

the subject at any rate. Great difficulties were now experienced in the way of travelling stock for market, between the Southern districts and Fremantle. Take the coast line from Pinjarrah, and you would not come across an acre of Government land set apart as a reserve for this purpose except very near Fremantle. Then again, from Bunbury to Perth, almost every acre of land was leased and fenced, or being fenced. If some steps were not taken to provide reserves and watering places for stock, it would be very difficult indeed before long to travel stock from the South to the Perth market. This was a serious matter for the public, and he hoped the resolution would meet with general support.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) quite agreed with what the hon. member had said; but he thought the hon. member himself and others were probably to blame for this state of affairs. The Government could not be expected to know where every reserve was required all over the colony; it was the duty of the local public bodies of these country districts to make representations to the Government. The Government were always anxious to do what they could in the way of setting apart reserves for public use, wherever it was shown to them that they were necessary; and, as the hon. member represented that part of the colony he was referring to, he might advise the Government as to the best localities for having these reserves. He could promise the hon. member that his representations would receive every attention, without the necessity for this resolution.

Resolution put and passed.

MR. PATERSON moved an address to the Governor, informing His Excellency of the resolution.

Agreed to.

The House adjourned at midnight.

LEGISLATIVE COUNCIL.

Monday, 29th April, 1889.

Point of Order—Death of Mr. Gahan, Postmaster General—Message (No. 21): Replying to Addresses—Message (No. 22): Assenting to Bills—Additions to Council Chamber—Committee of Advice under the Audit Act—Memorial to the Secretary of State re the Constitution Bill—Concessions, W. A. Timber Co.: adjourned debate—Adjournment.

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

PRAYERS.

POINT OF ORDER.

THE SPEAKER: I should like to mention one thing in reference to a point of order that was raised the other day. The hon. member for the Gascoyne raised a question as to whether the standing orders in regard to certain plans of a railway had been complied with; and the Commissioner of Crown Lands rather objected to the point being raised at such a late stage of the debate, and thought it ought to have been raised previously. I think there is some misconception as to the right of a member to raise a point of order of this kind. When a point of order arises in the course of a debate it must be raised at the time; it cannot be raised at a subsequent period. But a point of order such as that raised by the hon. member for the Gascoyne in this instance, relating to certain proceedings or formalities to be observed and plans to be laid on the table, can be raised at any time before the House disposes of the question. I notice that in the other colonies, where there are standing orders providing that certain formalities are to be observed before bills are introduced, these bills have in some instances been proceeded with, and advanced as far as the third reading stage before the discovery is made that the necessary formalities had not been complied with; and the bills are then laid aside and re-introduced with the necessary formalities, and proceeded with. The hon. member for the Gascoyne was, therefore, at liberty to raise the point he did at the time.

DEATH OF MR. GAHAN, LATE POST-MASTER GENERAL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Before proceeding with the business of the evening, I think I may be permitted, and I do so with a feeling of sadness, to remind the House that one of the most energetic and indefatigable heads of departments has been suddenly taken from us. I am quite sure that every hon. member will agree with me that in Mr. Gahan the public service of this colony has lost a most valuable officer. It is true he was not in the service of the colony for a very long period before he was snatched from our midst—I think he was with us not quite two years; it will be the 1st July, I believe, when his two years would have expired. But short as was his period of service he was here long enough to show us that in him we had secured a most energetic and painstaking public officer. During the time he was with us Mr. Gahan won the esteem and the confidence not only of the Government but also of the public, as the head of a department, which, perhaps, above all others, most intimately concerns the public generally. I am quite sure that I am expressing the feelings of all the members of this House when I say that we all most deeply sympathise with Mrs. Gahan, in her great loss, and when I add how greatly we shall miss them both,—for I am afraid that after her sudden bereavement and the associations which it must arouse, she will not find Perth a pleasant residence, after her irreparable loss. Therefore, I say we shall, I am sure, miss them both. I do not know, sir, that I need add another word, for I am sure that we all feel the loss which the colony has sustained, and sympathise with the widow of our departed friend in the severe bereavement she has been plunged into.

MR. PARKER: On behalf of the members on this side of the House I may say that I fully endorse all that has fallen from the leader of the Government, with reference to the late Postmaster General. When the sad and sudden news of his death was received in Perth on Saturday morning, it was looked upon as a public calamity, for we all felt that the public service of this colony had lost a most valuable and efficient officer. Although Mr. Gahan,

when he first arrived here, had to encounter a considerable amount of prejudice, he was not long before he lived that prejudice down, and the public discovered that in Mr. Gahan they had secured an able, painstaking, energetic public servant, who worthily filled the office he held. I also feel sure that every member here deeply sympathises with Mrs. Gahan in the great loss she has sustained.

MESSAGE (No. 21): REPLYING TO ADDRESSES.

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

"The Governor has the honor to reply "as follows to certain Addresses of Your "Honorable House during the present "Session:—

"No. 3.—A Commission will be appointed to prepare, during the "recess, a new Electoral Bill.

"No. 8.—Subject to the Secretary of "State's sanction, which will be "requested by me, a contract "will be entered into with "Messrs. C. & E. Millar on the "terms advised.

"No. 9.—Your Address to Her Majesty the Queen advocating the "enlargement of the Federal "Council has been duly forwarded for presentation.

"No. 12.—An order has been issued, "and will be published, permitting the importation of vine "cuttings from South Australia "for the period suggested.

"No. 13.—Your Resolutions on the "subject of the Petition of "Messrs. Harper and Hackett "will be transmitted to the Secretary of State, with the other "papers in the case.

"No. 14.—The Director of Public "Works will be requested to report upon the best method of "expending the funds available "for the extension of the Geraldton Jetty.

"No. 15.—Additional reserves for "stock travelling from the "Southern Districts will be set "apart as found to be required.

"Government House, 29th April, "1889."

MESSAGE (No. 22): ASSENTING TO BILLS.

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

"The Governor has the honor to inform the Honorable the Legislative Council that he has this day reserved, for the signification of Her Majesty's pleasure thereon, the undermentioned Bills:—

"*A Bill intituled an Act to confer a*

"*Constitution on Western Australia*

"*lia, and to grant a Civil List to*

"*Her Majesty.*"

"*A Bill intituled an Act to provide*

"*for certain matters connected with*

"*the Aborigines.*"

"The authenticated copies of the Bills are returned herewith.

"Government House, 29th April, 1889."

ADDITIONS TO LEGISLATIVE COUNCIL CHAMBERS.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) with leave, without notice, moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to direct that plans and specifications, with an estimate, be prepared by the Works Department, in order to carry out such additions to the Legislative Council Chambers as are recommended in the Report of the Select Committee of 10th April, and adopted by this Council on the following day with an amendment.

Question put and passed.

COMMITTEE OF ADVICE UNDER THE AUDIT ACT.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) in accordance with notice, moved, That this Council do now elect by ballot four unofficial members to serve on the Committee of Advice, as provided by the Audit Act.

