

gulations. We might find that the Secretary of State would only be able to get that limited power for us from the Imperial Government, and where should we be then? We ought to let them understand exactly, beforehand, what we wanted, and what we expected; and he thought the best way of doing so was to insert this in the bill.

MR. SHENTON thought it would be better to draw the line, as previously agreed upon, at the tropic of Capricorn. He therefore moved, as an amendment, that all the words between "Crown" and "1887" be struck out, and the following inserted in lieu thereof: "Southward of the tropic of Capricorn."

MR. A. FORREST said this was a very important amendment, and he would move that progress be reported.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Is the object of the amendment to block the bill?

MR. MARMION: The object of the amendment is not to block the bill. The object of reporting progress, I take it, is to give the Government an opportunity of considering the situation. I presume it will be necessary also to make some provision for the management of the lands North of the tropic of Capricorn.

Motion to report progress agreed to.

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

## LEGISLATIVE COUNCIL,

*Friday, 29th March, 1889.*

Irwin Coal Reserve: Concessions granted to Mr. Robyns—Wire used in construction of telegraph line from Derby to Wyndham—Mail service from Williams and Wandering to Albany-Beverley Railway—York as the terminus of the Great Southern Railway—Message (No. 7): Forwarding printed papers re Messrs. Harper and Hackett's Petition—Message (No. 8): Forwarding telegraphic correspondence with Secretary of State re Constitution Hill—Constitution Bill: further considered in committee—Adjournment.

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

PRAYERS.

## IRWIN COAL RESERVE: CONCESSION TO MR. ROBYNS.

MR. GRANT: I wish to ask the Commissioner of Crown Lands whether or not any concessions of any portion of the Irwin Coal Reserve have been granted to Mr. Robyns or any other parties, and on what terms; also the reason for making such concessions?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): A mineral lease, under the Land Regulations, of 400 acres, out of the Coal Seam Reserve has been promised to Messrs. Robyns and Maley. The conditions under which this lease has been promised are:—(a.) That the lease is not to issue till the 1st January, 1890. (b.) That before that date a sum of not less than £1,000 is to be expended in testing the ground, and if this is not done the lease will not issue and the transaction will come to an end. (c.) That the usual rent for mineral lands is to be paid from the date of application. Since this promise of a lease was made, the whole of the remainder of the Coal Seam Reserve, comprising 2,160 acres, has been granted on lease, under the Land Regulations, without any special conditions as to working.

## WIRE USED FOR CONSTRUCTION OF DERBY-WYNDHAM TELEGRAPH LINE.

MR. A. FORREST: In accordance with notice, I beg to ask the Director of Public Works—

1. Who prepared the specification for the material used in the construction of the Telegraph Line from Derby to Wyndham?

2. Was said specification referred to the Telegraph Department?

3. When the telegram was received from Mr. Todd, were any steps taken to carry out the suggestion made by him last November by wire, as to having a heavier wire?

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright) replied:—

1. A draft specification was made out in the Works Department.

2. The said specification was referred to Mr. Preece, F.R.S., Engineer and Electrician to the Post Office, London, and Consulting Engineer to the Colonies for telegraph business, who approved and saw after the execution of the indents.

3. The wire and material were indented for in September, 1886, and shipped in January following, so that Mr. Todd's suggestion in November, 1888, for a heavier wire was, under any circumstances, too late to make any alteration.

**MAIL SERVICES FROM WILLIAMS AND WANDERING TO CONNECT WITH GREAT SOUTHERN RAILWAY.**

**MR. PATERSON:** I have to ask the Colonial Secretary,—

1. What provision has been made by the Government for mail service from Williams Bridge to Doust's, Albany-Beverley Railway line?

2. Also the same question with reference to mail service from Wandering to nearest point Albany-Beverley Railway.

3. Whether mail service is by vehicle or horse, and what number of passengers can be accommodated?

**THE COLONIAL SECRETARY (Hon. Sir M. Fraser)** replied:—

1. Tenders will shortly be invited for a weekly mail service, in a four-wheel spring vehicle, between the Williams Post Office and Narrogin Pool, on the Albany-Beverley Railway line. At present, and as a temporary measure, the mails are conveyed between those places by the Police and by Mr. Piesse every week.

2. It is not proposed, at present, to establish a mail service between Wandering and the Railway line; but it is contemplated to invite tenders for a fortnightly horseback service from Williams to Wandering, *via* Daylerking, Marra-dong, and Bannister, and *vice versa*; at the same time abolishing three (3) small mail services which will not then be required.

3. The vehicle that will convey the mails between Williams and Narrogin Pool should provide accommodation for at least three passengers, exclusive of the driver.

**YORK AS THE TERMINUS OF GREAT SOUTHERN AND EASTERN RAILWAYS.**

**MR. HARPER:** I wish to ask the Commissioner of Railways, whether there is any probability of an arrangement being concluded between the Government, on the one part, and the Western Australian Land Company on the other

part, whereby York might be made the terminal station of the Eastern and the Great Southern Railways.

**THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright):** I am afraid there is not much probability of any such arrangement as that proposed being carried out.

**MESSAGE (No. 7): FORWARDING PRINTED PAPERS CONNECTED WITH MESSRS. HARPER AND HACKETT'S PETITION.**

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

"The Governor has the honor to transmit to the Honorable the Legislative Council printed papers connected with the Inquiry which has been held, by order of the Right Honorable the Secretary of State, into the Petition from Messrs. Harper and Hackett, containing allegations regarding the administration of justice in the Supreme Court by His Honor the Chief Justice.

"The Chief Justice and the Petitioners have, it will be seen, been informed that any further action in the matter must now rest with your Honorable House.

"Government House, 29th March, 1889."

**MESSAGE (No. 8): TELEGRAPHIC DESPATCHES BETWEEN GOVERNOR AND SECRETARY OF STATE RE CONSTITUTION BILL.**

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

"With reference to an amendment which, the Governor was informed, had been made in Clause 6 of the Constitution Bill, for the purpose of preventing nominations to the Upper House in excess of the number of 15, named in the clause, the Governor thought it advisable to telegraph as follows to the Right Honorable the Secretary of State, on the 26th instant:—

"Upper House limited to fifteen absolutely, in order to prevent swamping. Any objection?"

"The Governor has this day received the following reply from the Secretary of State:—

"Referring to your telegram of 26th March—No objection. With

“reference to paragraph 5 in your  
 “despatch of 31st January, my  
 “opinion is that, as many entertain  
 “strong objection to surrender to  
 “Responsible Government all land  
 “in cooler districts of Colony, it is  
 “improbable line would be accepted  
 “to the north of latitude 26.”

“The second portion of the above telegram refers to the Governor’s proposal  
 “that the Tropic of Capricorn, 150 miles  
 “to the north of latitude 26 (the line  
 “suggested by the Secretary of State),  
 “should be the dividing line for the purpose  
 “of regulating the Crown Lands  
 “under the new constitution.

“Government House, 29th March,  
 “1889.”

#### CONSTITUTION BILL.

The House went into committee for moving his amendment yesterday, defining the tropic of Capricorn as the boundary line, for the purpose of regulating the management of the Crown lands, was because, in the first place, it was a scientific geographical boundary, and, in the second place, in the discussions that took place last session on this question there was a consensus of opinion in favor of that being the boundary line. The arrangement proposed in the amendment of the hon. and learned member for the North (p. 173 *ante*) would exclude all the Gascoyne and Ashburton districts, and some of the best portion of the Murchison district.

Clause 76—Deferring operation of the bill pending control of the land being vested in the Legislature: (adjourned debate.)

MR. SHENTON said his reason for moving his amendment yesterday, defining the tropic of Capricorn as the boundary line, for the purpose of regulating the management of the Crown lands, was because, in the first place, it was a scientific geographical boundary, and, in the second place, in the discussions that took place last session on this question there was a consensus of opinion in favor of that being the boundary line. The arrangement proposed in the amendment of the hon. and learned member for the North (p. 173 *ante*) would exclude all the Gascoyne and Ashburton districts, and some of the best portion of the Murchison district.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I rise, Sir Thomas Campbell, to take exception altogether to the amendment proposed in this clause. I am certain of one thing: if it is carried by a majority of this House it will delay, considerably delay, the progress of this bill. Let us see and reflect how we stand in regard to this question. Let us look back to the Secretary of State’s despatches on the subject. The first despatch I would refer to is that of the 12th December, 1887, in which—after referring to the difficulties in the way of

dealing with this question—we find Lord Knutsford (Sir Henry Holland then) requesting the Governor to favor him with his opinion on the following scheme, which was suggested by the Secretary of State as, possibly, providing a solution of the difficulty:

“(a.) That for the purpose of dealing  
 “with all questions as to disposal of  
 “waste lands of the Crown, the colony  
 “shall be taken to be divided at about  
 “latitude 26 (or in the neighborhood of  
 “the Murchison River), north of which  
 “the population is, you inform me, estimated  
 “at not more than 2,000 persons.

“(b.) 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 south  
 “of that line, and the disposal of proceeds  
 “arising therefrom. *See 1887*

“(c.) That all the regulations affecting  
 “the sale, letting, disposal, and occupation  
 “of waste lands of the Crown in the  
 “territory north of that line shall remain  
 “under the control of Her Majesty’s  
 “Government, the proceeds of all lands  
 “being invested at interest, to form a fund,  
 “of which the principal would be reserved  
 “for the benefit of any colony or colonies  
 “which may hereafter be created in such  
 “Northern territory, except in so far as it  
 “may from time to time be expended,  
 “with the sanction of Her Majesty’s  
 “Government, for the special advancement  
 “of the districts in which it was raised,  
 “either by the settlement of emigrants  
 “therein, or in other ways; while the  
 “interest of this fund, as well as all  
 “rents and other land revenue of an  
 “annual character, not being instalments  
 “of money paid under a system of  
 “conditional purchase, would form part  
 “of the general revenue and be subject to  
 “the vote of the Legislature of Western  
 “Australia.” That was the Secretary of  
 “State’s idea at that time, as to this  
 “question of the management of the waste  
 “lands. Let us proceed further, and come  
 “to the despatch dealing with the draft  
 “Constitution Bill, which, in a slightly  
 “altered form, has been brought forward  
 “by the Government. Lord Knutsford is  
 “very clear; he is dealing with the  
 “resolutions passed by this House at the  
 “previous session. Referring to the 2nd  
 “and 3rd resolutions—dealing

with this question of land legislation—he says:

“4. As regards resolutions 2 and 3, I would point out that the power of disallowing the laws of a self-governing colony after they have passed, is, in itself, a not very effective control. It tends to create considerable friction between the Home and 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.

