing constituencies or a question of securing the passage of this bill? We have heard too much about pleasing constituencies; members seem to think they are mere delegates sent here to register the edicts of their constituencies. Members should be independent and have souls of their own. The hon. member for Perth has lately been to England; I appeal to him whether he does not know that there exists in England a very strong feeling, not only in English society, but also amongst the English press, against giving the absolute control of the lands of this colony to a mere handful of people, the present population. The fulness and the force of that objection and the power and influence of the press in England is known to the hon. member for Plantagenet; and we shall find that Lord Knutsford, however disposed to do so, will not be able to give way on this point. I told the committee so before, and my words proved true; and the committee will find that I am right now. The junior member for Perth, my hon. friend opposite, who is reckless of consequences, said that the effect of having Responsible Government without this proviso would be that we should have an “empty shadow”—which seemed to me

somewhat inconsistent. Does he mean to say that with Responsible Government and the Land Regulations as they are now we should only have an “empty shadow?” [Mr. Scott: Certainly.] Then the hon. member still has the courage of his opinions; and to him I have nothing more to say. With regard to the hon. and learned member for Sussex, I will meet him boldly on his own ground, and that is on the one word “risk.” The hon. member said why should we risk it, or he was not going to risk it. I put it to hon. members to forget their constituencies for a moment and what they said to them; I put it to them, which is the greater risk, the risk of prolonging indefinitely the present period of stagnation, commercial and political, the risk of another year or two of languishing trade and declining revenue, under a Government that has been hinted at as being lunatic enough to do anything,—so I understood the hon. and learned member for the North—or the risk of obtaining Responsible Government without that absolute control of the lands which alone will satisfy some hon. members? Which is the greater risk? Do members really believe that if this proviso were struck out of the bill we should not be perfectly free to deal with the land at least as freely as now?

MR. MARMION: We want more than that.

THE ATTORNEY GENERAL (Hon. C. N. Warton): What do they want more? They want the word “vest;” that is what it comes to. It is the legal mind. They say we want the land vested in us. After all, what does Lord Knutsford say? He says he will pass an Act for the purpose of doing this. He says: “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.”

MR. MARMION: What measure?

THE ATTORNEY GENERAL (Hon. C. N. Warton): This very measure.

MR. MARMION: Will the hon. gentleman read the preceding clause?

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): Nothing to do with it. I may as well ask my hon. friend to read the Ten Commandments. What I have read is complete in itself,—that there is a certain bill to be passed through the House of Commons. We know that must be done, whether you retain this proviso in the present bill or no. There is nothing in this bill about excluding another portion of the colony from the operation of the clause, and giving the Legislature power to deal with our Northern lands. The words used are words of limitation only; they really limit the powers of the colonial Legislature over the land under the new Constitution. How is it possible for Lord Knutsford to give effect to his avowed intention of giving us the control of the lands except by an Act of Parliament, dealing as he proposes it shall deal, with all the lands of the colony. These words are doubly injurious; they suggest a limitation as to the lands to be controlled, and they fix the line at the tropic of Capricorn, and nowhere else. The hon. and learned member for Sussex has asked my views as to the delegation of certain powers. My opinion on that point very much coincides with his. But that is not the whole question. The question is this: as the Secretary of State tells us, a bill will have to be introduced into the Imperial Parliament dealing with this matter before the Constitution Act can receive the Royal assent; that bill we may take it will go further than this clause goes, for it will be necessary to have some legislation about the Northern lands; so that this clause is really injurious to the cause which the hon. member has at heart, inasmuch as it absolutely limits our control over the lands to one portion of the colony. Beyond that, it is a sort of protest faunted in the face of the Secretary of State telling him that we doubt the honesty of his intentions.

**MR. PARKER:** I would remind the hon. and learned gentleman that the point I asked his opinion on was not that which he has referred to. I pointed out that under the 18 and 19 Vict., cap. 56, certain power is given to the Secretary of State, delegated to him by Her Majesty under her signet and sign manual; and Lord Knutsford says he proposes to keep

that Act in operation, and still to vest the land in the Legislature; and what I asked was how he could vest the land in the Legislature and still keep that Act in force, an Act which gives him and not the Legislature the power over the land?

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): I think I said I agreed with the hon. and learned member that there was a good deal in that point; but, no doubt, the law officers of the Crown will be able to point out to the Secretary of State how it is to be done.