The members having delivered to the Clerk the list of those they desired to serve on such Committee—

THE CLERK informed the Speaker that the following members had the greatest number of votes:—Mr. Marmion, Mr. Parker, Mr. Sholl, and Mr. Loton.

CONSTITUTION BILL: MEMORIAL TO THE SECRETARY OF STATE.

SIR T. COCKBURN-CAMPBELL: Sir,—members have had the text of this memorial in their hands, I believe, since Saturday, and no doubt have had an opportunity of perusing it, and of making themselves acquainted with its nature, and of determining whether they are prepared to support it or not. I thought, myself, from the commencement—from the time we first entered upon a consideration of this bill, that when we arrived at this stage it would in any case, apart from those special circumstances that have recently arisen, be necessary to memorialise the Secretary of State. No doubt the Governor's covering despatch, as all His Excellency's despatches on this subject, will be a very lucid and convincing document, and that His Excellency will do his very utmost for us, and put forward our views, especially with regard to the land question, and with regard to all other points that have been at issue between us and the Secretary of State, in the most favorable light. We have had plenty of proof, during the present session, of His Excellency's desire to do all he can for us in this matter. At the same time I think it is desirable that the House should itself show that it feels a vital interest in this question, and that it can speak for itself, and address the Secretary of State direct on the subject. Members will see that the two principal points which I intend to make in this memorial are, in the first place the fact that we have eliminated all mention of the land from the bill, on the understanding that the Secretary of State would loyally perform his part of the proposal, or arrangement I may say that has been come to between us and himself on that subject; and, in the second place, that we have throughout the whole of this bill deferred to the Secretary of State's wishes on many points that we would otherwise not have felt called upon to do, in the hope that we might ensure the passage of the bill during the present session of the Imperial Parliament. I think that a memorial of this kind is likely to put the Secretary of State (if I may say so) on his honor to see that the wishes of this House are carried out. He will see that, a great deal against our inclinations, we

have given way on some of these points, simply in deference to his wishes, and on the understanding that he will see that our interests are protected; and that seeing this he will feel bound to do all he can to carry out what we want, especially with regard to the land question and the early passage of the necessary Enabling Bill. Two objections have been mentioned to me with regard to the wording of the memorial. In the first place, it has been suggested that the paragraph having reference to the Upper House does not, as a matter of fact, express exactly the state of public feeling on the subject, when it says that, as regards the constitution of the Upper House "your memorialists and the colony at large were at variance with His Lordship, entertaining a very strong opinion in favor of election." I must say I was rather surprised to hear that it could be considered there was anything erroneous in that statement. I am not aware what took place at the election at Bunbury—I do not know that I saw a report of what took place at Bunbury—but, apart from that single instance, it is certainly the fact, an indisputable fact, that in every other electorate of the colony, where a member met his constituents, he invariably pledged himself to an elected Upper House, so far as I know. Therefore, it seemed to me that it was simply a statement of fact to say that public opinion, so far as it was expressed, was altogether at variance with the nominative principle, and unanimously in favor of an elected Upper Chamber. I do not see that there is anything erroneous about that; of course, if there is, I am not particularly wedded to these very words. Then, again, it has been mentioned to me that it is hardly right to say that the country was entirely with us in our action as regards the land. Of course it is impossible for us to know exactly how the country at large felt on that matter, there having been no reference to it; but we know that so far as any expression of opinion that did take place went, it was in favor of the action taken by the House when it insisted that provision should be made for vesting the control of the land in the local Legislature. No doubt the colony would wish to have as large a control of the Crown lands as possible. Therefore,

I really cannot see that there is anything wrong about that allegation. I am perfectly well aware that the memorial is imperfect, and that it is capable of being improved; but, such as it is, I think it pretty fairly represents the facts of the case, and that it would strengthen our position if this House adopted it. At any rate, it may have some useful effect, and it cannot do any harm. I now move that the memorial be adopted:

"The Memorial of the Legislative Council of Western Australia to the Right Honorable Her Majesty's Secretary of State for the Colonies:—

"HUMBLY SHEWETH:

"That Your Lordship's Memorialists have carefully considered the draft of a Bill intituled 'An Act to confer a Constitution on Western Australia, and to grant a Civil List to Her Majesty,' forwarded by Your Lordship for submission to their body, together with despatches and telegrams relating thereto.

"Your Memorialists have passed various amendments in detail, more or less important, to which they understand Your Lordship entertains no objection. These amendments have been made with the anxious desire to perfect the Bill as far as possible, and, by rendering its provisions fairly acceptable to the people, to ensure that stability for the Constitution which Your Memorialists consider it should possess.

"On the principle of the constitution of the Upper House, Your Memorialists, and the Colony at large, were at variance with Your Lordship, entertaining a very strong opinion in favor of election. They have, however, accepted the compromise now embodied in the Bill.

"To certain items in the Civil List Your Memorialists have taken exception, as being larger, in proportion to the means of the Colony, than corresponding amounts exacted from their Eastern neighbors when Responsible Government was accorded to the latter. Since Your Lordship, however, has insisted upon the List remaining as it stood, they have been willing to give way rather than imperil the early passage of the Bill. From so large an annual de-

"mand, also, as £400 for the retiring allowance of the Attorney General, "Your Memorialists consider they should "have been protected by the despatches "which passed upon the subject of pensions upon abolition of office between "Sir Frederick Weld and Lord Kimberley, during the years 1870-1871; but, "under protest, this likewise has been "acceded to.

"From Your Lordship's Despatch of "the 12th December, 1887, Your Memorialists were left under the impression "that the management of the Lands "South of the 26th parallel of latitude, "or some other line to be agreed upon, "would be vested in the local Legislature "of the Colony, which would be empowered to regulate for their control 'by "Act passed in the usual way.' They "therefore added a proviso to Clause 76 "of the Bill, limiting its effect until such "vesting should have taken place. Your "Memorialists subsequently learned with "regret that Your Lordship proposed to "proceed in another way, and to give the "Legislature power merely to pass Regulations for the management of the "Lands; and, further, that Your Lordship required that all reference to the "Crown Lands should be eliminated from "the Bill before you could undertake to "introduce it during the current session "of the Imperial Parliament. It is with "great reluctance that Your Memorialists "have given way upon this latter point, "the country being entirely with them in "their previous action. They have done "so only on the understanding and in "full confidence that Your Lordship—in "procuring the passing of the Bill "through the Imperial Parliament—will "concurrently take such steps as may "ensure the carrying out of the proposal "contained in your Despatch No. 69, of "the 30th July, 1888, in which Your "Lordship expresses it as your intention "to 'vest in the Legislature of Western "Australia the sale, letting, and other "disposal of Waste Lands of the Crown "South of latitude 26.'

"From the foregoing Your Lordship "will see how much—and how greatly "against their own inclinations and those "of the country—Your Memorialists have "deferred to your wishes. They have "done so solely with a view of putting an "end as speedily as possible to a transi-

"tion period, the attendant circumstances "of which are causing serious injury to "Western Australia, and any prolongation of which might be followed by "disastrous results. They are assured "that Your Lordship will recognise the "necessity, in the interests of the Colony, "for taking prompt action, and will use "all the weight of your influence towards "promoting the acceptance of the Bill "by the Imperial Parliament during the "current session of that august body.