“5. 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 of Western Australia the sale, letting, and other disposal of waste lands of the Crown South of Latitude 26°, or of such parcel 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 full power over the proceeds arising from the sale, letting, or other disposal of those waste lands.

“6. The Regulations affecting the Crown Lands within the territory North of Latitude 26°, or other boundary would, after preserving existing interests, follow the lines pointed out in section (c) of paragraph 9 of my despatch of the 12th of December, 1887.” That is the despatch I have just read. “The existing Regulations,” he says, “could readily be adapted, if indeed they could not be retained in their present form.”

I find, further, in His Lordship’s despatch of the 31st August, 1888, transmitting the revised draft bill of the Constitution—the one brought before the House last session—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. Her Majesty’s Government do not, however, desire to preclude the Council from altering any details in the bill, so long as the main principles are maintained, especially the nominated Council, the division of the colony for the purposes of land regulations, and the protection of the native inhabitants of the colony. At the same time, if any material alterations are desired, I should wish you to furnish me with a full explanation of the reasons for such alterations.” I respectfully draw the attention of the committee to the fact that it has been laid down as a main principle of this bill that no action shall be taken in this bill in connection with the waste lands of the colony. The intention clearly is, I take it, that this will be dealt with in the Enabling Act, which will have to be passed before the colony assumes Responsible Government. No doubt some provision will be made there, and, following the powers that will be given to the colony under the Imperial Act, 18th and 19th Vict., cap. 56—alluded to in the despatch I have read—the colony will be in a position to arrange and legislate for the management of its lands as it may require,—of course always protecting existing rights and interests. But to introduce into this bill a provision which was never hinted at on the second reading of the bill last session, and which the Secretary of State proposes to deal with in another way, can only have the effect of endangering the whole bill. The Secretary of State has been informed that this House had virtually agreed, generally, to the conditions imposed by him, and prominence was given to the only points that the colony desired to adhere to, chiefly, I think, as regards the composition of the Upper House; and, when everything had been arranged to the mutual satisfaction of all parties, now at the last moment we have brought in an amendment which I maintain is altogether adverse to the intention of the Act we have before us—a proposal which is a very arbitrary one, for what does it say? The only desire which I can think the hon. member who introduced it has is a desire to put off this question of a change of Constitution *sine die*. It says here: the entire management and control of the waste lands belonging to the

Crown, and the proceeds thereof, "shall be vested"—he insists upon it—"shall be vested in the Legislature." It is not left to the Secretary of State or the Imperial Parliament to say how this is to be arranged, or whether the conditions are such as Her Majesty's Government may be prepared to accept, or to bring the Constitution Bill before the Imperial Parliament at all. I assure this committee it behoves them to approach this matter very cautiously, unless they want to do that which—I say it unhesitatingly—will at any rate prevent the bill from coming into force for a considerable period; and we know very well that the general desire is that no time should be lost in bringing it into operation. The bill is virtually the same as that which was before this House last session—the only change has been in Part III., in consequence of the compromise arrived at as to the constitution of the Upper House; and it is the same bill as has been before the country. It is the bill that has received the concurrence of the Colonial Office, and, from what we can gather, the concurrence of the people of the colony. Yet, here, at the last moment, we have a new departure, and an attempt to introduce into the bill conditions which are altogether foreign to the original intention. I shall feel it my duty in the best interests of the colony—and I feel sure I shall have the support of all who really desire to see a change of Constitution—to prevent the passage or the insertion of this amendment.

**THE CHAIRMAN:** I have not interrupted the hon. gentleman, but the only question before the committee at present is Mr. Shenton's amendment, to insert the tropic of Capricorn as the boundary line.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** I rise to speak thus early because I should like to say a few words to hon. members on this subject. In my opinion, it is unnecessary at the present time to define or suggest any boundary. The Home Government have promised us, as plainly as they can in words, exactly what they are prepared to do; and, if they will do that—and I believe, myself, they will—no one can say they promised anything which they did not carry out, or which

will not, I should think, meet with the wishes of all hon. members. I should like to point out the position we shall be in, if we insert this amendment of the hon. member for the North. As my hon. colleague has said, it will retard the progress of the bill.

**THE CHAIRMAN:** I do not want to interrupt the hon. gentleman. It is not a question of retarding the progress of the bill. The only question now before the committee is whether these words of the hon. member for Toodyay shall be inserted in lieu of the words in the original amendment. When this question has been disposed of, the whole question raised by the amendment of the hon. member for the North may be gone into.

Question put—that the words proposed to be struck out stand part of the amendment.

**MR. MARMION:** I think it is very necessary we should indicate some boundary line, and whether we are satisfied with the division line suggested by the Secretary of State, namely the 26th parallel of latitude. The whole of the Gascoyne district and the Ashburton district are North of that parallel, and why should we lose the control of those districts? Western Australian enterprise and Western Australian capital have opened and settled those portions of the colony, and why should we not retain our control over them? I think it is most desirable that we should indicate, either in this bill or in some other way, that the line of demarcation should be North of the 26th parallel; and I believe the boundary line that would meet the wishes of the community generally would be the tropic of Capricorn. There is no doubt, unless the wishes of the Legislature and of the colony are made known, that eventually the 26th parallel will be fixed upon, and our control over the lands will not extend beyond that.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** The Government, as hon. members must be aware, are opposed to both these amendments. I can understand that it is important we should know where the line of separation is to be drawn, and there can be no objection to the House expressing its opinion on that point. But that might

be done in many ways, without interfering with this bill. It might be done by an address to the Governor, or an address to Her Majesty. I think it is desirable and that it would be only quite right that we should in the most unmistakable manner acquaint the Secretary of State as to where, in our opinion, the dividing line should be drawn, and that this should be expressed in the Imperial Act. If members agree with me in that view—I am merely expressing my own personal views—they can pass over this question at the present time, and deal with it hereafter, in the way I have suggested.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): If I understand rightly the geography of this colony, I should say I am rather inclined to agree that it would be better to have some distinct geographical dividing line such as that suggested by the hon. member for Tooday than a devious, zigzag boundary such as is contemplated in the original amendment. Having said this, I reserve to myself entirely the right to vote against the amendment in any form.

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser): I only rise to say that whatever action hon. members may take hereafter, it is better that this clause should not be burdened with this amendment. I only wish to renew my injunction that it would be far better to leave this out of the bill we are now considering.

**MR. BURT**: The learned Attorney General says that mine is not a correct scientific line, that it has no geographical sense about it. In my opinion that is its recommendation. Almost unanimously the House last year decided that it would be premature and inexpedient at the present time to indicate in any way the possible future boundary; and it was in consequence of that resolution that I put this amendment of mine in this shape, so as not to prejudge the question of where the boundary ought to be in any way. Now it is proposed to do so; and I should like to know from those who declared, in 1888, that it was inexpedient to define the boundary line, why, in 1889, they consider it is expedient to do so. The Secretary of State says plainly he desires us to have the control of the lands South of the 26th parallel; and, if I understood the Mes-

sage which was sent down a few minutes ago, that is still the line which the Secretary of State intends to adhere to; and I believe these divisions of mine do not go beyond that parallel.

**THE HON. SIR J. G. LEE STEERE**: My great objection to the amendment of the hon. and learned member for the North is, that I think it will suggest to the Secretary of State that we shall be satisfied that this should be the boundary of that part of the colony over the lands of which we should not have control. We know that in England there are a great number of people who do not wish to give us control over more land than they can help; and when they see this amendment, if it is carried and inserted in the bill, they will say at once, "These people would be satisfied with that portion of the colony they have reserved in the bill, and why should we give them any more?" That is my great objection to the amendment. We might, possibly, get control over the whole of our lands, or a larger portion than is included in this amendment; if we do not include it in this bill. For that reason I think it would be better that no reference should be made to it in the bill at all. I say that, in the interest of those who wish the Constitution Bill brought into force at as early a date as possible. We all know that the one crucial point with regard to which there will be the greatest opposition in the Imperial Parliament to this bill will be that relating to the control of the lands. The very word "land" introduced into this bill would at once create opposition in the House of Commons. I think it was an excellent suggestion thrown out by the Commissioner of Crown Lands that the House should deal with this question by an address, rather than in this bill. The Secretary of State would pay every attention to an address setting forth our reasons for suggesting the Tropic of Capricorn as the boundary line; and an address of that kind would be free from the objection I have referred to,—the opposition which the introduction of the land question into this bill is sure to evoke in the Imperial Parliament.

**MR. A. FORREST**: I am sorry to say I disagree altogether with His Honor the Speaker. I think it most important that we should in this bill define where

the boundary line ought to be, and that the line ought to be fixed at the tropic of Capricorn. I consider this the most important clause in the bill, and it behoves those who have any interest in both portions of the colony to see that the line of division is drawn at the tropic of Capricorn. If we don't do so in this bill, we may be almost sure that the Secretary of State will put the line at the 26th parallel. I should like to ask any hon. member whether he thinks the Gascoyne and the Upper Murchison country does not properly belong to this part of the colony. It was settled by our own people. Those two districts are entirely pastoral districts, and it is not likely that the land there will ever be purchased. Notwithstanding the Message which has just been read, I think the House should stand on its dignity in this matter of the land, even if it did delay the passing of the bill. I think, too, that the Government members should not vote at all on this question. This is a matter that affects the rate-payers and taxpayers of the colony—it affects the revenue; and I hope members on this side of the House will stick up for their birthright.

MR. SCOTT: It seems to me, if there is one thing more than another that will be like a "red rag to a bull," to the English people, it will be the introduction into this bill of this land question in any shape or form. I agree with His Honor the Speaker that if we want the speedy introduction of Responsible Government we had better not hold this red rag up to the House of Commons. It seems to me that the Home Government themselves are not at all disinclined to grant us Responsible Government and to give us the control of the lands, but it is very clear that there are many people in the House of Commons, both Conservatives and Liberals, who are prepared to contest the point; and it is this land question above all others that seems to provoke their opposition. To my mind, I think it matters little now where this boundary line is fixed, for it will be years before separation takes place; and, when it does come, it will be to the mutual satisfaction of both portions of the colony.

Cries of "Divide."

MR. MARMION: I protest against it. This is one of the most important ques-

tions ever brought before this Council. Let us thresh it out.

MR. PARKER: That is the very object of dividing upon this amendment now before the committee, so that we may address ourselves to the main question.