**MR. RASON:** After the long-sustained eloquence of so many members it is only possible to say very little, and it appears to me that it is only necessary to say very little. The question is one that was fully considered and discussed by the House when in committee on the bill; the whole question was thoroughly threshed out. There was also a division upon it, and the result of that division was that the amendment of the hon. member for the North was carried by a majority of 18 to 6. It is a curious coincidence that the very first name on the division list in support of the amendment is the name of the hon. member for Plantagenet, the only member who to-night runs away from the position then taken up. The House on that occasion arrived at a deliberate verdict upon that amendment, and I would ask what has occurred since to alter that decision? Simply a very short cable from the Secretary of State; very mildly worded, not taking at all a strong position on this particular point, but simply lumping three out of five amendments together, and saying, "Do not agree; consider it necessary to adhere to previous decision." If the Secretary of State had a very strong feeling of objection to this particular amendment—such a strong feeling as it is represented he has—surely he would have referred more particularly to this matter, and not lumped it up with other matters, one of which was an addition of £100 to the pension of my hon. friend, the Attorney General, which, apparently, is regarded by the Secretary of State as of quite as much importance as this other amendment. When we find the Secretary of State lumping three or four amendments made in the bill, and saying he thinks it necessary to adhere to his previous decision with regard



to them, it is curious to find that this particular amendment, if persisted in, is the one that is going to wreck this bill. It may be argued with equal force and plausibility that if we do not agree to increase the pension of the Attorney General the bill will be imperilled. With equal reason it may be argued that unless we increase the salary of the Governor we shall not get Responsible Government, or even if we do not increase the Attorney General's pension from £300 to £400. There is nothing in the Secretary of State's telegram to show that he considers this question of the land of any greater importance than these other matters. There is nothing to indicate that he thinks more of this land question than of the extra £100 a year to the Attorney General; and the Government would be just as much justified in stating that the whole question of Responsible Government hinges upon the question of the pension to be granted to that worthy individual, as to say that unless we give way on this particular point, Responsible Government will be delayed indefinitely. The Secretary of State merely says he considers it necessary to "adhere to previous decision;" I think we may respectfully reply that we also consider it necessary to adhere to our previous decision, and that no reason has been shown why we should depart from it. I certainly think it would be very bad grace on our part to beat a hasty retreat in the face of this very mild telegram from the Colonial Office. We did not rush to the conclusion that this proviso was necessary; we gave the question our most serious consideration, and came to the conclusion that in the interest of the colony it was incumbent upon us to make a stand upon it; and I think every one of us, with the exception of the hon. member for Albany, is prepared to stand by that decision. It appears to me absolutely necessary that our title to the land should be placed beyond dispute before we begin to build up our new Constitution. It seems to me that we are in the position of a man who is about to build a house upon a piece or parcel of land, the title of which he has not obtained, if we enter upon this new form of Government without securing to ourselves the public estate. It may be all right, as the Commissioner of Crown

Lands says; we may depend upon getting it. But we want something to show that the title is ours, and that we have the power to deal with it ourselves, and have not to go and ask someone else before we can do anything with it.

The amendment was then put, and a division called for, the numbers being—

Ayes ...	6
Noes ...	18
Majority against ...	12

AYES.	NOES.
Mr. Congdon	Mr. Burt
Mr. De Hamel	Sir T. C. Campbell, Bart.
Hon. J. Forrest	Mr. A. Forrest
Hon. C. N. Warton	Mr. Grant
Hon. J. A. Wright	Mr. Harper,
Hon. Sir M. Fraser, &c. &c.	Mr. Keane
(Teller.)	Mr. Loton
	Mr. Marmion
	Mr. Morrison
	Mr. Paterson
	Mr. Pourse
	Mr. Randell
	Mr. Rason
	Mr. Richardson
	Mr. Scott
	Mr. Sholl
	Mr. Venn
	Mr. Parker (Teller.)

"Schedule B—The sums named to be increased as follows:

£3,000 to £4,000
£200 to £250
£1,000 to £1,200
£700 to £900
£8,400 to £9,850."

MR. A. FORREST: I think now that the main question has been settled (I may say unanimously), we should now give way, and let the Governor's salary be increased, and the other items. I hope members will deal with this matter in a liberal spirit; the total amount it will cost the colony will not come to £2,000 a year, and I think we should look very small indeed if we refused to take Responsible Government for the sake of a few hundreds a year. I do not think anyone can object to the Governor of this colony receiving £4,000 a year, considering the large expense he is put to in entertaining a lot of people he does not care twopence about. We know very well that he has to ask people to Government House that he cares nothing at all about. We have no right to expect our Governors to come here and live beyond their means; we have no right to expect to make a profit out of them. If we want our Governors to entertain people we

must provide them with funds to do so. I think the present salary is not reasonable, considering the claims upon a Governor. I believe the present Governor, and other Governors before him, have not been able to save sixpence out of their salaries. I don't think we want men to go to work for us for nothing, and not be able to put anything by. We don't expect it of other people, and why should we expect it from a Governor? The same thing applies to the other salaries in this schedule. I think the House would do well to show a little liberality in this matter. We have carried the only point we care about, and that is the land. I hope it will not go outside the colony that we declined to go in for Responsible Government because it would cost us a few hundreds a year, when we had a territory equal to one-third of the whole of Australia at our backs. I hope members will not be led away in this matter by any remarks about the poverty of the colony. We must remember that if we give these officers higher salaries they will spend it in the colony; they don't take it away. There has never been a Governor in this colony who has been able to save anything; and £1,000 won't make much difference to the colony. We pay the present Governor £3,000, and give him £500 in allowances, and other extras, which make it up to pretty near £4,000. All I wish to say is this: I hope and trust that members will in this case vote for the schedule as it is now put. I intend to support the Government.