"And Your Memorialists will ever "pray, &c."

MR. VENN: I have much pleasure in seconding the adoption of the memorial. At the same time I beg to say here, respectfully, that I consider it would be much better if the statement contained in the third paragraph were omitted, for I certainly do not think it is correct to say that the colony at large is strongly in favor of an elected Upper House. I have done a great deal of travelling through the colony of late—more in the settled districts than any other man in the House, at the present moment; I have had an opportunity of hearing the feelings of the settlers while travelling about with the Agricultural Commission, and I do not think that the colony, as a whole, has committed itself to the principle of an elected Upper House. At any rate I am very confident that is not the feeling in the Wellington district. Nor can it be said that there has been anything like a unanimous feeling among the members of this House on the subject, as a reference to the division lists will show. But, beyond taking this objection to the paragraph referred to, I quite agree with the memorial. With regard to the other objection alluded to, I agree with the hon. baronet that it would be almost impossible for any person to say that the colony was not with us in the action we took with regard to obtaining control of the lands; on the contrary, I think we may fairly assume that the feeling of the country was with the House in that matter. With these remarks, I have much pleasure in seconding this memorial. But I should like to add this: and I say it with all due deference,—I think the House should have gone a little further than this memorial. I think the House should have accentuated the memorial and strengthened

its position as regards the Constitution Bill, by sending delegates Home to represent us while that bill is before the Imperial Parliament. Whatever influence the Secretary of State and the Ministry may have in piloting the measure through the House of Commons, it occurred to me, and it has occurred to many others in England, that the bill is not safe; and it strikes me that it would have been wise to have sent with the bill one or more delegates to represent the colony while the bill is passing through the ordeal of that opposition which we know it is sure to evoke in its progress through the House of Commons. At the same time I think this memorial itself is likely to do good, and I have very much pleasure in supporting it.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I do not wish to appear hypercritical, but it will be my duty before I sit down to move an amendment. I am quite sure that all members will agree with me that we have met with a considerable measure of success in our efforts, so far, to deal with this great work of framing a new Constitution for the colony. The bill has passed through all its stages, so far as this House is concerned, and is already *in transitu* to the Colonial Office. Now it is desired by a number of members to forward this memorial in addition to the bill, for the purpose of placing certain facts before the Secretary of State, one of those facts being an assurance that the House had agreed to eliminate out of the bill a portion of the 76th Clause, containing a certain proviso relating to the lands, on the understanding that His Lordship will carry into effect that which from the very first he has promised to do. It would probably be in the recollection of the House that when speaking to that clause some time back, I urged that we should pass the clause without that proviso, and leave the question of the land to be disposed of in another way, the bill having then gone through certain stages. Therefore, it cannot be said that the Government is averse to the Secretary of State being addressed on that question of the land in this form. But as this land question was the only question in the whole bill that was, so to speak, reserved to be dealt with in this

form, I am at a loss to know what the object is in introducing into this memorial so many other extraneous matters. Why should we go outside the only question really left for settlement, and traverse the whole question again, as is done in the memorial now before us? Why should the House go out of its way to make reference to this matter and that matter as having been agreed, contrary to members' inclinations and the inclination of the country? Why make it appear to the Secretary of State and to the world that the House had really agreed to these matters under coercion on the part of someone, when we all know there has been no coercion of any kind used in the matter? Have not members been entirely free in their actions in relation to this bill? Why then should they seek to make it appear that they have been acting under a certain amount of coercion—I don't know on the part of whom; certainly not on the part of the Government? This bill was not brought forward at the instigation of the Government; it has been brought forward at the urgent request of this House, representing the people of the colony. The bill is not a Government measure in the sense of having been pressed upon the country by the Government; it was brought forward by the Government simply at what they conceived to be the call of the country; and there has been no pressure or coercion of any kind, so far as the Government is concerned. But it is made to appear in the memorial before us that members have agreed to this, and agreed to that, simply because they were forced to do so, against their inclinations, and the inclinations of the people of the colony. I cannot help thinking that there are allegations in this memorial which are bound to prove damaging to the interests of the bill. I find in one paragraph an admission that the bill is not perfect without certain amendments; and it is stated that as regards other points they have been agreed to in the face of the fact that the House and the country did not believe in them—that they are, in fact, repugnant to the general feelings of the community. The only conclusion that can be drawn from that by people at Home is that this bill in its present shape is not a bill that this colony cares for. It is plainly stated that the House has given way with great

reluctance to this and that; and it will naturally appear to people in England that the bill has been agreed to under compulsion, and that it is not a bill which is at all acceptable to the colonists at large. I ask hon. members whether they consider it wise to place an argument of that kind in the hands of the opponents of this bill in the Imperial Parliament? Why should we supply our adversaries with such a weapon to defeat the object we have all at heart? I can tell members this: unless this bill is very carefully piloted through the dangers that it will have to encounter when it gets into the House of Commons, it is not likely to become law this session, certainly, and possibly for years to come. The opponents of the proposed change of Government will be supplied with a very strong argument when they get this memorial. They will say at once: "These people have been coerced to take the step they have taken; they don't wish for a measure of this kind at all; they tell us they have only agreed to it out of deference to the wish of the Secretary of State, and contrary to their own inclinations." I can hardly conceive that those who are opposed to this colony obtaining a change of Constitution would wish for a better text to hang their arguments upon than is furnished by the memorial as submitted by the hon. member, Sir Thomas Campbell. Here it is: "From the foregoing (it says) Your Lordship will see how much, and how greatly against their own inclinations and those of the country, Your Memorialists have deferred to your wishes." [Mr. SCOTT: Hear, hear.] "They have done so solely"—not because they are in accord with the bill itself, but simply in deference to the wish of the Secretary of State, and in order that the bill, such as it is, may become law without further delay. Now, I maintain, sir, that this is not the right way to go to work. It looks too much like an attempt to show the Secretary of State that the House has been cajoled to accept the bill in its present form, and that we expect the Secretary of State in return to do something for us which he would not be prepared to do otherwise; though we have had his assurance all along that these are his intentions. I don't know whether members think that a memorial couched in these terms is likely

to do the bill or the colony any good; I should say it is bound to do us a great deal of harm, and to furnish our adversaries with a very strong argument against giving the colony Responsible Government at all. It appears to me most suicidal policy. Although not, individually, strongly in favor of the change, still, having entered upon it, and having put our hands to the plough, I am not one of those who would wish to see the colony going back from the position it has taken up in seeking to bring about this change. I think we are bound now to carry it through, and that the sooner the change is effected the better it will be for the colony. Therefore, I should be sorry to see this memorial sent Home, and spoil the whole thing. You simply run the risk of losing the battle altogether if you put all this rhodomontade before the House of Commons. If the fate of this memorial is simply to be placed in a pigeon hole when it reached the Colonial Office, and there kept until the cobwebs hid it from view, and the whole thing was forgotten, I should say, let it go. But if it is intended that it shall see daylight and that it shall reach the House of Commons, I can tell hon. members this: it will probably result in wrecking the whole bill. Sir, I have an amendment to propose, and the amendment I am directed to move is this: it is very simple, but it expresses all that is necessary I think, and it avoids all those pitfalls which the memorial of the hon. baronet presents, That all the words after "that," in the first line, be struck out, and the following inserted in lieu thereof:—

"Your Lordship's Memorialists respectfully desire to urge the necessity of bringing into operation before the close of the present year the Constitution Bill passed by them during this Session, and reserved by His Excellency the Governor for Her Majesty's assent."