The amendment of the hon. member for Toodyay—substituting the tropic of Capricorn as the dividing line—was then put, and carried, on the voices.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I take it we may now address ourselves to the main question—the amendment of the hon. member for the North. Before doing so, I should like to say a word with reference to what the hon. member for Kimberley said about "sticking up for our birthright." If the hon. member is not anxious to have this bill become law, of course there is not the slightest objection to putting anything in it that hon. members may please, and have it referred back to us again for reconsideration, and have the whole thing over again. If that is the object, no doubt hon. members would do well in sticking up for their birthright; and, no doubt, in the end, some day or other, they may get what they want. But I would ask hon. members to deal with this question in a reasonable way. I believe, myself, the Secretary of State intends to carry out everything he has said he will; and, if that takes place, all will be well. On the other hand, for the sake of argument, let us suppose that he intends to make a fool of us, and does not intend to fulfil any of his promises; shall we not, when we get Responsible Government, be in a better position, in a stronger position, to urge our rights and to combat the views of the Secretary of State than we are under our present Constitution? That is another way to look at this question. I think, myself, we have everything to gain by trusting the Secretary of State in this matter, and in everything else. He has promised he will give us what is equivalent to having it in the bill; and, if he does not do so, we shall be in a much better position to urge and to press our claims when we get Responsible Government than we are at the present time.

MR. SHOLL: I think if there is to be a hard and fast line of separation drawn at

all, the people of the colony themselves, who are most concerned, should have a word to say in it. These people have not yet had an opportunity of expressing whether they would like to go with the North or with the South. Besides, there is plenty of time hereafter for dealing with that question. There may be circumstances arise which will render it desirable to divide the colony much farther North or farther South than the proposed boundary line. At any rate, that is a question that might be left to the country to express an opinion upon it, whenever it is proposed to draw any hard and fast line. I do not think that need trouble us very much at present.

**THE COMMISSIONER OF RAILWAYS** (Hon. J. A. Wright): The whole of this question appears to me to resolve itself into this: shall we deal with this land question in the present bill, and jeopardise the passing of the bill, or shall we leave it to the Secretary of State to do the same thing, in another way, without jeopardising the passing of the bill? I think with my hon. friend on my left (the Commissioner of Crown Lands) we would better gain the object in view by conveying our ideas in the shape of an address to the Secretary of State, so as to strengthen Lord Knutsford's hand, rather than we should weaken our position before the House of Commons by introducing this amendment into the present bill. The hon. member for Kimberley says the land of the colony belongs to the people of the colony who have settled it. That may be so, in one sense. But the people of England and their representatives in the Imperial Parliament may probably entertain a totally different opinion on that matter; and it appears to me it would not be a wise thing on our part to run altogether contrary to the views of the Imperial Parliament. After all, it is the Imperial Parliament that will have to settle this question, and, perhaps, it may be wise on our part to allow the English people to flatter themselves with the idea, at any rate, that the lands of the colony belong to the Crown as yet. I take it that this colony is still a dependency of the Crown. Western Australia, I take it, is not yet too proud to acknowledge herself one of the daughters of the mother country; and I don't know that we are in

a position to dictate our own terms to the mother country in this matter of our patrimony. The hon. member for Kimberley, it seems to me, puts us in the position of a daughter, who being about to get married and set up an establishment of her own, insists upon her parent making his will at once, and placing her in possession of her patrimony, whether the parent likes it or not. The hon. member talks about sticking up for his birthright. I take it that Western Australia is not the birthright of its present population only. I cannot help thinking it would be wiser on our part to leave it to the Secretary of State to deal with this land question in the way he suggests, rather than we should rouse the prejudices and the opposition of the English people in this matter worse than they are already aroused. Whether that would not be a more delicate—and probably more successful—way of doing it than that suggested by the hon. member for Kimberley, I leave it for the committee to decide.

**MR. BURT:** I pay great attention always to what is said by His Honor the Speaker, and feel it would be wise not to give a handle to the opponents of the bill in England more than we can help. But I think we should be very foolish if we did not insist upon a provision in this bill giving us the control of the lands, when the Secretary of State has told us over and over again he will give us the control of them. That being so, I really do not see why members should say that we shall be imperilling the bill by inserting a provision to that effect, and afterwards relying upon the Secretary of State to do the very same thing for us. If he intends to give us this control, surely we may put it in the bill. What is the difference? Why should we imagine for a moment that he is going to refuse to pass this bill because we put in it what he has promised us? We are not asking for the control of the whole of the lands of the colony, but the control of the lands south of that line which he, himself, has drawn, and a control which he, himself, has expressed his perfect readiness to give us. There is his despatch of the 30th July, 1888, in which he says this: "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 prejudge 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." Then he goes on to point out how he would vest these lands, south of latitude 26°, in the Legislature of the colony. He says he would do it by regulation,—we want to do it in this bill. But if the Secretary of State intends, as he says he does, to "vest in the Legislature of Western Australia the sale, letting, and other disposal of 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 to give it full power over the proceeds arising from the sale, letting, or other disposal of those waste lands"—if the Secretary of State intends to do this (and I am quoting his own words), where is the distinction between putting it in the bill and doing it by regulation? What can be the objection to it? Why should members be always fancying that the Secretary of State is going to disagree to this, that, and the other? I firmly believe, myself, he won't disagree with anything. Why should he? This country does not belong to the Secretary of State, nor to the House of Commons, but to the people who made it, and who live in it. Who settled the country, within the 26th parallel, or any other parallel? It wasn't settled by the Secretary of State, was it? It wasn't settled by this party in the House of Commons that we hear so much about, was it? If members are not firm, if they do not mind what they are about, if they do not insist upon the lands of the colony being vested in the Legislature of the colony, all I can say is they are not worth their salt. I am ashamed of them. This is a most important provision, and we ought to say that we intend to have it. This amendment is only what the Secretary of State himself has promised to give us, as far as latitude 26°.

MR. PARKER: We have made it the tropic of Capricorn now.

MR. BURT: I am going now for the principle. I did not vote for the tropic of the Capricorn or any other tropic, myself; I prefer my own division and the Secretary of State's division. But, whenever this committee fixes it, let us put it in this bill that we shall have the entire management and control of these lands vested in the Legislature. It is all bunkum to say that the Secretary of State will not allow it. He has told us he will allow it. I ask the House not to listen to the Government bench, when they tell us a lot of twaddle about the Secretary of State going to refuse to pass this bill. The Secretary of State will do nothing of the kind. He daren't do it. We are only asking what he promised us. I ask the committee not to be led away by any false issues. Look at these despatches of the 30th July and 31st August, 1888. We should be leaving out the very kernel of the whole thing if we left this provision out of the bill. What is the argument against it? The argument of the Government bench is that the Secretary of State will refuse to consent to it, or will send the bill back. Let us see, first, whether he will dare to refuse to consent to it, or will send it back. I say he will not do anything of the sort. He has too high an opinion of the Legislature of any part of Her Majesty's dominion to go in their face, when he has virtually promised us exactly the same thing. Without this provision in the bill, the bill will amount to nothing. When is this promise to be fulfilled, and how is it to be fulfilled, if we do not embody it in this bill? Lord Knutsford himself may go out of office any day; and, even if he does not, he may not have another opportunity of carrying out his promise for a long time. We know how difficult it is to get through the business in the House of Commons now; we know what the Irish question is, and there is no knowing what may crop up. It is not at all improbable that, unless we get this power now, we may not get the control of our lands any other way for years to come. Perhaps some members do not care whether we have any land at all with our new Constitution? I do. I say we want the land, and we want the control of the land; and I say, if we do not get

the control of the land, take your Constitution Bill back, and leave it alone until we do get control of the land. What earthly objection, I repeat, can there be on the part of the Secretary of State to give us what he himself says we can have? How can it affect the bill? It affects the bill in no way. If we keep this provision out, we just leave the kernel of the whole thing untouched.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** I would like to inform the House that I take exception altogether to the reasoning of the hon. and learned member for the North. He says we want to get the control of our lands. Anyone would suppose we had not the control of the lands now, and that, as soon as this bill passes, the Secretary of State is going to issue an order that all the revenues derived from the lands of the colony are to be sent Home to the Imperial Exchequer. What has been the history of our land legislation since the colony entered upon the present form of Government? Have we not had the control of the land, and have we not had the land revenue to do what we liked with it? Why should it be different in the future? I submit that at the present moment we have, to all intents and purposes, the entire control of our lands. We passed a new code of land regulations only two years ago, and they were approved by the Secretary of State, word for word; there was no alteration made in them whatever.

**MR. A. FORREST:** He will approve of this clause, too.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** I don't think he will approve of it, if this amendment is tacked on to it. The hon. and learned member for the North speaks of the difficulty the Government has at Home with the Irish question, and says that we may not have control of our land for years unless we get it in this way. But, I would ask, if we have not the Secretary of State with us in this matter, how much more difficult will it be to pilot this bill through the House of Commons. We want the Secretary of State on our side in this matter, but the hon. member for the North seems anxious to have him against us. I do not think the hon. member would be sorry or annoyed if the bill were sent back half a dozen times.

We know he has never been in favor of this movement, in his heart, and he knows—he is a sufficiently good lawyer to know—that this is a very important question, this land question, and one which is likely to cause all the trouble in the House of Commons, and that the chances are that the introduction of this proviso will postpone the introduction of Responsible Government for some time; and I believe, myself, if that did occur, the hon. member for the North would not be displeased.

**MR. VENN:** With all due deference to what has fallen from the Commissioner of Crown Lands, I must say that the views expressed by the hon. member for the North must commend themselves to the good sense of every member of the House. I am quite in accord with the object he has in view,—that is, to bring before the Secretary of State the views of this House on this land question, and to show that, in our opinion, it is absolutely necessary to give us the control of our waste lands simultaneously with the control of our own affairs. As the hon. member says, the mere passing of the Constitution Bill without at the same time giving us control over the land is simply giving us the shadow, and leaving the substance out. I do not think any member inside this House, or any person outside this House, when they advocated the adoption of Responsible Government, thought for a moment that we should have a new Constitution without the control of our lands—of certain lands, at any rate. I am quite in accord with the view set forth by His Honor the Speaker, that it is very desirable indeed that our views in regard to this matter should be made known in some way. It may be a fact—I do not argue that point now—it may be a fact that it may not be desirable to include this provision in the Constitution Bill. But, under any circumstance, whether we include it in this bill or in an address to the Secretary of State, the substance of it must come before the House of Commons in some form or the other. I don't suppose for one moment that the Commissioner of Crown Lands thinks that this House would be satisfied with the mere passing of a Constitution Bill without the control of the lands, and let us have the control

of the lands at some future time. The Government must know that this question has to be fought out in the House of Commons, and, if the House of Commons does not agree to it, it does not matter to us whether the Constitution Bill passes or not. I would not object so much to its not being included in the bill, if the House passed some distinct and definite resolution in the shape of an address to the Governor that should go Home with the bill, embodying the views of this House; but I think it is absolutely necessary that we should express our views in some definite form, as to the vesting of the lands in the Legislature of the colony.