Mr. VENN: It is only a few days ago that we passed this schedule as it stands, and amongst those who did so was the hon. member for Kimberley, who now wishes it to be altered. However much it may have been the wish of some of us on that occasion to have voted for the Civil List as it stood, and although some of us may be still of the same mind, still, looking at the loyal manner in which we have been supported in this other matter of the land, I think it is only fair that we should make a concession to those who differ from us as to the amount of the Civil List. I think it is very desirable that we should have a solid majority on these matters. If there is any point upon which I should wish to concede at all, it would be on this

question of the Civil List; but seeing the loyal way we have been supported on the land question by those who are not quite so warm upon this point, I think we are bound to support them in voting for this schedule as it stands.

Mr. DE HAMEL: First I desire to make a personal explanation in answer to the remark of the hon. member for the Swan, who said that my name appears amongst those who, in the division upon this schedule the other day, voted for the amounts now proposed to be altered. On that occasion I distinctly stated, and every member must have heard me, that I would simply vote as I did with the majority,—against my own convictions and for the sake of expediency—so that the hands of the Governor might be strengthened in reporting the matter Home. It was believed that it would carry more weight with the Secretary of State if it were shown that the House was unanimous. Having made this explanation there is only one thing I wish to add. In the telegram from the Secretary of State to His Excellency, he says, referring to these salaries: "Present holders not to have increase of salary on full salary." By section 56 of this bill it is provided that "such salaries as are settled upon the Judges for the time being by this or any other Act, and also such salary as shall be voted to any Judge of the Supreme Court, shall in all time coming be paid and payable for the time being, so long as his patent or commission continues in force." These two statements appear to me contradictory of one another. The telegram says that present holders of office (including, of course, the Judges) are not to receive any increase of salaries under this bill; but the 56th Clause of the bill says that such salaries as are settled upon the Judges by this Act (£200 a year more than they now receive) shall in all time coming be paid. I do not know how the two statements are to be reconciled. As to the schedule now before us, the House having just now decided against accepting the amendment of the Secretary of State on the only point he probably cares about, I think it is immaterial what side the House will take as regards this schedule.

Mr. BURT: The House is now asked to vote a fresh schedule; and I feel free

now to say anything. On the last occasion when the same question was before us, I felt it my duty to give a silent vote; but we are now asked to reverse the decision we arrived at then—only a few days ago. There are some questions upon which one may be at liberty to vote differently every day in the week; but I don't think this is a question of that kind. I see nothing to lead us to vote different salaries to these public officers to-day from what we thought was sufficient a few days ago. Why should we vote £3,000 as the Governor's salary last week, and now vote for £4,000? We are not now discussing the abstract question of whether £3,000 or £4,000 is sufficient to enable a Governor to entertain people he does not care "tuppence" about (as the hon. member for Kimberley put it). I presume we thought of all this the other day, when we decided to reduce this schedule. Now we are asked to turn a somersault, simply on the strength of this little telegram, which nobody understands. I ask any member if he can put an intelligent interpretation upon this telegram? What on earth does this mean—"Present holders not to have increase of salary on full salary"—what does it mean? No one can understand it. I am sure the Government don't understand it. And we are positively asked to reverse the decision we arrived at only a few days ago on the strength of a perfectly unintelligible telegram. I refuse to have anything to do with it. We have not approached the Secretary of State yet with our bill and the provision we have made for these officers; they have never been before the Secretary of State. We know that the Governor sent him a telegram, by favor of Sir John Pender, in which he lumps up a number of amendments made in the bill, without, as he says, materially altering the bill approved by Her Majesty's Government; and saying that all the bill now wanted was the approval of Parliament. Then out comes this unintelligible telegram: "Two to five—do not agree to the amendments; consider it necessary to adhere to previous decision." Two to five include these amendments: "Act not to come into force until lands south of tropic vested in Legislature" (which is wrong); "Governor's and Judges' salaries left as

at present;" "Attorney General's pension £300;" and "Land reserves for natives to be made by Governor in Council." The Secretary of State lumps all these questions together, and says "consider it necessary to adhere to previous decision." What does it mean?

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): It's clear enough what it means. He means the bill as sent out approved by the Secretary of State.