"That Your Memorialists have consented to the omission from the Constitution Bill of the proviso, which had been inserted therein by Your Memorialists, stating that the Bill should not come into operation until the control of the Crown lands in the Southern half of the Colony should have been vested in the Legislature of the Colony."

"That Your Memorialists have agreed to this amendment of the Bill as passed

"by them, because Your Lordship has undertaken that, should Parliament concur, the control of the said lands shall be vested in the Legislature of the Colony by Regulations, to be made under powers to be conferred by the Imperial Act which is necessary before Her Majesty can be advised to assent to the Constitution Bill.

"That it is in consequence of this assurance from Your Lordship that Your Memorialists have passed the Constitution Bill in its present form." There, I maintain, we have all that is desired, and all that has been expressed by members in all the numerous speeches we have had on the subject. We have here everything that we need say, without traversing all these other matters which have been dragged into this other document, and which are now things of the past. They have all been discussed over and over again, and agreed upon; and what can be the object of again embodying them in this memorial. Surely there can be no necessity for reviving all these old difficulties that have been settled and done with? The amendment concludes in these words: "That it is in consequence of this assurance"—the assurance that the Secretary of State has given us that he will get parliamentary authority for our having the control of the lands—"that your memorialists have passed the Constitution Bill in its present form." Could anything be more simple and concise, and yet to the point, than that? There you have the whole question wrapped up in half-a-dozen words. What occasion is there to go beyond that plain statement of fact? I think, myself, it would be a great mistake to do so. I am not aware that it is necessary that I should speak any longer. I am sure members must be convinced of the desire of the Government to do all it can to further the wish of this House, and to obtain the passage of this bill as soon as possible: I, therefore, trust that the amendment I have now put forward will meet with due support, and that the hon. member, Sir Thomas Campbell, upon further consideration, and a careful perusal of this amendment, will see the desirability of adopting it in preference to his own, which I maintain is altogether too wordy, goes too much into details, and is in a great measure quite beyond the question.

MR. PARKER: I cannot say that I think very highly of this memorial, for the simple reason that if my view had been adopted when the bill was under consideration, there would have been no occasion for any memorial at all. Therefore, I do not intend to take any active part in the adoption of this memorial, or to speak at any length in support of it. I voted for retaining the proviso in the bill, and if the House had agreed to do so, there would have been no necessity for this memorial. But if it is proposed to send a memorial at all, if it is considered desirable to petition the Home authorities at all, then I think the hon. baronet's memorial is very much preferable to the amendment proposed by the Colonial Secretary. I am looking at this matter almost in the same light as a jury looks at a case in court, for I really have no interest in the matter at all, for, as I have said, for my part, if the House had agreed to the course I wanted it, there would have been no occasion for either of these memorials; therefore, I am perfectly indifferent in the matter. But if we are to have one at all, I certainly must say I prefer the original to the amendment. The Colonial Secretary says there is too much rhodomontade about it; but I would ask him, is there a word in it that is not true? [Members: "No;" others, "Yes."] I am only speaking from what I have gathered about it. The hon. member for Wellington says there is a doubt about the country at large being in favor of an elected Upper House. I take it we can only judge of the opinion of the country by its voice at the poll; and we know that as a matter of fact a large majority of members were returned pledged to their constituents to support an elected Upper House, in preference to a nominated one. That is the only way we can gauge public feeling on the question. Even the Colonial Secretary does not venture to allege that there is anything in the memorial that is not true, or that it is not a correct representation of what has taken place in connection with this bill. The hon. member's only objection to it that I think worthy of any consideration was—that it may furnish the opposition party in the House of Commons with a peg to hang some sort of an argument upon. I doubt very much,

myself, if the memorial finds its way into the House of Commons at all, whether it will be read by any member of that House. They may read the bill, but I doubt very much whether they will read anything else connected with it. But the probability is that it will never go beyond the Colonial Office. Even if it does get into the House of Commons and members read it, I see no harm in their being made acquainted with the real facts of the case. The Colonial Secretary says it looks as if some pressure had been brought to bear upon us, and even coercion, whereas in fact the Government did not care whether we passed the bill or not. If the Government did not care whether it passed or not, if it was a matter of indifference to the Government whether the bill became law or not,—

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I did not say that; I said it was not a Government measure.

MR. PARKER: If the Government did not care whether the bill passed or not, it is very strange the Governor should have taken the trouble to have sent it back two or three times, and telegraphed so often to the Secretary of State. I cannot help thinking, myself—I don't know what the Government may feel—but I cannot help thinking that the Governor, at any rate, takes a great deal of interest in the passage of this bill, and I believe would be very glad to see it become the law of the land. I think His Excellency has done a great deal and worked very hard to ensure the passage of the bill, and that so far as the Governor himself is concerned there was no objection to the proviso as to the land remaining in the bill. As a matter of fact, a similar proviso was inserted by the Governor himself in his draft bill; and, when we found it had been struck out, and we introduced another proviso, we found the Governor telegraphing to the Secretary of State that no important amendments had been introduced, and that nothing remained but the assent of Parliament before the bill became law. The Governor evidently did not anticipate at that time that there would have been any opposition to that proviso, and the Governor did everything he could to get the bill passed as this House wanted to see it passed. But the Secretary of State

would not have that proviso. It is no use mincing matters: the Secretary of State insisted—I don't say it was coercion, but he insisted up to the very last in having that proviso struck out of the bill, and the bill has gone Home without it. Therefore, it is idle to cavil at the wording of this memorial. It was with the greatest reluctance that the House consented to have that proviso omitted, and it never would have been omitted but for the Secretary of State insisting upon it. All his telegrams were to the effect that he could not introduce the bill if that proviso was retained; and at last the House very reluctantly, and certainly against my view, consented to strike it out. That is all that is said in this memorial; and why should we not say so? The Secretary of State also insisted upon the Civil List being amended, and upon the Attorney General's pension; and why should we mince matters in any way in this memorial? Why should not the House of Commons be informed of the actual facts? I think it is very important that the Secretary of State should know that the House only agreed to omit that proviso on the distinct understanding that we shall have full control of our lands in this part of the colony. I think the Secretary of State will feel that as we have given way on this point entirely on that understanding, he is in honor bound to do his utmost to obtain for us what he has promised us. That, I take it, is the main object of this memorial. Until the hon. baronet showed it to us the other evening, when he gave notice of his intention to move it, I never saw the memorial, and I did not read it very carefully then. But it strikes me that it is a very admirably drawn up document, and the only logical conclusion that anyone could arrive at as to the action of the House, as regards these matters, is that the House simply gave way because the Secretary of State insisted upon having his own way. No one can gainsay that the country has not been entirely with us in this matter of securing the control of the Crown lands. This is the view taken of the matter in the Government's own amendment. Here it is said: "Your Memorialists have agreed to this amendment of the bill as passed by them, because Your Lordship has undertaken that, should Parliament con-

cur, the control of the said lands shall be vested in the Legislature of the colony." I should be very glad, myself, to see a paragraph added to this memorial to the effect that this House is not prepared to have this bill come into force until this control of the Crown lands has been vested in the Legislature. That is my view of the subject. I think it would be a most disastrous thing for this colony if it adopted Responsible Government, without at the same time being sure that the waste lands would be placed under the complete control of the Legislature.