**MR. MARMION:** At the present stage of the debate I feel very strongly with the hon. member for the North in this matter. I think the arguments put forward by him are weighty arguments, well worthy of consideration. It has been stated by the Colonial Secretary and by other members on the Executive bench that the insertion of this amendment referring to the waste lands of the colony would have an injurious effect upon the passing of this bill, and that in all probability, if it did not cause the bill to be thrown out altogether, it would have the effect of delaying it for a considerable period. Perhaps it is worthy of consideration for a short time to inquire whether there is anything in that contention. To do so it will be necessary to go back to see what the Secretary of State himself has promised, or undertaken to do for us. We have to go back to that despatch of the 12th December, 1887, which has been read by the Colonial Secretary. In that despatch the Secretary of State proposes to make it lawful for the legislature of this colony "to regulate by Act, passed in the usual way, the sale, letting, and other disposal of the waste lands of the Crown south of a line drawn in the neighborhood of the Murchison river, and the disposal of the proceeds of such lands." That is the Secretary of State's own idea.

**THE COLONIAL SECRETARY (Hon. Sir M. Fraser):** Read the following despatches.

**MR. MARMION:** I will come to them presently. In his despatch of the 30th July, 1888, the Secretary of State reverts to this subject, in dealing with the reso-

lutions passed by this House, and there he says: "I propose to leave in force the Act 18 and 19 Vic., cap. 56, and 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 of Western Australia"—the very thing we are now seeking to do—"the sale, letting, and other disposal of waste lands of the Crown," south of the parallel of latitude that may be decided upon. He also proposes to give this Legislature "full power over the proceeds arising from the sale, letting, or other disposal of those waste lands." That is what the Secretary of State himself expressed his intention of doing for us. But how does he propose to do it? By leaving in force the Imperial Act, 18th and 19th Vic. cap. 56. I have that Act before me, and what does it say? It says 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 of the Crown in Western Australia, and the disposal of the proceeds arising therefrom, until Parliament shall otherwise provide." That appears to me very important. If I am right in my contention, it seems to me that all the power we shall have over the waste lands under that Act will be simply the same as we have now—the power of framing regulations, which might be altered at any time, only with the approval of the Secretary of State. We would not be able to alter our land regulations under Responsible Government, without the consent of the Crown, any more than at present. If that is correct, I would ask any hon. member of this House, whether opposed to Responsible Government or in favor of it—was it ever intended that we should accept it on such terms? Did any elected member lead his constituents to suppose that the only power we should have over the Crown lands would be the power to make regulations? Why should we not have the same power, full and ample power, as was granted to all the other colonies? And why should not those powers be laid down? Why should not the main principle be laid down, that south of a certain degree of

latitude the entire control of the waste lands shall be vested in the local Legislature, and that north of that line—as suggested by the Secretary of State himself—we should have a limited power over the lands, until that part of the colony is created a separate province?

MR. LOTON: I think it is desirable that there should be a distinct record of the opinion of this House as to where the dividing line should be. It seems to me that the Secretary of State in his despatches has courted an expression of opinion from us on that point. In my humble opinion it is more desirable that we should express our views in this way than by a simple resolution. The Commissioner of Crown Lands says we already have control over our lands. In a way, we have; but that control is always subject to the approval of the Secretary of State; and if we wanted to alter one of our land regulations to-morrow, we would have to refer the matter Home before it became law. That is where the sting is. If the Commissioner of Crown Lands will carry his mind back a few years, when the agitation for Responsible Government first started, he will recollect what the chief ground for the agitation was. It was this constant reference Home of matters of this kind, and particularly so of matters connected with the land. That was what the colony was chafing at. Supposing we accept this bill as it stands, without any reference in it to the land, in what position should we be in regard to dealing with our lands, when we got Responsible Government? Simply in the same position as we are in under the present Constitution. We might pass certain land regulations—and it strikes me we should have to do so in a very short time, for the present regulations are of no use to us in the Southern portions of the colony—but what effect would those regulations have until they were sanctioned by the Home Government? We might have to wait twelve, or eighteen months, or two years until they became the law of the land.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): There has been no such delay in recent years.

MR. LOTON: We should have to wait a considerable time. Why should that be necessary? If we are ready for Re-

sponsible Government we ought to be ready to carry on the Government of the colony, and unless we have something to carry it on with, what is the good of it? What would be the use of Responsible Government to us without the land? You might as well have a cart, without a horse to work it. What does the Secretary of State offer to us in the despatches that have been read? He simply says he proposes to make new regulations, giving us the power—the same power, I take it, as we have now—to deal with the lands, under those regulations, so far as the lands south of latitude 26° are concerned. North of that latitude, what does he propose? He says: “The regulations affecting the Crown lands within the territory north of latitude 26°, or other boundary, would, after preserving existing interests, follow the lines pointed out in section c of paragraph 9 of my despatch of the 12th of December, 1887.” What does section c of paragraph 9 say? That all regulations affecting the sale of land in that part of the colony should remain under the control of Her Majesty’s Government, and that the proceeds of all land sales in that part should form a separate fund, which could only be expended with the express sanction of Her Majesty’s Government. What sort of control over the land would this give us? I say that so long as we have the administration of the whole colony placed in our hands, and have the right to make use of the proceeds of the lands of the colony in one part of the colony for general revenue purposes, why should we not have power to make use of the land in other parts of the colony?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): We have.

MR. LOTON: It is not intended by the Secretary of State that we shall have.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Except as to sales.

MR. LOTON: I am speaking of sales. If we have the proceeds of the sales in one portion, why not in other portions.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): So we shall; but it must be expended in the district.

MR. LOTON: The expenditure now is not confined to any particular district. There is more hanging to this question of a dividing line than members think at

the present moment. My intention is to vote so that when we have a Constitution Bill we shall have a Constitution Bill that shall give us the full control and management of the lands of the colony, at any rate south of this particular dividing line, wherever it may be; and in my opinion it should be at the tropic of Capricorn.

**THE COLONIAL SECRETARY (Hon. Sir M. Fraser):** I think, sir, there must be misapprehension on the part of some hon. members—and, I think, the hon. member for Greenough—as to the intention of the Secretary of State, in his despatch of the 30th July, when he says that he proposes to leave in force the Act 18 and 19 Vic., and to make new regulations under that Act. I read that to mean that, under this Imperial Act, it is his intention to move the Crown by regulation to delegate to the Legislature of Western Australia the right to dispose of the waste lands south of a line to be decided upon, and that there will be no occasion, as in the past, for referring Home any regulations made by the Colonial Parliament in respect of those lands, because the power now vested in him as Secretary of State will be delegated to the local Legislature to deal with these lands as it may think fit. Therefore, it appears to me, that hon. members are fighting with a shadow, fighting for a question of straw. I must, as I said before, resist this amendment, for I can only look upon it as an unnecessary interference with the Act, and if insisted upon, it must, I believe, have the effect of retarding the passage of the bill indefinitely.

**MR. RANDELL:** If I thought, sir, that the amendment of the hon. member for the North would delay the introduction of Responsible Government one day, I should vote against it. But I do not think it will do anything of the kind. I do not think the amendment would affect the introduction of Responsible Government in the least. We have given way on almost every point already in deference to the wish of the Secretary of State. The members of the Government have got up, from time to time, and cried "Bogie!" and we have beat a very hasty retreat as a rule; and I think the spectacle of the members of this House running away on every occasion when the

cry of "Bogie!" is raised is hardly likely to impress the Secretary of State with a sense of our fitness to govern ourselves. I think if anything were calculated to arouse suspicion and distrust of our fitness it would be the spectacle of a number of men so anxious to secure this privilege that they are ready to waive all those considerations which are generally regarded as most absolutely necessary, in order that they may obtain Responsible Government, although it might only be in name. I say we have already given way on almost every point that has been raised, and I think it is absolutely necessary we should draw a line at this. The members of the Government have told us that the greatest objection at Home will be as to giving us the land, and that directly anything is mentioned about the land we shall create the strongest opposition in the House of Commons. If that is likely to be the case now, when Western Australia is comparatively unknown, is it not more likely to occur when we shall become better known, and the colony has assumed an importance in the eyes of the world, which we hope it will do, as a self-governing colony? It strikes me we are likely to have a great deal more of this opposition in the House of Commons if we delay this question than we are likely to do if we insist upon it now. I think it is the duty of every elected member of the House to support the amendment of the hon. and learned member for the North. The occupants of the Government bench have flown to the matrimonial state for comparisons—I observe they are very fond of going to the matrimonial state for their illustrations; but I think there is another matrimonial standpoint from which they might have looked at this question. What should we think of a young lady who was so anxious to hasten her wedding day, and to set up an establishment of her own, that she did not care a straw about her settlements? Should we not regard it as most unwise, most imprudent conduct on her part? This colony is in that position now; her dowry is her land, and, if she is prudent, she will take care that her settlements are satisfactorily arranged, before she sets up her own establishment.

**MR. KEANE:** I do not wish to give

a silent vote on this question. I do not think any member can dispute the arguments used by the hon. and learned member for the North, and for my own part, I do not see what we shall gain at all from Responsible Government if we do not get the control of our lands. It is the only thing we really want. We may as well go on as we are now, if we do not get it. How can we go into the market to borrow any money if we have no security to offer? Who will lend us any money if we do not get the lands of the colony? We shall simply have to go to the Imperial Government every time we want to raise a loan, and ask her permission, as we do now. All the members of the Treasury bench have told us that the Secretary of State is prepared to give us the control of the lands, and they quote from his despatches in support of it. If that is so, what difference can it make if we provide for it in this bill? If the Secretary of State has only told us this in order to mislead us, that is another thing altogether; but, if it is absolutely certain, as we are told, that he will carry out his promise, what difference does it make if this is inserted in the bill. I shall vote in favor of the amendment.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): I was perfectly astonished, Sir Thomas Campbell, to hear such language as "bunkum" and "twaddle" applied to the arguments of this bench by the hon. and learned member for the North; and I shall not use such language myself. Hon. members say they do not care to get Responsible Government unless they get control of the lands. But that is not the question now. The question is whether they want Responsible Government.