**MR. BURT**: I defy anyone to say what it means. There has been no decision at all arrived at yet upon some of these points by the Secretary of State, and how can anybody intelligently interpret what such a telegram means. The Commissioner of Crown Lands says it means the bill as sent out; how can it mean that when we have altered that bill in many other particulars? Here are four matters referred to. Nos. 2, 3, 4, and 5; yet the telegram only refers to one decision: it is in the singular,—“consider it necessary to adhere to previous decision.” If it is not intelligible as a whole it certainly is as regards the latter portion of it. “Present holders not to have increase of salary on full salary;” if anyone can say what that means I will sit down. Are we going on that telegram, with its manifest imperfection and unintelligibility, to reverse the decision we arrived at two or three nights ago? I say, No. If we do so, then I say there's an end to any hope of getting any action based on any fixed principle in this House.

**MR. MARMION**: May I ask what interpretation the Government put on the latter part of this telegram—"Present holders not to have increase of salary on full salary?"

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser): There is only one interpretation that can be put upon it, and that is that the present holders of these offices are not to draw any higher salary when this bill comes into force,—the present Governor and the present Judges.

**MR. PARKER**: The bill itself says they shall draw such salaries as are settled upon them by this bill. In considering this matter after receiving this telegram, it has occurred to me that if we adhere to our decision as regards vesting the lands in the colonial Legisla-

ture, we might fairly agree to grant Her Majesty such a reasonable Civil List as she may ask, in return for the Crown lands. In the Constitution Acts of some of the other colonies, it was specially enacted that in consideration of Her Majesty surrendering her territorial rights over the land the Legislature should grant Her Majesty a Civil List. In fact that is the bargain between the colony and the Crown. That has been the view taken by the Secretary of State all along; and, upon reconsideration, I should have been prepared to have granted the amount here mentioned, but for the fact that the Secretary of State tells us he intends to adhere to his previous decision as to the land. I think it must be the land that he refers to in this telegram. As a matter of fact there has been no previous decision given by the Secretary of State in regard to the amount of the Civil List.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** He sent out the bill, approved, with the schedules attached.

**MR. PARKER:** That was a bill that had been redrafted from the bill sent Home by the Governor; and so far as Schedule B. was concerned, the Secretary of State made no alteration in that. In his despatch of the 31st August, 1888, although he takes exception to several other matters in the draft bill sent Home by the Governor, he says as to these schedules: "I shall offer no objection to the amount of pension specified in Schedule D. for officers retiring on political grounds, or to the scale of salaries in Schedule B., should they meet with the concurrence of the members of the Legislature." It is clear that the amounts seemed high to the Secretary of State, but he says, so long as the Legislature consents to them, I am not going to oppose them. He virtually leaves the whole thing to the Legislature; and I defy any member on the opposite benches to point out that the Secretary of State has ever come to any decision, or expressed any opinion as to these amounts, unless by implication that they appeared to him to be rather high. Such being the case I see no reason why we should alter the decision we arrived at the other evening on this subject.

**MR. SHOLL:** I intend to vote against

this amendment, for I really do not see why this colony, just as it is about to take over the responsibilities of this form of Government, should be saddled with more than its fair share of expense by increasing the salaries of these officers. The present Governor has cautioned us over and over again to be economical in our expenditure in view of the approaching change in the Constitution; and I do not see, myself,—taking into consideration that a Governor under Responsible Government will not have anything like the amount of official work to do that he has at present—why we should now increase his salary. I think, if under the present form of Government £3,000 is sufficient salary for the Governor, when he has so much work to do, it ought to be sufficient under Responsible Government, when he will not have half as much to do. We must also take into consideration that there are allowances amounting to about £500, and that it is necessary the Governor should have these allowances, and not a stated sum; and I will tell you why. We know that the grounds around Government House are very extensive, and unless they are properly maintained, and a proper allowance is made for their upkeep, it is hardly to be expected that the Governor will go to the expense of keeping these grounds in order and employ a lot of men about the place. I think it is very desirable to retain these allowances. The hon. member for Kimberley is very liberal, I notice, in voting away public money; I wonder whether the hon. member would be as liberal with his own money.

**MR. A. FORREST:** Certainly he would.

**MR. SHOLL:** I would also ask him, if it had been proposed to give the Governor an extra £1,000 a year when the Estimates were before us, would he have agreed to it?

**MR. A. FORREST:** Certainly I would.

**MR. SHOLL:** It is very easy for members to vote away public funds; and if we could afford it, I don't know that I would object to be more liberal in the matter of these salaries; but we must remember the financial position of the colony and that we are going to incur a considerable amount of extra expense in connection with Responsible Government. I think we might leave this question of