MR. RANDELL: The more I read the memorial the more inclined am I to take exception to it. I certainly cannot vote for it if that paragraph referred to by the hon. member for Wellington remains in it—I mean the paragraph in reference to the Upper House—for it is at variance with the facts of the case. There was a minority in this House, at any rate, who were opposed to the elective principle being adopted for the Upper House, and who voted in favor of a nominated Upper House. That is still my own feeling, and I do not know that anything has appeared in the public papers to warrant the statement that the country at large is strongly in favor of an elected Upper Chamber. I certainly do know that a considerable number of thoughtful and intelligent men in this city, and in the towns, are still in favor of the nominated principle. Whether so or not, I feel I cannot support the memorial as it stands; I think there are other things in it that it would be well to leave out. It looks too much as if, after having given way to the Secretary of State, we now turned round upon him, and wished to take advantage of our own action. It seems ungenerous, to say the least of it; and I think the memorial is calculated to get the back of the Secretary of State up. The tone of the memorial and the language employed is of such a nature as to excite a man's feelings very much, and to dispose the Secretary of State—if he is likely to be influenced at all by such a memorial—to refrain at any rate from exerting himself very much on our behalf, or to abstain from doing anything to get the bill passed through this session, if not to induce him to throw obstacles in the way. Members are aware there is not much

time to spare, and that we shall require all the influence and good offices of the Secretary of State if this bill is going to get through the Imperial Parliament this session. I scarcely see any necessity for a memorial at all. We have agreed to the bill, and I think it would be the height of imprudence to jeopardise it in any way by a memorial of this sort, couched in such language as this, which is calculated to irritate rather than to conciliate the Secretary of State, whom the hon. baronet the other day said was our best friend in this matter. I see no necessity for a memorial at all, the bill will speak for itself, and speak much louder than any memorial can possibly speak. It has the support of the Governor, we know, and we have every reason to believe that it will now have the support of the Secretary of State, so that there is not likely to be any difficulty in the way of its becoming law this session, if it reaches Home in time enough. The hon. member for Sussex says that if we had followed his advice there would have been no occasion for this memorial. I think the hon. member is right, for the bill would certainly not have reached the House of Commons this year, and we should not have had a chance of getting Responsible Government this year at any rate. That would have been the result of the hon. member's action, I am sure, if the House had persisted in it. I think, if a memorial is to go Home at all—and I see no need for it, myself—it would be much better to send the one proposed by the Colonial Secretary.

MR. MARMION: The amendment of the Colonial Secretary has come somewhat as a surprise upon the House. Looking at the two, I, myself, am inclined to support the original memorial. It seems to me that we are a little bit inclined to mince matters too much, a little bit inclined to eat the leek; and I don't see any necessity for it. Are we not here as a representative body to protect the interests of the colony; and why should we be afraid to tell the Secretary of State what we mean? So long as we address him in respectful language, I see no reason whatever why we should mince our words; I see no reason whatever why he should not be told the truth,—and I am not aware that there is anything in this memorial that is not the truth. I

defy any member to point to a single line in it that is not the truth; I defy them.

THE DIRECTOR OF PUBLIC WORKS (Hon. J. A. Wright): Don't get excited.

MR. MARMION: I won't get excited. I leave it to other members to get excited. Perhaps they have no reason to become excited over this, so long as it does not affect another portion of the bill. I shall say what I think of the matter, whether it pleases the Secretary of State or not. I say that there is nothing in this memorial but what is true; and I can see nothing in it that is in any way disrespectful. Why should we be afraid to open our lips to Lord Knutsford, or to anybody else, when the interests of the colony are at stake? There is nothing that we need be ashamed of in this memorial, or that we need fear to approach the Secretary of State with.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Who said there was?

MR. MARMION: The hon. member, himself, would probably have done so if I had not mentioned it. I have looked very closely through it, and the only portion of it that I think any exception could be taken to, because it is rather vague, is the wording of the last paragraph, which, after summing up the whole of the preceding paragraphs, says, "From the foregoing Your Lordship will see how much, and how greatly against their own inclinations and those of the country, Your Memorialists have deferred to your wishes." Any stranger reading that, without regard to the context, might take it that we were opposed to Responsible Government altogether.

[**THE COLONIAL SECRETARY**: Hear, hear.] It certainly is open to that interpretation. I appeal to the hon. baronet, himself, whether it is not so; whether it does not leave an impression that Responsible Government had been forced upon us? In order to remove any doubts upon that point, I would suggest that the wording of that paragraph be modified. I think the principal point we want to urge upon the Secretary of State is the land question. We gave way on the other points simply in order to strengthen our position on the land question.

MR. A. FORREST: What is the good of fighting those other points now,

after giving way on them the other night?

MR. MARMION: We did so under very great pressure, and I see no reason at all why we should not tell the Secretary of State so. It is my intention to support the memorial of the hon. baronet as against the amendment of the Colonial Secretary, for this reason: I see nothing in it but the truth, I see nothing in it that is disrespectful, and it sets forth all the facts of the case. I see no reason why we should not do all in our power to strengthen our position, or why the Secretary of State should not be informed of the real grounds upon which the House agreed to the amendments which the Secretary of State insisted upon. I can see another reason—if the Colonial Secretary will pardon me—why we should adopt this memorial, and that is this: although not actually introduced by an elected member, it has the full support of the elected members of this House, and it goes forth as a memorial emanating from the representatives of the people; and I cannot help thinking it is likely to carry more weight than a memorial emanating from the Government bench. If there is one subject above all others upon which the people through their representatives have a right to be heard, it is this question of the Constitution; and I think the Secretary of State is more likely to pay regard to a memorial emanating from the representatives of the people than any other memorial, however learnedly drawn up.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): It appears to me that we have gone a little astray in dealing with this question. The hon. member who has just sat down talks about the memorial emanating from the representatives and about its containing the truth, the whole truth, and nothing but the truth, and that, coming from that side of the House, it is bound to have more weight than if it came from this side. It appears to me that what we have to consider is, not what side of this House it emanates from, or how much it tallies with the feelings of members here, but how it will strike members of the House of Commons. It is known that there is likely to be opposition to the bill on the part of some members of that House; and the question is, whether it is

wise to furnish these gentlemen with a weapon which we may be sure they will not be slow to use. As has been said, it would appear from this memorial that the Constitution Bill which this House has just passed was agreed to only after a certain amount of coercion; and the opponents of the bill in the House of Commons will say, "This bill is not wanted by the people of the colony; the Legislature only passed it under pressure, as their memorial clearly shows." It appears to me that all that need be said is said in the amendment.