**MR. BURT:** That won't do. That is too stale, altogether.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): That is the question. Whether they get Responsible Government or not, they will have the control and management of the land. We have it now, and we shall have it then. Hon. members seem to forget that the Secretary of State is a high official who is both able and willing to keep his word. No one, I presume, wishes to cast any reflections upon Lord Knutsford's personal honor, after his long and distin-

guished career. The only question that remains is, has he the power to carry out his promise? He has, under the Land Regulations. But I think it would be acting unwisely to put in this bill anything that would act upon the House of Commons as a red rag upon a bull (as one hon. member has put it); especially when we can get all we want in another way. I can conceive no more ingenious and more certain mode of defeating the Constitution Bill than this amendment. The hon. member for the Swan says we have given way in everything to the Secretary of State, so far. What were the points that the Secretary of State laid stress upon? The constitution of the second chamber, the aborigines, and the land. Who was it that gave way on the question of the second chamber? The Secretary of State. On the aborigines question it would have been utterly impossible, in the face of English feeling, for the Secretary of State to have given way; and, as to the land, the Secretary of State is doing all he can to help us, if members could only see it. The Secretary of State, knowing the feeling of the House of Commons, knowing what public opinion is in England on this subject, as reflected by the English press, and knowing well that nothing in this bill will excite so much opposition as this land question,—the Secretary of State knowing all this, is anxious to conceal it as much as possible, whereas hon. members seem anxious to parade it in this bill, and so court the opposition of the House of Commons. I say it with all respect, but, if members are wise, they will be guided in this matter by the Secretary of State, and not by my hon. and learned friend, the member for the North.

**MR. BURT:** I should like to point out what paragraph 5, in the despatch of July 30th, does say. "With this view," Lord Knutsford says, "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 of Western Australia the sale, letting, and other disposal of 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

*See p. 186 (6) also*

Majesty in Council." What is the meaning of that? These regulations may be altered at any time, and from day to day; and what assurance would we have of the carrying out of the Secretary of State's promise? Lord Knutsford may be a high official, as the Attorney General tells us he is; but Lord Knutsford is only human: he is not immortal. He is not going to be Secretary of State for ever. "Such parallel of latitude, or other boundary, as may from time to time be approved." What is to prevent the next Secretary of State revoking any regulation now made, and making another regulation altogether? What is there to prevent him from altering this boundary? [The COLONIAL SECRETARY: No, no.] I say, Yes, yes. It gives power to any future Secretary of State to revoke any regulation made by the present Secretary, and, if he thinks necessary, to bring this boundary down to Champion Bay. [Mr. MAEMION: Or York.] Quite so; or York. This feeling will be intensified in the mother country by and bye; and I say this is the time to fight for it. We can do so now, with much greater advantage than in years to come. They may say: "This place is big enough for three or four colonies; bring the boundary down to Fremantle, or (as the hon. member suggests) to York." There is no finality at all about this promise in this 5th paragraph. If one Secretary of State can make a regulation, another Secretary of State can revoke a regulation, and where would we be then? It will be seen that the Government here, themselves, knew that this provision about the land ought to be in every Constitution Bill, for they included it in their original draft bill. They went the whole animal then; they wanted to get us the control of the whole of the lands, north, south, east, and west. And the Secretary of State did not strike it out. He did not object to it. All he said was, he proposed to do it in another way. He agreed that we ought to have full control of the lands south of a certain line, and of the proceeds therefrom, but that as regards the lands north of that line he thought we ought only to have a limited control over them. [The COMMISSIONER OF CROWN LANDS: Why?] I believe the reason why is that the Imperial Government want the proceeds of these

northern land sales. For my part they are welcome to them, for there are no land sales in that district, or likely to be. The argument then comes down to this: is this control to be given us by regulation, which can be made to-day and repealed to-morrow, or is it to be put in our Constitution Act? Are we to settle this subject now, when public feeling in England is just beginning to become alive to the value of this colony, or shall we wait and have to fight it out when the English people and the English Parliament take a greater interest in the subject, and be anxious to bring this boundary line much lower down than the 26th parallel. By the time we get this promise of the Secretary of State fulfilled (unless we insist upon it now) we shall find this line certainly drawn as low down as Champion Bay, or somewhere between there and York. Then it comes to this: if these words are not inserted in the bill we shall have nothing at all but a bare promise to make a regulation, which, as I said, may be made to-day and revoked to-morrow. If anyone can deny that, I should like to hear him. A regulation is not a law. It is no law at all, nor has it the force of law; it is a mere sham. And the question is, are we to have this power to control the lands given to us by statute, or by a regulation, which may be cancelled to-morrow?

MR. PARKER: I do not think that in considering the arguments of any member it is of importance to judge what his motives are, whether they are good or bad; the question we have to consider is, are his arguments sound? The learned Attorney General and the Commissioner of Crown Lands say that the hon. and learned member for the North, though not openly opposed to Responsible Government, is not in earnest, and that his motive in moving this amendment is to shelve the whole question. One might retort by saying that the occupants of the Treasury bench, apparently, have not been very earnest nor desirous to prevent the passage of the bill, and one might look for the motive which has governed their actions and possibly find it in the pension schedule. But, as I say, I do not think we ought to look for motives; what we have to do is to consider the value of the arguments. When people are very anxious to secure

what they consider a boon, or a privilege, we know that sometimes they are so overpowered by their desire to attain their object that they are apt to overlook some of its demerits, and to pay a price for it which in their calmer moments they would not pay; and I am afraid, Sir Thomas Campbell, that has been my case in connection with this Constitution Bill. I pointed out at an early stage of the bill that there was no provision in it vesting the lands of the colony in the Legislature, and that in the other colonies there had been special provision made vesting the waste lands in the colonial Legislatures; and I pointed out that the Secretary of State, so far as this colony was concerned, promised to deal with our waste lands by means of regulations, and not by statute; and I said that, for my part, I had every confidence that the Secretary of State would carry out that promise. But, in considering this question again—although I still have perfect faith in Lord Knutsford and believe he will carry out, if he possibly can, any pledge that he has given—but, in considering the question over again it appears to me, in the first place, very doubtful whether it is within the power of Lord Knutsford to carry out his promise to vest the control of the land in this Legislature by regulation. What are the powers given to him in this connection? The only powers given to him are those which he possesses by virtue of the 7th section of the Imperial Act 18th and 19th Vic., cap. 56, which provides that “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 of the Crown in Western Australia, and the disposal of the proceeds arising therefrom, until Parliament shall otherwise provide.” But although power is given to Her Majesty, through one of her Principal Secretaries of State, to regulate the sale and disposal of the lands, there is no power given to the Secretary of State to delegate that power or authority to the Legislature of this colony; and, with all due deference to the views expressed by the Secretary of State on this point, I think, when the question comes to be submitted to the Crown law officers,

or the law officers advising the Colonial Office, it is very doubtful whether they will not advise the Secretary of State that he has no power to delegate this authority (conferred upon him as one of Her Majesty's Principal Secretaries of State) to the Legislature of this colony, and that in order to do this there must be an Enabling Act passed through the House of Commons and, of course, the House of Lords. If such is the case, the question of the control of the lands is bound to come before the Imperial Parliament; so that the argument of the Commissioner of Crown Lands that by inserting any reference to the land in this bill we shall be jeopardising the passing of the bill by the House of Commons is completely cut away. According to my view, the Secretary of State has no power to give us this control of the land, as he proposes, by regulation; it must be done by vesting it in the Legislature by Imperial statute, and it must come before the House of Commons. A regulation, after all, as pointed out by the hon. and learned member for the North, has not the force of law, and the same power that can make a regulation to-day can revoke it to-morrow. We know that regulations have from time to time been revoked, and new regulations substituted in lieu of them; therefore, what reliance could we place upon a mere regulation, which might be repealed at the will of the very next Secretary of State, whether Conservative or Liberal. Another reason why we should include this provision in an Act is this: it must be borne in mind that this power to regulate the sale and disposal of the lands of the colony is only vested in the Secretary of State “until Parliament shall otherwise provide.” So that if the Imperial Parliament interfered with this power to-morrow, the Secretary of State could not help himself.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): Parliament might interfere in any case.

**MR. PARKER**: It would not be so likely to do so, if we had the control of our lands vested in us by statute; it would not be so likely to repeal an Act of Parliament as it would a mere regulation. The Constitution Act of Victoria, for instance, may be repealed at any time by the Imperial Parliament, but I do not

think it is likely to be done; and what I think is, if this provision is embodied in our Constitution Act there will not be much fear of its being repealed. Responsible Government without the land would simply be a mere shadow. If we entered the money market to raise a loan probably the first question that lenders would ask is, "Does Western Australia possess any security in the shape of lands to offer us, or what security has she to offer?" We know that while a Crown colony the whole of our lands were virtually pledged as security for our public loans, because the Imperial Government, while not actually guaranteeing the loan, assented to our Loan Acts, and our loans were floated through the Crown Agents. But when we become, so to speak, independent of the Imperial Government, when we stand before the world as a self-governing community, and we seek to borrow money and have not the control of our lands, what will be our position then? I think it is very doubtful whether we would be able to obtain a loan in the London market at all. The Attorney General said something about mistrusting the word of the Secretary of State. I do not mistrust his word at all; I believe the Secretary of State is prepared to do what he promised to do, if he can; but, I think I have shown it is very doubtful, to say the least, whether he has the power to do so. It seems to me, after mature consideration, that the only safe course open for us is to insert a proviso in this Constitution Bill as now proposed. If, as we are told by the Government bench, this is going to endanger the passing of the bill, and that the Secretary of State will not be able to carry it through the House of Commons because of this provision, then it appears to me that there is no intention on the part of the Secretary of State to carry out his pledge, nor on the part of the House of Commons to pass an Enabling Act, and we would be better without Responsible Government at all. Our last state would be worse than the first. We want the lands vested in us, free from any interference on the part of the Imperial Parliament; and, if the bill is going to be jeopardised as they say, I can only retort that it would be a most dangerous, a most risky, thing for this colony to do, to

accept Responsible Government on any other terms.