increasing salaries to be dealt with by the new Government.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): I should like to say with reference to this schedule, that it appears to me, as the Council has carried its point on the land question, it can afford to deal liberally with the Civil List at any rate. I think it is desirable in the interests of the colony that the bases of the negotiations between this House and the Secretary of State should be narrowed down as much as possible, unless there is some principle involved. It seems to me that here it is simply a matter of expediency, and not of principle at all. I think it is very desirable that His Excellency should be able to telegraph to the Secretary of State that the Council had agreed to all his amendments except as regards the land. I think the Secretary of State would be far more likely to deal with us liberally in the matter of the land if he found us showing a disposition to concede these other points which, after all, as I said, are not questions of principle but simply of expediency. It is merely a bargain we make with the Imperial Government in return for the Crown lands; and I feel that our position as regards the land would be much stronger if the Governor were in a position to inform the Secretary of State that this House had loyally agreed to accept these other amendments. As to £3,000 being sufficient salary for the Governor of the colony, I cannot agree with the hon. member for the Gascoyne on that point. As a matter of course the Governor of the colony has to entertain largely, and he has a great many calls upon him, what with dinner parties, balls, and entertainments of that social character, all of which cost a lot of money. The Governor is in the position of a man who has to give, and gets no return. Most other people when they are put to the expense of entertaining feel that they are only doing what other people do for them in return; but with a Governor it is all one way. We know very well it is perfectly absurd to expect them to do this on their present salary; they can't do it, without encroaching upon their own private income. I hope members will not descend to cheeseparing in this matter. It's not good enough.

**MR. GRANT:** I wish to give expression to my mind on this matter. This question has been well considered before, and I see no reason at all why we should go back from the decision we arrived at the other day. I think when we come to compare the salary we pay our Governor with the salaries which our wealthy sister colonies pay theirs, we shall find that we are paying quite as much in proportion as they are, and a great deal more than some of them. The Governor of New Zealand only gets £4,000 now, and we know that New Zealand is one of the most important colonies in these seas; and, as to entertainments, I should say the cost of entertaining at Government House there must be tenfold what it is here.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): It cannot be done on the money.

**MR. GRANT:** Considering that the responsibility and the work of the Governor under Responsible Government will not be nearly so heavy as under the present Constitution I really see no occasion for increasing the salary. It is only two or three years ago that we did increase it; and, looking at our position and the poverty of the country, I think we are not justified in giving these large salaries. More than that, I wish to say that in my opinion it will require all our endeavors and the utmost economy in all directions, and in every branch of the public service, to make both ends meet under Responsible Government, at the first going off at any rate. We know that the cost of that form of Government will be some thousands extra, and it is unreasonable to think that we can afford to go in for all these increases of salaries to these high-placed officials. I do not believe, myself, that the Secretary of State intends to dictate to us at all in this matter of salaries; he is quite content to leave the matter to the House to settle. We know that under the British Constitution the power of the purse-string is left in the hands of the Legislature; and it will be for our Legislature to deal with this question when the new Constitution gets into working order.

**THE COMMISSIONER OF RAILWAYS** (Hon. J. A. Wright): I only rise to point out that the Governor in New Zealand, in addition to his salary, receives £2,500 a year allowance.

**SIR T. COCKBURN-CAMPBELL:** The amount of the Civil List is no doubt the amount which the colony bargains to pay for the control of the Crown lands: and if we can obtain that control, in the manner we have just agreed to, I should be inclined myself, personally, if I could exercise my own individual judgment, to agree to the amendment now under consideration; but members are aware that in all political or parliamentary matters one must be guided in a great measure by compromises. I consider the question of the control of the Crown lands one of paramount importance, myself,—so much so that the other day I consented to surrender my own personal view as to the Civil List, in order to secure a substantial majority on the land question. That was the understanding arrived at; therefore, in loyalty to my fellow members, I am bound to oppose this proposal now made to increase the Civil List. At the same time, I must say that the amounts fixed by the schedule for the Governor and the Judges, and also the proposed ministerial salaries, are not sufficient, in my opinion; and, if I had anything to do with it under a future Constitution, I should be very willing to increase these salaries. But, for the reason I have just mentioned, the agreement arrived at between members as to supporting each other on these disputed questions, I feel bound now, in loyalty to my fellow members, to oppose the present proposal. I thought it necessary to make this explanation in view of the vote I am about to give.

**MR. RANDELL:** I can appreciate the loyalty of members in their endeavor to minimise the expense of introducing the new Constitution, consistent with its efficient working, and with the proper discharge of the responsibilities attached to that form of Government which they have decided to enter upon. Although I voted the other night in favor of these salaries, I did it because I then thought a good case had been made out for increasing the salary of the Governor, and that it was desirable to secure as good men as we possibly could to fill the position, and also the position of Chief Justice and Puisne Judge. But when I take into account that the colony, as yet, is very sparsely populated, and when I compare the salaries here with those in the other

colonies which are much more wealthy than we are and more largely populated, I think the proposed amounts are about as much as the colony can fairly be expected to provide at the present time. It is true that a Governor of a colony has to entertain, and that he has a great many calls in comparison with those occupying a private position in society; and I think it is desirable that the Governor of the colony should be relieved from any pecuniary anxiety, at any rate. We must not always expect to get Governors with large private means of their own, and I do not know that we have any right to expect a Governor, if he has private means, to spend more than his official salary in administering the affairs of the colony, and discharging his duties, whether social or official. But I think there is great force in the argument put forward that it is very desirable to curtail our expenditure as far as possible in entering upon this new form of Government, in view of the extra expenses which we know are inevitable. I had an idea that the proposed ministerial salaries were inadequate, and I still think that they are not sufficient to induce the best men to take them up, and devote their time to the proper discharge of the very onerous duties that must attach to these responsible positions, if they are to be guided by the salary alone. At the same time, after a careful review of the subject in all its bearings, I feel disposed to support those who propose to leave the Civil List as it stands.