MR. SCOTT: I have read this memorial very carefully, with the view of seeing whether there is really anything in it that is calculated, as we have been told, to make the Secretary of State put up his back; and I must say I really see nothing in it that can give that august official any cause whatever to be displeased with the tone or the text of this document. When I compare it with this other memorial put forward by the Colonial Secretary, I must say the latter seems to me a very milk-and-water production; and, I agree that if we are only going to send a memorial like that to the Secretary of State, we had better send none at all. The Colonial Secretary tells us this evening that this Constitution Bill was not a Government measure, and that it was not put forward by the Government as a measure they wanted to see passed; that the Government did not seek this change, but the people of the colony. That is what the hon. gentleman tells us this evening; but I should like to remind the House of what the hon. gentleman said when he moved the second reading of the bill, in November last. This is what he said then: "Sir, I sincerely trust that the passage of this bill, unlike its predecessor which I referred to in my opening remarks, and which was before us fourteen years ago,—I trust and hope, sir, that the passage of this bill will be a safe one and a speedy one, and that the colony may derive from it all those advantages which I, myself, believe it is calculated to bring." Then he goes on to say: "I believe the change is in the best interests of the colony—[The COLONIAL SECRETARY: Hear, hear.]—and that it gives us the best promise of the early and rapid advancement of the colony

when its people take upon themselves the management of their own affairs, and the reins of the Government are placed in the hands of the selected of the elected of the people." [The COLONIAL SECRETARY: Hear, hear.] After indulging in such rapturous language as that, I don't think the Colonial Secretary can say that he, at any rate, is not in favor of this change; and the change then, we all know, was meant to include the control of the land. That is what this memorial also seeks. It points out to the Secretary of State that we are relying upon him to get us this control; and I am sure the whole colony is with us in that matter. Therefore, not only does this memorial speak the truth, it also goes straight to the point. It shows the Secretary of State that we have given way to him in many matters, and that we now expect that he will do this much for us. We gave way to him on the question of the constitution of the Upper House, although there was a strong feeling in favor of an elected chamber. Then again we gave way to him on the question of the Civil List, which I still maintain is out of proportion with the financial position of the colony. I think we have given more than we had a right to give; but it was done under pressure so that we might gain our point as regards the lands. The memorial clearly shows all this, and shows the Secretary of State that the one great point we care about is this question of the control of the lands. It asks him to do his best for us in that matter; and I believe his best will ensure our getting what we want. I think, however, it would be as well to alter the wording of the last paragraph somewhat, as suggested by the hon. member for Fremantle. With that modification, I should very much prefer the memorial of the hon. baronet to the amendment of the Colonial Secretary.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I am certainly at some loss to understand what objection members take to the Colonial Secretary's amendment. It seems to me very much to the point. Though short, it is to my mind more expressive of our desire that Responsible Government should be introduced at the earliest moment than this long memorial of the

hon. baronet. I cannot conceive anything more clear and explicit than this: "Your Lordship's memorialists respectfully desire to urge the necessity of bringing into operation before the close of the present year the Constitution Bill passed by them during this session"; and, after referring to the omission of the proviso as to the control of the land, it winds up in these words: "Your Memorialists have agreed to this amendment of the bill as passed by them, because Your Lordship has undertaken that, should Parliament concur, the control of the said lands shall be vested in the Legislature of the colony by Regulations, to be made under powers to be conferred by the Imperial Act which is necessary before Her Majesty can be advised to assent to the Constitution Bill." What could be plainer and more to the point than that? What more do we want to say in a memorial of this kind? If members wish to give a resumé of all that has been done during the session, then the memorial of the hon. baronet perhaps does that; but I can see no necessity for it. I also take exception to some of the statements that are introduced into it; that, for instance, with reference to an elected Upper House. I do not think that was ever shown to have been the general wish of the country; and certainly, so far as this House is concerned, there was a majority in the division last year of four in favor of a nominated Upper House. How then can it be said that "Your memorialists and the colony at large were at variance with Your Lordship, entertaining a very strong opinion in favor of election?" Then, again, I take exception to this other statement, that the country was entirely with the action of hon. members with regard to the steps taken as to the lands. We have had no opportunity of knowing what the feeling of the country was on that point. We may all have our own opinion on the subject, but we have no foundation for this statement that the country was entirely with us; and I do not see why we should introduce such a statement into this memorial. With regard to the last clause of the memorial, I certainly think, with the hon. member for Fremantle, that it is not at all a correct representation, or, at any rate, that it does not convey a correct representation of the case. Anybody would imagine

from this paragraph that Responsible Government had been forced upon us against our wishes, and against the wish of the colony at large. That is not a fact, either. Some members have laid great stress upon the allegation that every statement in this memorial, every word in it, is true. I do not wish to use hard words and say that there are statements in it which are untrue; but I certainly do say that some of them are not correct, or, at any rate, they are matters upon which there is room for much difference of opinion; and I do not think any member was justified in challenging us to say that there was not a word in it that was not true. They are not correct, some of them; and I think we ought not to make use of them. I think it is altogether unnecessary, and that it is undesirable to go into all these details as to the Civil List being more than the colony can well afford, and the retiring allowances being higher than we thought they should be; but that we had agreed to pass them. What is the good of that? If there was any desire, or any ulterior object in view as to reducing the amounts agreed upon, there might be some reason for introducing all these matters into this memorial. But I do not understand that is the intention. Therefore, I fail to see what is the good of referring to these side issues at all. What is the use of sending a lot of words to the Secretary of State, signifying nothing—which can do no possible good, but which may do harm? It seems to me that what is said by the Colonial Secretary in his amendment is exactly to the point, and will answer every purpose we have in view, without at the same time giving occasion to the opponents of this measure to raise objections to our having Responsible Government at all. Why should we fashion weapons to place in the hands of our adversaries? Members seem never tired of referring to how much we have yielded; but I suppose we have done so advisedly, as sensible people, because we thought it would be in our own interest to do so. We have considered the matter from a business, and not a merely sentimental, point of view, and whatever we have done we have done it because we conceived it would be in the interest of the colony. I see no use, therefore, in harping on this point, and telling the

Secretary of State we have given way on this point and on that point. I take it, if we have done so, we have done it because we considered it the wisest thing to do. The whole matter appears to me to be in a nutshell. The Secretary of State has promised to do a certain thing, and I have no doubt he will fulfil his promise; and I do not see any necessity for a memorial at all. As has been said by the hon. member, Mr. Randell, I think the bill will speak for itself. It is perfectly clear, and to my mind there is no necessity for a memorial of any description. If we send one at all, let us send one to the point, and in as few words as possible. It is not a question of whether every word we say is true, but whether it is expedient to say all that is said in this memorial. I ask members to carefully consider the matter. We have passed this bill, and we are all agreed that the sooner it becomes law the better. We may be sure that His Excellency the Governor has pointed out all these matters in his despatches to the Secretary of State, and that there is no necessity to go over them again in this memorial. We may depend upon it that the arguments used in this memorial will find a place in the Governor's covering despatch, where they will probably have a great deal more weight than in a memorial, which may never reach the House of Commons at all.