MR. MORRISON: I do not feel inclined to give a silent vote on an important matter like this, dealing as it does with an important principle. I think we ought to insist upon knowing the basis upon which the Crown lands are to become ours, for I think it is quite possible we might pay too much for Responsible Government. I am in favor of it; but I want it in a complete and workable form. I do not want to see the lands of the colony belonging to the Home Government, while we had all the trouble and responsibility of governing the colony. If we are going to build up this new Constitution, let us take care that it is built on a solid foundation, and that there shall be no dispute hereafter as to the title under which we hold the country. When a man builds a house, he takes care to ascertain beforehand that none of it is on another person's land. The lands of the colony constitute the capital of the colony; they are the very mainspring of the country's prosperity. They form the public estate, and, if we are about to start business on our own account we must take care that we have the public estate at our own back, and not at the back of anybody else. If this bill to establish a Constitution went Home without any provision in it vesting the land, our real property, in the colonial Legislature, I should say they would be inclined to think at Home that we are either very eager for a change in our Government, or very simple,—I don't know which. I should say they would think we were both. Without the lands secured for us, in what better position would we be under Responsible Government than we are now? If we wanted to borrow money, we should still have to go to the Imperial Government to back us; and if we wanted to hypothecate our lands we would still have to go to the Secretary of State for his approval. I think it behoves us to be careful that we do not pay too much for this Responsible Government. As to the dividing line, I certainly should go in for the tropic of Capricorn; and my reason for that principally is—if you follow that line I believe that at no point between Roebourne and the South will you have a smaller

number of settlers, whose settlements would be interfered with, than by having the boundary line at the tropic of Capricorn.

**THE HON. SIR J. G. LEE STEERE:** It appears to me that this question has assumed quite a different phase since the speeches of the hon. and learned member for the North and the hon. and learned member for Sussex; for I gather now that the general wish of the committee is to ask for something more than the Secretary of State has promised. The Secretary of State distinctly told us that he does not propose to repeal the 18th and 19th Vict., cap. 56, but to leave it in force, and to make new regulations under that Act for vesting in the Legislature of this colony the control of the lands. But I gather now that it is the wish of the hon. and learned members for the North and for Sussex to get something more than this. Practically they say, "We won't pass this bill unless you give us an Imperial Act vesting the control of the lands in our Legislature." They think a mere regulation will be of no value. Of course that puts a very different construction upon this promise of the Secretary of State. I hope it will not be supposed from what I said at an earlier stage of the debate that I do not set much value upon our having full control of the waste lands if we adopt Responsible Government. I have always thought it would be a farce to have it without our land; and, if members now are going to make a stand and say, "We won't have this bill at all, unless we have the land made over to us at the same time," I shall vote with them. I am quite prepared to take that stand with them. At the same time I believe it will delay the passing of the bill; but, as I said, if members are going to make a stand, and take the risk of the bill being delayed, I am quite prepared to go with them. With regard to the boundary line, I am in favor of that denoted by the hon. member for Toodyay (the tropic of Capricorn); I think the line suggested in the original amendment came too far south.

**THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest):** I am sorry that any member should think I am of opinion that we should take Responsible Government without the lands of the col-

ony, or, at any rate, the greater portion of them. That is not my idea. Unless we have the control of our lands I say we don't want Responsible Government at all. Nor do I think it could be fairly deduced from anything I said, or from anything that fell from anyone on this bench, that we ever meant anything else. The only point of difference between us is: some members want this done in their own way, and we want it done in the way suggested by the Secretary of State himself. We believe that the lands of the colony, up to a given point, will be vested in the Legislature of the colony in the way promised by the Secretary of State.

**MR. SHOLL:** I do not wish to prolong this debate, but I think it necessary I should explain, that, when I spoke before, and said it was my intention to vote for the clause as it stood in the bill, I certainly was influenced in making that remark by the amendment of the hon. member for Toodyay, with reference to the dividing line, as I did not approve of committing ourselves to any dividing line. It quite escaped me at the moment that the proposition of the hon. member for the North also involved the vesting of the land in the Legislature of the colony. With that I am quite in accord. I have a strong objection to suggesting any dividing line, or, at any rate, being pledged to any particular line; but I consider it absolutely necessary that provision should be made in the bill for giving us control of the land, and I certainly am more convinced of that necessity after the arguments I have heard. I think we should be better off without Responsible Government, unless we have the lands of the colony vested in the colonial Parliament; and I shall vote for the amendment, even although it might result in the bill being sent back. Probably that might be avoided if the Governor were to telegraph the decision of the House to the Secretary of State.

**MR. DE HAMEL:** It was my intention to have voted with the Government against the amendment of the hon. member for the North, but, after hearing the remarks made by the hon. member for Sussex, I feel bound to support the amendment, because, as we are going to make a stand upon this point, I feel

it necessary that we should enable the Governor to inform the Secretary of State that the stand taken was a strong one, and supported by a large majority in this House. I do it in order to strengthen our position, and so that the Governor may be in a position to make as strong a point of it as possible in representing the matter to the Secretary of State.

MR. GRANT: Like other members, I do not wish to give a silent vote on this subject. I look upon this bill throughout as a sort of compromise between the Secretary of State, representing the Home Government, and this House representing the people of this colony. I think we are now treading on very delicate ground, and that unless we are careful we shall delay the passage of this bill very much. If this amendment is inserted, very likely the consequence will be this: that all the loan moneys intended to be raised will be made use of in the Southern portions of the colony. It appears to me that the Secretary of State, when he wrote that despatch intended to avoid that, and to prevent too great a strain upon the borrowing powers of the country at this stage of its history, and that this control over the lands should be held as a sort of check. I think if we want Responsible Government we must take what the Secretary of State is likely to insist upon. It appears to me that we are in this position now: we must either give up the idea of Responsible Government or give way on this matter. I feel certain that the Imperial Government will reject the bill if this amendment is inserted.

MR. MARMION: The hon. member for Geraldton says if we include this amendment in the bill, the Home Government will reject the bill. I do not see why they should do so. We are only asking that a voluntarily made offer of the Imperial Government should be made law. We simply want it put within the four corners of this Act, so that it shall not be said in the future, "They offered us bread, but they have only given us a stone." I hope we shall have a united vote on this subject, so far, at any rate, as the elected members are concerned, so as to strengthen the hands of the Governor in making any representations he may think fit to make to the

Secretary of State. I believe the whole voice of the colony would be in favor of this provision being inserted in the bill, and I cannot but think that the Secretary of State, when he finds the strong stand that is made will be induced to accede to our wishes, as he has done in other points. When he has not done so, it has been due to one fact—the want of unanimity on the part of the members of this House. I hope the House will give no uncertain sound on this question, but a unanimous declaration in support of the amendment now before us.

Question put—that the amendment be added to the clause.

A division being called for, the numbers were—

Ayes ... .. 18

Noes ... .. 6

Majority for ... 12

AYES.  
Mr. De Hamel  
Mr. A. Forrest  
Mr. Harper  
Mr. Keane  
Mr. Loton  
Mr. Marmion  
Mr. Morrison  
Mr. Parker  
Mr. Paterson  
Mr. Pearce  
Mr. Randell  
Mr. Rason  
Mr. Scott  
Mr. Shenton  
Mr. Sholl  
Hon. Sir J. G. Lee Steere, Kt.  
Mr. Venn  
Mr. Burt (Teller.)

NOES.  
Mr. Congdon  
Hon. J. Forrest  
Mr. Grant  
Hon. C. N. Warton  
Hon. J. A. Wright  
Hon. Sir M. Fraser, s.o.s.o.  
(Teller.)

Clause, as amended, put and passed.

Clauses 77 and 78:

Agreed to, *sub silentio*.

*Schedule A.*—Electoral districts and boundaries:

MR. DE HAMEL, without comment, moved an amendment (*vide* p. 51 "Minutes of Proceedings") the effect of which was to alter certain boundaries as regards the Williams electoral district; change the name of Kojonup electoral district to "Plantagenet" electoral district; and with reference to the Albany electoral district, to strike out the definition of the boundaries and to substitute for them the words "all that portion of land comprised within the Municipality of Albany."

Amendment put and passed.

*Schedule B.*

	£	s.	d.
Governor ... ..	4000	0	0
Private Secretary ... ..	300	0	0
Clerk of the Executive Council ... ..	250	0	0
Chief Justice ... ..	1200	0	0
Puisne Judge ... ..	900	0	0
Chief Secretary ... ..	600	0	0
Attorney General ... ..	600	0	0
Treasurer ... ..	600	0	0
Commissioner of Crown Lands ... ..	600	0	0
Director of Public Works ... ..	600	0	0
Any officer acting as Premier, in addition to the salary of his office ... ..	200	0	0
	£9,850	0	0

**Mr. PARKER:** I have been asked by members on this side of the House to propose certain amendments in this schedule, which, after a conference of the elected members, have been agreed upon. I shall start with the first item, "Governor, £4,000," and move that it be reduced by £1,000.

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser): It will be my duty to take the sense of the House on all these amendments, which, I understand, the hon. member is about to move. With regard to this particular item, I would call the attention of the committee to His Excellency's despatch of the 28th May, 1888, which accompanied the draft bill sent Home. Dealing with this schedule, His Excellency says: "The Governor's salary 'I have set down at £4,000, but, as there 'would be a reduction of £590 now provided on the annual estimates for various allowances connected with the Governor's establishment, the net increase 'upon the present salary of £3,000 would 'only be £410. As my tenure of office 'here is entering its sixth year, I feel no 'diffidence in remarking that the Governor's present salary is insufficient. 'Though living economically and entertaining only to a moderate extent, my 'expenses, since I assumed this Government, have exceeded by £2,000 the 'public money I have received. This does 'not appear to me to be a right state of 'things, for it has amounted, in effect, to 'a purchase of my commission. I believe 'the Legislative Council would desire 'that the allowances I have referred to 'should merge in salary, and should disappear from the Estimates." I think it right that I should draw the attention of the committee to the fact that the actual increase is only about £400 in excess of the present salary of the Governor.

The committee divided on the motion to reduce the item from £4,000 to £3,000, when the numbers were—

Ayes ... ..	16
Noes ... ..	8

Majority for ... .. 8

**AYES.**  
Mr. Congdon  
Mr. De Hamel  
Mr. A. Forrest  
Mr. Grant  
Mr. Harper  
Mr. Keane  
Mr. Loton  
Mr. Marmion  
Mr. Paterson  
Mr. Pearse  
Mr. Rason  
Mr. Scott  
Mr. Shenton  
Mr. Sholl  
Mr. Venn  
Mr. Parker (Teller.)