**MR. RICHARDSON:** No doubt it is distasteful to be reminded that we are a poor country, but, being the fact, I do not see the use of shutting our eyes to it; and it appears to me it is always wise policy to cut your coat according to your cloth. We must look at our population and at our revenue, and we must look at our taxation, and see whether we are really in a position to provide these salaries, and at the same time do justice to the interests of the colony in other directions. Of course if we like to deceive ourselves that we are a rich and prosperous community, we may do so; but that will not enable us to meet these increased expenses. When the colony can really afford to be liberal in these matters I shall be amongst the first to agree to an increase of salary wherever it is shown

that it is deserved. But I think we ought to proceed by degrees; it is much better and wiser to begin with what we can afford, and to raise our salaries as our means admit of it. I say it is better to do that than to fix them at an amount that is really beyond our means, and afterwards have the humiliation to be compelled to reduce them. There is no more distasteful or more difficult part to play in statesmanship, or in the art of governing, than to have to face a cutting down of salaries and to carry out a policy of retrenchment in the face of an insufficient revenue. That has been found to be the case in the other colonies, where a policy of compulsory retrenchment has been forced upon them. I think all of them, except perhaps Victoria, have drifted into a course of extravagance and the resultant overdrafts, at one time or the other, and have afterwards had the mortifying task of resorting to a policy of retrenchment in every department of the public service, coupled with all the distress and heartburning which such a course is bound to bring. I think it would exhibit greater wisdom on our part to begin low and to increase our salaries as our revenue increases and our financial position improves. When that happy period arrives, nothing will give me greater satisfaction than to see these salaries raised; but I think this is not an opportune time for increasing our liabilities, and I hold it is only foolish policy on our part to pretend that we are in a position to do things that we really cannot afford.

MR. SCOTT: It had been my intention to have supported the amendment, but, looking at the matter in all its bearings, it seems to me that the House ought to adhere to its original decision. I think we have given this telegram and the message that called it forth too much weight and consideration. After all they are only a mere condensation of the views of this House on the one hand, and of the Secretary of State on the other. It may be that when the Secretary of State finds out what the position is that we have taken up, he will be in no way inclined to press the points he now takes exception to. We know that His Excellency is capable of placing the matter very clearly before the Secretary of State, but we also know that a telegram at the

best is a very unsatisfactory way of dealing with questions of this kind, where there are so many things to be urged on both sides. I do not believe, myself, that we shall hasten the advent of Responsible Government one moment by agreeing to this schedule as it is put before us by the Government.

Question put, that the amount of the Governor's salary (the first item) be increased from £3,000 to £4,000.

A division being called for, the numbers were—

Ayes ...	...	...	6
Noes ...	...	...	17

Majority against	...	11
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AYES.	NOES.
Hon. J. Forrest	Mr. Burt
Mr. A. Forrest	Sir T. C. Campbell, Bart.
Mr. Morrison	Mr. Congdon
Hon. C. N. Warton	Mr. Grant
Hon. J. A. Wright	Mr. Harper
Hon. Sir M. Fraser, <i>q.c.</i>	Mr. Keane
(Teller.)	Mr. Loton
	Mr. Marmion
	Mr. Paterson
	Mr. Pearce
	Mr. Randell
	Mr. Reason
	Mr. Richardson
	Mr. Scott
	Mr. Sholl
	Mr. Venn
	Mr. Parker (Teller.)

Question—That items “£1,000” be increased to £1,200, “£700” to £900, and “£8,400” to £9,850—put and negatived.