SIR T. COCKBURN - CAMPBELL: The Colonial Secretary appeals to me to accept his memorial. I must say I have rather too much respect for this House to be any party to sending anything like that to the Secretary of State, the first memorial we have ever sent. I think we ought to see that it is drafted in a manner that at any rate will be some little credit to the House, and not send a thing like this, which would make us look perfectly ridiculous. I really believe, after the speech we have heard, we should never have heard any opposition to this memorial had it not been for the reference to the Civil List and the pensions. The Government bench are afraid that these matters may come before the House of Commons, and that it may give rise to some amendments.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Has the hon. baronet any right to attribute

motives to the occupants of this bench? He says we would never have opposed this memorial but for the fact that we are afraid of our pensions.

THE SPEAKER: I cannot say that the hon. member is out of order. I did not understand that he was attributing any motive.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I think his remark was very wrong, and unworthy of him.

SIR T. COCKBURN - CAMPBELL: I said that was my impression; that but for these references to the Civil List and the pensions we should not have heard a word of objection to this memorial. The Colonial Secretary says it will be a text for members of the House of Commons; I don't see in what respect, unless it be in regard to these two questions. I do not think the memorial will come before the House of Commons myself; I don't see why it should, or why they should know that it had been sent at all. It is not intended for the House of Commons, but for the Secretary of State. The hon. member, Mr. Randell, says the bill speaks for itself: I don't know what that means. No doubt the Governor will write a very forcible despatch; but I don't think everything should be left for the Governor to do. I think in an important matter like this, and at a critical juncture like this, this House should speak for itself, and address the Secretary of State direct. I am perfectly well aware, as I said before, that the memorial might be improved; it is capable of improvement, no doubt; but I think it is fairly feasible, and that it sets forth the facts, which is what we want.

MR. MORRISON: Of the two memorials the one which I think states in plain language the facts of the matter is that one put forward by the hon. member, Sir Thomas Campbell; the other I look upon as a diplomatic sort of document. It seems to me to deal very cautiously with a very disagreeable subject, and no more. But, I think, even the original one can be improved, and I shall ask to amend it, by adding a paragraph to the effect that if the Secretary of State is unable from any cause to give us the control of the lands as we want it, provision

should be made that the Constitution Act shall not come into operation until the Governor has been requested by this House to bring it into force. According to the bill as it has passed, no matter how it may be hawked about and altered when it gets Home, it is bound to come into operation within three months, however unpalatable it may be to us and to the colony. I think we ought to guard against that. If everything goes on well, and we find that the Secretary of State has been able to get us the full control of the waste lands, there will be no necessity to delay the coming into operation of the Act; and no harm will have been done. But I think we ought to have some safeguard against the bill being altered in such a way that it would be unacceptable, and that it must come into force whether we liked it or not.

MR. CONGDON: I think if it is desirable to send a memorial Home at all—which I very much doubt—it is not desirable that we should traverse the whole of the debates that have taken place during the passage of this bill. The result of those debates are to be found in the bill itself; and I have no doubt that the whole matter will be very forcibly put by His Excellency in his despatch. I do not think it is at all desirable that we should place in the hands of the opponents of Responsible Government for this colony a weapon which may be turned against ourselves. I think that would be a very unwise course for us to pursue. It is said that we have given way; no doubt we have given way. But why? Simply because we thought it was in the interests of the colony that we should give way. Our object has been to serve the country; and I certainly do not see the necessity for making so much of the fact that we have given way on some points, when we have simply done so for the benefit of the colony. I shall certainly not vote for the memorial of the hon. baronet; and if there is to be a memorial at all, I think we cannot do better than accept the amendment of the Colonial Secretary.

Question put, that the words proposed to be struck out stand part of the question. The House divided, with the following result:—

Ayes ...	...	...	11
Noes ...	...	...	8
Majority for			3

AYES.

Mr. Burt
Mr. Harper
Mr. Lorton
Mr. Marmion
Mr. Morrison
Mr. Parker
Mr. Rason
Mr. Scott
Mr. Sholl
Mr. Venn
Sir T. C. Campbell, Bart.
(Teller.)

NOES.

Mr. Congdon
Hon. J. Forrest
Mr. A. Forrest
Mr. Pearce
Mr. Randell
Hon. C. N. Warton
Hon. J. A. Wright
Hon. Sir M. Fraser, B.C.M.G.
(Teller.)

MR. MORRISON moved that the following paragraph be added to the memorial: "Should Your Lordship, from any cause, be unable to effect your intention in regard to the Crown lands, Your Memorialists would desire provision to be made in the Imperial Enabling Act that the Constitution should not come into operation until the Governor had been requested to proclaim it by Address of the Legislature."

MR. BURT: I beg to second that. I should like to point out to the House this: that unless some clause of this description is inserted, now that we have taken out the proviso, we may have Responsible Government thrown to us without any idea as to the nature of the control we are to have over the land, or whether we are to have any control at all. If this amendment is adopted, we shall have some protection against a bill being forced upon us that gives us no power whatever to control the lands. We shall prevent the bill from coming into operation without our having any say whatever as to any action that may be taken in regard to the bill in England. The bill now provides that it shall come into operation within three months after it receives the Royal assent. The Secretary of State may not have been able to obtain for us any control over the land by then, and there is nothing in the bill itself now that gives us any power over the land at all. If the Secretary of State is unable to get the Imperial Parliament to agree to our having the right to manage the waste lands, we shall be in a position, if this paragraph is agreed to, to say whether Responsible Government should be accepted or not. I think, in the interest of the Constitution this paragraph ought to have been inserted in the bill itself; but I do not wish to raise any

opposition now to what is past and gone; but it does seem to me that it would be very dangerous to leave ourselves altogether without an opportunity of reviewing the decision that may be arrived at in England with regard to the land question. As the bill now stands there is not a word in it about the land, and for all we know there may be nothing done to give us that control of the lands without which Responsible Government will be of little use to us; and the bill, whatever it contains, is bound to come into operation within three months, unless some provision is made to the contrary.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I really do not understand what hon. members desire. One moment they are eager for the introduction of Responsible Government at the earliest possible moment; another time they desire to have it postponed. We are told to-day that the colony is in a state of stagnation, and that the sooner there is a change the better; and we are told next day that it is necessary to put off the change until something else happens. Do hon. members wish this bill to become law, or do they not? Do they want to stultify themselves, after passing the bill, by saying now that they do not want it to come into operation? It really looks to me, when I look at this long-winded memorial, and now this extraordinary amendment, that members do not care for the bill to become law, now they have got it. I shall feel bound to divide the House again; for it seems to me it would be better to have no memorial at all than such an emanation as this, asking the House to stultify itself in this manner. When I read the 77th Clause of the bill we have just passed I find this provision: "This Act shall be proclaimed in Western Australia by the Governor within three months after he shall have received official information of the Royal assent thereto, and shall commence and (except as provided in section 42) take effect from the date of such proclamation." Now it is proposed to ask the Secretary of State to insert a provision in the Enabling Act that the bill shall not take effect until the Governor has been requested to proclaim it by an address from this House. Which is

it to be? Is the Secretary of State to be guided by what we say in the bill, or by what we say in this memorial? Really I do not understand what members are driving at.