**NOES.**  
Mr. Burt  
Hon. J. Forrest  
Mr. Morrison  
Mr. Randell  
Hon. Sir J. G. Lee Steere, Kt.  
Hon. C. N. Warton  
Hon. J. A. Wright  
Hon. Sir M. Fraser, G.C.M.G.  
(Teller.)

**Mr. PARKER** moved that the item "Clerk of the Executive Council, £250," be reduced by £50.

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser): Oh! oh! I must divide the House.

The division resulted in—

Ayes ... ..	17
Noes ... ..	7

Majority for ... .. 10

**AYES.**  
Mr. Burt  
Mr. Congdon  
Mr. De Hamel  
Mr. A. Forrest  
Mr. Grant  
Mr. Harper  
Mr. Keane  
Mr. Loton  
Mr. Marmion  
Mr. Paterson  
Mr. Pearse  
Mr. Rason  
Mr. Scott  
Mr. Shenton  
Mr. Sholl  
Mr. Venn  
Mr. Parker (Teller.)

**NOES.**  
Hon. J. Forrest  
Mr. Morrison  
Mr. Randell  
Hon. Sir J. G. Lee Steere, Kt.  
Hon. C. N. Warton  
Hon. J. A. Wright  
Hon. Sir M. Fraser, G.C.M.G.  
(Teller.)

**Mr. PARKER** moved that the next item "Chief Justice, £1,200," be reduced to £1,000, the present salary.

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser): Here again I may be permitted to refer to His Excellency's despatch, setting forth the reasons for the proposal to increase the salary of the Chief Justice. It will be seen that His Excellency points out that in Governor Weld's draft Constitution Bill of 1874, the Chief Justice's salary was placed at £1,250.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): I do not for a

moment expect that any words from me will have any effect upon that Macedonian phalanx which I see opposite, but I may be permitted to say that in my opinion the salaries proposed for the two Judges are not fixed at an extravagant rate. We must remember that in this matter we must look at the office, and not at the man. The office of a Judge is one of the most important offices in any country, and if we expect good lawyers to accept the office—and I know we all do expect our Judges to be very learned in the law, and accomplished men—if we expect that, we must expect to have to pay them a reasonable salary. I believe that most people in this colony expect as much learning from the Judges of the Supreme Court as is expected from the Judges at Westminster; that being so, I think it is only reasonable that the salary of those who occupy these important positions should be fixed at a fair and proper rate. We all know the expenses of living in this colony, and no one can say that a gentleman occupying the position of a Judge can keep up his position, as we expect him to keep it up, for less than £1,000 a year. I am sure that none of us, from whom not so much is expected, can do so. I think we are beginning at the wrong end in trying to reduce the salaries of our Judges.

MR. SHOLL: We are not reducing them.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): You are reducing what is proposed to give them. In the days of Governor Weld, as we have been told, it was contemplated to increase the salary of the Chief Justice to £1,250. That was fifteen years ago, when the colony was not nearly so well off as it is now. I should very much like to see these salaries left intact. The salary of the Puisne Judge at present is only £700, and I am positive he cannot live on that amount, and that it costs him a great deal more. If that is the case—and it must be well known to hon. members, for there can be no doubt about it—why should we object to this small increase? Why should we expect any man to accept a position where the salary is not sufficient to maintain him?

MR. GRANT: Why did he take the office, then?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): You may ask that of many persons. People must exist. Some of us, fortunately, have something outside our official pay, otherwise it would be a poor look out for some of us. I am afraid, however, my words will not have much weight, in the face of the opposition shown to the other votes; but I thought it only right to say what I have said, and what I considered right.

MR. PARKER: I did not intend to say anything in moving these various reductions, but I may state that the desire expressed on this side of the House was that there should be no increases made in consequence of the introduction of Responsible Government. Members say they can see no reason why the Governor or the Chief Justice, or any of these officials, should receive an increase of salary simply because there is to be a change in the Constitution. Responsible Government will not increase their work, nor will it make living more expensive,—I think it will make it less expensive. Why should these officials expect higher pay because we think proper to take upon ourselves the management of our own affairs? I can see no reason for it, and that is the conclusion which members on this side have come to. We have gone on that one idea, and have come to the conclusion to vote together on all these items, so that if the Colonial Secretary divides the House on every item he will find the same majority, the idea being that there should be no increase whatever in salaries, simply because the colony proposes to adopt another form of Government. The Commissioner of Crown Lands says that we expect our Judges to be most learned men. Does he think that £200 a year more will make them more learned? It might have some effect, if we were looking out for more Judges, to offer more pay in the hope of attracting the most learned men we could. But members on this side do not intend to take any individual officer's case into consideration; the sole idea we have is to vote against any increase at all, from the top of the list to the bottom, but leave their salaries as they are at present, and I hope that neither the Chief Justice nor the Puisne Judge, nor any other officer on this list, will imagine for a moment that

we intend to cast the slightest censure upon them, in declining to agree to these increases. It will be quite competent in the future for any Ministry that thinks proper, to increase the salaries of the Judges, or of any other officer; but at the present time, in the existing circumstances of the colony, and looking at the necessity for practising economy enjoined upon us by His Excellency himself in view of the coming change, we feel that it is incumbent upon us to follow His Excellency's advice. I do not intend to say anything further. The Colonial Secretary may divide the House as often as he pleases.

**THE COMMISSIONER OF RAILWAYS** (Hon. J. A. Wright): After what has just dropped from the leader of the other side of the House, perhaps the hon. member will be good enough to tell members on this side, who also have to study economy (in the matter of shoe leather) whether he proposes to move to reduce the remaining items on the list, so that we may divide on them altogether, without the necessity of walking backwards and forwards, crossing and recrossing the House.

**MR. PARKER:** It is.

**MR. MORRISON:** I wish I was gifted with a little eloquence, so that I might bring it to bear upon those who propose to cut down these items. If there is anything I object to, it is this sort of sweeping reduction.

**MR. SHENTON:** No reduction at all.

**MR. MARMION:** I call it reduction to cut down an item of £4,000 to £3,000, and £1,200 to £1,000. If we are going in for Responsible Government we shall want to get the best men we can to work it, otherwise we shall find our Government carried on in a very indifferent manner. I believe £1,200 a year is little enough for any gentleman holding the position of Chief Justice. It is a most awkward position, especially in a small colony, isolated, as he must be, from the rest of the community, if he wishes to carry out the duties of his position properly. I should call it a very miserable existence, myself; and, if you wish good men to undertake these sort of positions the first thing you ought to do is to see that they have sufficient salary to live upon, and that they are not put in a position where they may be hard pressed.

When the first item was moved, without rhyme or reason, and also the next one, it did seem to me extraordinary legislation. But the hon. member has now given us his reasons. But my objection is to have what you may call cheap men about you, especially filling responsible positions.

Question put—that the item be reduced by £200:

The committee divided, with the following result:—

Ayes ...	...	...	17
Noes ...	...	...	7

Majority for ... 10

**AYES.**

Mr. Burt  
Mr. Congdon  
Mr. De Hume  
Mr. A. Forrest  
Mr. Grant  
Mr. Harper  
Mr. Keane  
Mr. Loton  
Mr. Marmion  
Mr. Paterson  
Mr. Pearce  
Mr. Rason  
Mr. Scott  
Mr. Shenton  
Mr. Sholl  
Mr. Venn  
Mr. Parker (Teller.)

**NOES.**

Hon. J. Forrest  
Mr. Morrison  
Mr. Randell  
Hon. Sir J. G. Lee Steere, Kt.  
Hon. C. N. Warton  
Hon. J. A. Wright  
Hon. Sir M. Fraser, K.C.M.G.  
(Teller.)

**MR. PARKER** moved that the item "Puisne Judge, £900," be reduced by £200.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): I must protest, Sir Thomas Campbell, against my hon. and learned friend, the leader of the other side, or any other leader of men, saying in this House: "We are all agreed on a certain course; you may divide as often as you like; we have a certain majority; we do not mean to argue the point; we do not mean to discuss any of these items." This is supposed to be a deliberative assembly, or it has been supposed to be a deliberative assembly until this evening, when it has been turned into a mere voting or recording machine. I thought until now that we came here to argue and to deliberate, and all open to conviction, and not to be threatened or bullied into recording the conclusions arrived at, heaven only knows how, by a majority. I have a great regard for constitutional usages, and for the decency of all parliamentary procedure, and I have much respect for all deliberative assemblies, including this, but, I say, matters of this kind ought not to be settled by sheer force of division, but by debate and by argument. I must

really protest against such indecency as any member of the House saying, "It is no use your dividing, it is no use your arguing, we have our majority, and we are pledged to vote in a certain way." Such pledges ought not to be given. What we ought to do as reasonable men is to listen with patience to each other's arguments; it is all childish nonsense to give way, as has been done this evening, in dealing with this important financial schedule. I do hope, Sir Thomas, that the next House that will assemble, under this other Constitution, will conduct itself as a deliberative assembly, and that members will refuse to band together, and threaten the other side that it is no use arguing a subject because they have already secured a majority,—simply a "brutal majority."

**MR. PARKER:** Sir Thomas Campbell—it is really amusing to hear the learned Attorney General, of all people, with his House of Commons' experience, lecturing this House upon this little display of what is nothing more nor less than party cohesion. I am sure the hon. and learned gentleman has often in the House of Commons, where he was such a shining light, seen the same tactics adopted. There is nothing unusual about it. It is of the very essence of party Government that you should adhere to your party, and, sometimes I am afraid, without rhyme or reason. We have started the same tactics here as the hon. and learned Attorney General has, I am sure, often participated in, when a member of that party for which he performed such valuable services in the House of Commons. There is really nothing "indecent" in adhering to your party, or even in determining beforehand what your line of action ought to be. On the contrary, I think it is most indecent on the part of any member to desert his party. I am sure the hon. and learned Attorney General never had the indecency to desert his party—the Tory party, of which the hon. and learned gentleman was such a distinguished ornament—in the House of Commons. The Tory party, I am sure, never did anything that was wrong; the Tory party never did anything that was indecent; but I am sure it cannot be said that the Tory party never combined together. To-night we

have started a small party in this House, and they have honored me with their leadership for the time being; and, having fully discussed these matters amongst ourselves, our party have come to the conclusion—not without rhyme or reason, but, I think, for good and sufficient reason—that we shall have no increases of these official salaries, simply because the colony is about to enter upon a change of Government. You must bear in mind that there is no cutting down at all of present salaries. We do not propose any cutting down. Our object in combining upon this question is that there shall be no increases, because we see no ground for increases, and because we are following the advice given to us by His Excellency himself, when he pointed out the necessity for exercising every possible economy in view of the contemplated change, and the additional charges incidental to it.