Schedule D.—Attorney General's pension:

Question put, that the amount be increased from £300 to £400.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I am really astonished at the attitude which hon. members have taken up with regard to these matters. I only hope they may not lose Responsible Government through it; but I really think they deserve to lose it. I cannot understand why they should show such an illiberal spirit, such paltriness, such pettiness, I call it. I really begin to think that they consider more of a paltry few hundreds a year than they do of obtaining Responsible Government. They seem to me to think more of these paltry items than of the most important clauses of the bill. £1,550 was the whole amount they were asked to add to the Civil List, and they have refused point blank to grant that paltry amount; yet they expect the

Crown to give them the entire control and disposal of its waste lands. They tell us that their reason is that they have agreed in secret conclave to stick to their former decision at any price. They appear to have had some sort of a meeting—it lasted about half an hour, I believe; and, by a show of hands or some other way, they came to a decision not to give in on any point. One hon. member, Sir Thomas Campbell, tells us plainly that it is only loyalty to his brother members that induced him to vote as he did, and that he was sacrificing his own individual opinion, because of some arrangement or private compact arrived at as to the lands. The hon. baronet says frankly that he thinks these amounts are too low. The hon. member says he thinks that politics are made up of compromises, and that he would have been prepared to have compromised this matter but for this private agreement arrived at. There does not seem to be much of a spirit of compromise about hon. members, for I find the division lists the same to-night as they were the other night. Compromise does not appear to have caught many votes. I really am astonished at members taking the stand they are taking on these schedules. They must think that the Secretary of State is joking, and does not mean what he says when he tells them that he considers it necessary to adhere to his former decision on these points. Here is this particular item of the Attorney General's pension, upon which he has taken the trouble to telegraph to us twice within the last few days; do hon. members think he is trifling? Do they think Lord Knutsford is only joking with them? If members are determined to deal with the matter in this narrow spirit, all I can say is, although I hope they may not defeat the object they have in view, they certainly deserve to do so. They deserve no consideration at the hands of the Secretary of State.

MR. PARKER: I had not intended to have said a word on this subject of the Attorney General's pension, but, as the Commissioner of Crown Lands has thought proper to tell us that we are dealing with these matters in a paltry and a petty spirit,—

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): So you are, too.

MR. PARKER: This is a practice that is growing upon the hon. gentleman,—interrupting members; but it is not good form.

THE SPEAKER: Nor is it in order; and I have been very nearly calling the hon. gentleman to order on several occasions when he has interjected remarks and interrupted other members. It is entirely out of order.

MR. PARKER: If to look after the interests of the colony, to guard the public purse, and to exercise economy, is petty and paltry, we are of course open to the hon. gentleman's imputation. But the same remark applies to every instance of economy practised, and to every attempt to reduce expenditure. I thought it was the peculiar province of the Legislature to watch over the public expenditure, and to see that the burden of taxation is not made heavier than is avoidable, and that money is not voted for any purpose that is not absolutely needed; but, of course, if to do so is paltry, if to do so is petty, I suppose we must put up with the strictures of the Commissioner of Crown Lands. As I said the other day, if this came out of my own pocket, and I could afford it, I should only be too glad to see the Attorney General getting this pension; but we are dealing not with our own money but with the public funds, and it is our duty as custodians of the public purse to see that not a single farthing more is spent than the necessity of the case requires. The Secretary of State says we ought to give the Attorney General £400 a year; he has said so in answer to a telegram from the Governor, who, it appears, suggested that he should receive two-thirds of his salary,—a suggestion which the Secretary of State appears to have jumped at, at once.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I don't think that is the case at all.

MR. PARKER: I am perfectly certain in my own mind that the suggestion came from the Governor, in the first place, although it may not appear so in the telegram. I find from the despatch already referred to that the Secretary of State leaves the matter of pensions entirely to this House to arrange. As long ago as 1870 Governor Weld foresaw that there might be claims set up for retiring allowances which were disproportionate



with the length of service; and he suggested to the Secretary of State that the amount of an officer's pension in these cases should be determined by the Legislature; and the Secretary of State acquiesced in that proposition; and we have it here in black and white in these despatches. Even so recently as last year when the draft bill went Home, the Secretary of State again said he had no particular objection to the amounts set down, provided the Legislature was agreeable,—as much as to say he thought the amounts were large, but if the Legislature was prepared to vote them, he was not going to object. The whole question was left to this House. Looking at the length of the Attorney General's service—not more than three years—I think that a retiring allowance of half his salary is a very liberal allowance, as liberal as this colony can afford, bearing in mind other claims which the colony has to meet.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): The hon. member says that the Governor suggested to the Secretary of State that the Attorney General's pension should be two-thirds of his salary. The Governor in his telegram simply says: "Attorney General pension £300;" not one word about his salary.

**MR. PARKER:** That's not the telegram. We want the telegram that brought out that telegram from the Secretary of State suggesting that the amount of the Attorney General's pension should be two-thirds of his salary, as was done in Victoria, many years ago.

Committee divided on the question of increasing the amount, the numbers being—

Ayes ...	...	...	5
Noes ...	...	...	16
Majority against ...			

AYES.	NOES.
Hon. J. Forrest	Mr. Burt
Mr. A. Forrest	Sir T. C. Campbell, Bart.
Mr. Morrison	Mr. Congdon
Hon. J. A. Wright	Mr. Grant
Hon. Sir M. Fraser, K.C.M.G.	Mr. Harper
(Teller.)	Mr. Keane
	Mr. Loton
	Mr. Marmion
	Mr. Paterson
	Mr. Pearse
	Mr. Randell
	Mr. Richardson
	Mr. Scott
	Mr. Sholl
	Mr. Venn
	Mr. Parker (Teller.)

# ABORIGINES PROTECTION BILL.

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser) moved that the amendment proposed by His Excellency in Clause 8, line 4, be agreed to. (*Vide* Message No. 13.)

Question put and passed.

**MR. PARKER** then moved that an humble address be presented to His Excellency the Governor, informing him, in reply to Message No. 13, with regard to amendments in a Bill intituled "An Act to confer a Constitution on Western Australia, and to grant a Civil List to Her Majesty," that this Council agrees to adopt His Excellency's suggestions as to the following amendments:—

- (1.) *Preamble, lines 2 and 3 on page 2:*—The word "now" to be inserted after the word "should."

The words "by a Legislative Council and a Legislative Assembly" to be omitted.

The word "such" to be omitted, and the word "a" inserted in lieu thereof.

- (2.) *Clause 10, line 1:*—The word "seven" to be omitted, and the word "five" inserted in lieu thereof.

- (3.) *Clause 18, lines 2 and 3:*—The words "nor, after Part III. of this Act shall be in operation" to be omitted, and the word "or" inserted in lieu thereof.

- (4.) *Clause 19, line 18:*—The words "nominated or," and the marks of parenthesis, to be omitted.

- (5.) *Clause 21, line 15 on page 6:*—The words "the property qualification mentioned in section eighteen and" to be inserted after the word "that."

But does not agree to the following proposed amendments:—

- (6.) *Clause 69, line 3:*—The words "eight thousand four hundred" to be omitted, and the words "nine thousand eight hundred and fifty" inserted in lieu thereof.

- (7.) *Clause 76, line 11:*—All the words after the word "repealed" to be omitted.

- (8.) *Schedule B:*—The sums named to be altered as follows:—

£3,000 to £4,000

£200 to £250

£1,000 to £1,200

£700 to £900

£8,400 to £9,850

(9.) *Schedule D*:—The sums named to be altered as follows:—

£300 to £400

£2,050 to £2,150

And further, in reply to His Excellency's Message returning the Bill intitled "An Act to provide for certain matters connected with the Aborigines," that this Council agrees to Clause 8, line 4, being amended by the omission of the words "in Council."

Agreed to.

#### IMPORTATION OF VINE CUTTINGS FROM SOUTH AUSTRALIA.

MR. PATERSON moved "That an humble address be presented to His Excellency the Governor, praying that he would be pleased to remove, for six months only, the prohibition upon the importation of grape vine cuttings; the removal of such prohibition to apply only to grape vine cuttings the produce of the colony of South Australia." The hon. member said a great many persons were going in for vine planting in the Southern districts, some of them on a very extensive scale; but there was a great difficulty in obtaining the right sort of cuttings, in sufficient quantities, of the same kind of grape. As there was no disease among the vines in South Australia—only oïdium; no phylloxera—it was thought that this would be a favorable chance for having a number of cuttings imported by those who were going in for this industry on an extensive scale; while at the same time no danger would be incurred of importing any disease into this colony. It was necessary in the interest of viticulture that this should be done, and it was solely in that interest that he asked the House to agree to this address. If we only got the right sort of cuttings he believed we could produce better wines here than in the other colonies; we had moisture at the right time here, and also dry weather; and, altogether, the climatic conditions here were more favorable than in any of the other colonies. All we wanted was to get the right sort of grapes, and in sufficient quantities, and that was the object of this address. It was only proposed to remove the prohibition for six months.

MR. RICHARDSON said no doubt it was very necessary that we should guard against such a direful disease as phylloxera, but, it appeared, that disease had no existence at present in South Australia, and therefore there would be no fear of introducing it here if this prohibition were removed as was now proposed. It was very necessary to do all we could to encourage the vine industry. He thought this was a wine-producing country if it was a producing country at all; and so long as the necessary precautions were taken against the introduction of disease he thought there would be no danger in doing what this address proposed to do.

MR. MORRISON thought it was only playing at legislation to place a prohibition on the introduction of stock or plants, and then remove the prohibition a few months afterwards, just for the sake of one particular district or one particular industry. He could only say that he should vote against the motion.

Motion put and carried.

The House adjourned at a quarter to twelve (midnight).

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#### LEGISLATIVE COUNCIL,

*Monday, 15th April, 1889.*

Telegraph line between Geraldton and Newcastle—  
Passenger Traffic between Perth and Stations east  
of Chidlow's Well—Message (No. 17): Constitution  
Bill; further telegrams between the Governor and  
the Secretary of State—Message (No. 18): Amend-  
ments in Constitution Bill—Adjournment.

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

#### PRAYERS.

#### POINT OF PROCEDURE: NOTICES OF MOTION.

THE SPEAKER: I think it would be well that I should draw the attention of the House to the position in which the two