Question put, and a division called for; the numbers being—

Ayes ...	...	...	17
Noes ...	...	...	7

Majority for ... 10

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

**MR. BURT** moved that the last six items be struck out, and "Ministerial Salaries, £3,200," be inserted in lieu thereof.

Question—put and passed.

*Schedule B*, as amended, agreed to.

*Schedule C*, grant to aboriginal natives: Agreed to, *sub silentio*.

*Schedule D*:

	£	s.	d.
Sir Malcolm Fraser, K.C.M.G., Colonial Secretary	800	0	0
Charles Nicholas Warton, Esq., Attorney General	500	0	0
Anthony O'Grady Lefroy, C.M.G., Colonial Treasurer	650	0	0
John Forrest, C.M.G., Surveyor General and Commissioner of Crown Lands	550	0	0
	£2,500	0	0

MR. PARKER moved that item "Sir Malcolm Fraser, £800," be reduced by £100.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Whatever I may have occasion to do with regard to the other items in this schedule, I do not intend, as the individual concerned, to divide the committee upon this, but accept the decision of the House.

Question put and passed.

MR. PARKER moved that item "Charles N. Warton, Esq., £500," be reduced by £200.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Now I feel it necessary to rise, and say I cannot understand the reasons why the hon. member proposes this reduction. I consider it is altogether disproportionate. It may be said that the reason which has prompted the hon. member in moving this reduction in the retiring allowance of my hon. colleague, who has just left the House, is the fact of his having only been a short time in the service of this colony. But we must remember the condition under which he came out here, and that he is about to suffer a displacement from office for which he is officially unprepared, and placed in a position which he had no idea of, when he accepted his present office; and that, therefore, he is entitled to every consideration. I do really urge upon this committee that this reduction, under the circumstances, is excessive. If the hon. member had merely proposed the same reduction as in the first item, the position might have been different; but here he proposes a tremendous reduction—two-fifths of the amount set down in the schedule.

MR. A. FORREST: Who put the £500 there?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I must really protest against this reduction, and I shall feel it my duty to see whether I cannot, in this instance, secure a majority in favor of my learned friend, who really is being very scantily treated. I do hope members will reconsider this. Of course I cannot say what the effect may be if they persist in carrying it, but I hope that some attention will be paid to my appeal, and that members, at any rate, will meet me half-way. We might be able to agree to a compromise; but, as it is, I certainly

shall have to divide and take the sense of the House.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I should like to say a word or two in favor of the claims of my hon. colleague. I should like to point out to the committee—and, in doing so, I hope I am acting in the best interests of my hon. friend—that when the Attorney General came to this colony, he came here expecting—he has told me so himself—that he was coming to a freehold appointment, which he should enjoy (so long as he conducted himself) for the rest of his life; and that he never knew anything about Responsible Government being likely to come into force, that such a contingency never entered into his calculations when he accepted the appointment. Of course everyone will allow that, under these circumstances, it is somewhat of a hardship for a man who like my hon. friend is no longer young, to find himself, after two or three years service, deprived of his appointment, which he thought was a life appointment. We all know that in the colonial civil service there are not so many openings for officers of my learned friend's age, as there used to be some years ago. An officer whose office is now abolished—not for the good of the service, not in consequence of a reform of the service, but simply for political reasons—is in a very different position from what he would have been in, years ago, when there were so many other appointments in the civil service to one of which he might fairly have expected to have been appointed. Members will also understand that a lawyer giving up a practice at Home, and going out to a distant colony, cannot expect to return to the same position as he occupied before he left Home. That is next to impossible. Members will also, I am sure, recollect that the Attorney General is no longer a young man; he is getting up in years, and that while £200 a year is a very small amount for the colony it is a very considerable amount for a man in the position of my hon. friend. I am quite sure that the members of this House are most desirous and anxious to do what they think is right and just, and that they are actuated solely by that idea; at the same time, I think it will be admitted that an

extra £100 or £200 a year is not much for the colony to have to pay, but is a great deal for the Attorney General to lose; and I appeal to them to be as generous as possible in a matter of this sort. I do not think I need say any more. I leave it now to hon. members to decide what they will do with regard to this item.

MR. PARKER: Perhaps I may be permitted to say that the desire of members sitting on this side of the House is, as the hon. gentleman has just said, to do justice to all the members of the Executive, but, at the same time, they feel that they must also do justice to the colony. I do not wish to say a single word to detract from the merits of the hon. and learned gentleman whose pension we are now discussing, and all I would say is this: that, in the opinion of those who are voting to-night with me, £300 a year is ample recompense for the short services performed by the hon. and learned gentleman for this colony.

Question put, and a division called for, the numbers being—

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

Majority for ... 11

AYES.	NOES.
Mr. Burt	Hon. J. Forrest
Mr. Congdon	Mr. Morrison
Mr. De Hamel	Mr. Randell
Mr. A. Forrest	Hon. Sir J. G. Lee Steere, Kt.
Mr. Grant	Hon. J. A. Wright
Mr. Harper	Hon. Sir M. Fraser, <i>c.m.g.</i>
Mr. Keane	(Teller.)
Mr. Loton	
Mr. Marmion	
Mr. Paterson	
Mr. Pearce	
Mr. Rason	
Mr. Scott	
Mr. Shenton	
Mr. Sholl	
Mr. Venn	
Mr. Parker (Teller.)	

MR. PARKER moved that item "A. O'Grady Lefroy, C.M.G., £650," be reduced by £100.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I well remember, Sir Thomas Campbell,—I think it was the first, or, if not the first, the second occasion I sat in this House, in 1870, nineteen years ago, a question arose as to the retiring allowance to be given to my predecessor in office, the late Capt. Roe, who had served the colony for, I think, the same number of years—or perhaps rather less—as my friend the Colonial

Treasurer has served it, at the present time. I have not got the Blue Book before me, but I believe I am right in saying that the Colonial Treasurer has, at any rate, served as many years as my predecessor, Capt. Roe, had when he retired. And what was the decision of the House in his case? His claims were brought specially before the House, and the House agreed to a retiring allowance equal to his salary at the time.

MR. PARKER: By a majority of one only.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Never mind. Have I not reasonable grounds for advocating that my honored and esteemed friend Mr. Lefroy, after 40 odd years service, and suddenly deprived of an office which he has so sedulously fulfilled, may be met in the same liberal spirit as animated this House, nearly twenty years ago, when dealing with the claims of my respected predecessor? I leave the matter in the hands of the committee, and, if necessary, I shall divide the House. But I hope and trust that members may be induced to reconsider their decision for the reasons I have stated.

The committee divided with the following result—

Ayes ...	...	...	16
Noes ...	...	...	8

Majority for ... 8

AYES.	NOES.
Mr. Congdon	Mr. Burt
Mr. De Hamel	Hon. J. Forrest
Mr. A. Forrest	Mr. Morrison
Mr. Grant	Mr. Randell
Mr. Harper	Hon. Sir J. G. Lee Steere, Kt.
Mr. Keane	Hon. C. N. Warton
Mr. Loton	Hon. J. A. Wright
Mr. Marmion	Hon. Sir M. Fraser, <i>c.m.g.</i>
Mr. Paterson	(Teller.)
Mr. Pearce	
Mr. Rason	
Mr. Scott	
Mr. Shenton	
Mr. Sholl	
Mr. Venn	
Mr. Parker (Teller.)	

MR. PARKER moved that the item "J. Forrest, C.M.G., £550," be reduced by £50.

Question put and passed.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Sir,—I rise merely to say that I highly appreciate the liberal manner in which this committee has dealt with this vote, so far as I am concerned. I consider that I have

been most generously, most handsomely treated.

Schedule D., as amended, agreed to.

Bill reported to the House, with amendments.

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

## LEGISLATIVE COUNCIL,

*Monday, 1st April, 1889.*

Return of Revenue and Expenditure, Kimberley District—Colonel Angelo's "bund" across the Harding River—Water supply for the city of Perth—Varying the s.s. *Australind* contract—Contract for working Bunbury-Blackwood Railway—Increased representation, Federal Council: Address to Her Majesty—Conveniences for Spencer's Brook station—Aborigines Bill: in committee—Defence of Fremantle (Message No. 3)—Adjournment.

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

### PRAYERS.

#### RETURN OF REVENUE AND EXPENDITURE, KIMBERLEY DISTRICT.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he desired to make an explanation with reference to a return moved for by the hon. member for Geraldton, on the 23rd March, with reference to the revenue and expenditure in the Kimberley district up to date. Immediately upon the motion for these returns being carried, he placed himself in communication with both the Treasury and the Audit Department, and endeavored to get that which the hon. member desired. He had received a memorandum from the Colonial Treasurer and from the Auditor General on the subject, which he would read. (Read.) The hon. member would see that all the cash accounts of the colony would have to be examined, voucher by voucher, for six or seven years, as the revenue and expenditure of the Kimberley district had for

years been incorporated with the general accounts, and not kept separately. The return asked for would entail immense labor, and extra clerical assistance in the Audit Department; and he would ask the hon. member if he would not mind meeting him (the Colonial Secretary) at his office, and see whether such information as could there be furnished would satisfy him, as he believed it would take months to elaborate these returns.

#### COLONEL ANGELO'S "BUND" ACROSS THE RIVER HARDING.

MR. RICHARDSON: I wish to ask the Colonial Secretary,—(1.)—Whether a certain bund, or weir, constructed across the River Harding, at Roebourne, under the direction of the Government Resident, Col. Angelo, and lately washed away by floods, was constructed with the sanction and approval of the Government?

2nd. If any plans, drawings, or specifications were obtained from the Works Department for the said work, or any professional supervision employed on it—if not, why not?

3rd. From what fund the cost of its construction was drawn, and what description of labor was employed?

4th. Whether they intend allowing further outlay for its repair?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) replied:—

1st. It was constructed by the Government Resident without sanction.

2nd. None were prepared by the Works Department; nor has any professional supervision been exercised, for the reason above given.

3rd. Tools and some timber were supplied by the Gaols and Works Departments; the labor used was prisoners.

4th. The Resident Engineer has been ordered to report on the whole work.

#### WATER SUPPLY FOR THE CITY OF PERTH.

MR. SCOTT: The motion I am about to move is one in which I confidently hope the Government will do their best to assist me. I appeal with some confidence in this matter to the Government benches, knowing the interest that the Government has always taken in the question of the sanitary improvement of