MR. MARMION: I am not in accord with the amendment now before us. It seems to me as if we were showing a certain amount of pusillanimity, a certain amount of cowardice, by introducing a paragraph of this character into this memorial, as much as to say we are afraid of the House of Commons, and we are afraid of the Secretary of State, and we must protect ourselves against them. I think we have done all that is necessary by adopting the memorial as it stands. We have done all we can to strengthen the hands of the Secretary of State, in dealing with the Imperial Parliament, and I think we ought to be satisfied. It appears to me as if we did not trust the Secretary of State, or his promises; and that we wanted to see first whether he was as good as his word. I hope the hon. member will withdraw his amendment.

POINT OF ORDER.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I rise to a point of order. This amendment appears to me to be entirely at variance with Clause 77 of the Constitution Bill which has just been passed by this House. Is it competent for a member to bring forward a motion that is altogether at variance with what has already been agreed to by this House this session?

THE SPEAKER: I do not think it is at variance with what this House has agreed to. What this House has agreed to is that no such provision as this should appear in the Constitution Bill; and it is not proposed now that it should appear in the Constitution Bill. All the amendment asks is that the Secretary of State may insert a provision in the Enabling Act to the effect that Responsible Government shall not be proclaimed until the Legislature has an opportunity of addressing the Governor. It is not proposed to interfere with the Constitution Bill, as the hon. member originally intended to do, when he proposed to introduce a clause to this effect in that bill, after the bill had been passed. That

would have been out of order, to insert words in the bill which would have been contrary to the provisions of a clause in the bill. That would have been an attempt to reverse a decision already arrived at and incorporated in the bill. But I do not think this amendment stands in the same category at all.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): If carried it will have the effect of altering a clause of the bill.

THE SPEAKER: Not by this House. It is competent for the Secretary of State to make what amendments he thinks fit in the bill.

DEBATE RESUMED.

MR. A. FORREST: The hon. member for Fremantle says it would be a sign of weakness to pass this amendment. I think the division that has just taken place showed a sign of weakness on the part of the hon. member himself. The other day he was in favor of giving way to the Secretary of State on these points; and I do not see how he, or anyone else who did so, can now support the amendment, or can support either of the two memorials, for I do not see much difference between the two. I do not think either of them will matter much one way or the other. I don't suppose the Secretary of State will ever read either of them, but will go by the bill itself. At any rate, I think we may be sure that neither of them will ever see the House of Commons.

MR. RANDELL: I think this amendment would have the very opposite effect to what the hon. member, Mr. Morrison, supposes; I think it would suggest to the House of Commons that we have some doubt as to whether we ought to get the control of the lands. It seems to me that it would have a very injurious effect upon the House of Commons. I think it is contrary to the spirit of the Constitution, and contrary to the usual procedure of legislative bodies, which are supposed to be representative of the views of the public, that the introduction of this or that measure should be dependent upon the mood in which the Legislature might be at any given time. In the bill itself we have provided that the Constitution shall be proclaimed within three months after the bill receives Her Maj-

esty's assent; and I think we ought to be prepared to stand by the bill, and not make the coming into force of the new Constitution dependent upon the whim of the Legislature at the time being,—a Legislature which was constituted of different elements, the official element, the nominated element, and the elected element. I think we may safely reckon upon the good faith of the Secretary of State and the House of Commons. Even supposing there were to be any breach of faith on the part of either the Secretary of State or the Imperial Parliament, I am not aware of anything that could compel this colony to adopt Responsible Government, unless we had secured it on the conditions that we expected to receive it. I do not know that the Governor, or anyone else, could compel any Ministry to take office and carry on the Government of the colony: nor could any power that I am aware of compel constituencies to return members to represent them, if such a breach of faith did take place. I think the addendum is what the lawyers call *ultra vires*, and that it is contrary to the principles which usually govern legislation.

SIR T. COCKBURN-CAMPBELL: The hon. member seems to have forgotten that His Excellency himself, not so long ago, strongly suggested that we should adopt this very course of calling the bill into operation by an address from the Legislature.

MR. RANDELL: That suggestion was unanimously opposed by the House itself. Amendment put and negatived.

Question put: that the memorial be adopted.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I feel it my duty to again divide the House.

The House divided, with the following result:

Ayes	...	...	11
Noes	...	...	8
Majority for			3

AYES.

Mr. Burt
Mr. Harper
Mr. Loton
Mr. Marmion
Mr. Morrison
Mr. Parker
Mr. Rason
Mr. Scott
Mr. Sholl
Mr. Venn
Sir T. C. Campbell, Bart.
(Teller.)

NOES.

Mr. Congdon
Hon. J. Forrest
Mr. A. Forrest
Mr. Pearce
Mr. Randell
Hon. C. N. Warton
Hon. J. A. Wright
Hon. Sir M. Fraser, *ex officio*
(Teller.)

SIR T. COCKBURN - CAMPBELL moved that an humble address be presented to His Excellency the Governor, conveying to him the Memorial adopted by the Council.

Agreed to.

TRANSFER OF W. A. TIMBER CO.'S CONCESSIONS.

ADJOURNED DEBATE.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): Since the adjournment of the debate, on Friday evening, when I threw out a suggestion that the concessionaires might be disposed to allow the railway to revert to the Government, after the lapse of a certain number of years, I have seen Mr. Gordon, and, although he had previously accepted what I had suggested, so far as he was concerned, he has since telegraphed to his principals in Melbourne, and they are not prepared to adopt the suggestion. Therefore, while I am unable to press my suggestion upon the House, in this instance, I wish to say this: I consider that in all cases where public works of this character are undertaken by a private company, and paid for by the colony, there should be some limitation to the duration of the concession, and a time fixed for a reversion of the works to the Government of the colony. I think that in no case should a railway of this kind, or harbor works, or any work of that character undertaken on terms like these, be allowed to be retained by the concessionaires for a longer period than 50 years. Within that time, calculated at a very low per centage, the capital expenditure of the company or contractors would be extinguished. I think the colony here is giving a very large concession, and that it ought to receive an adequate *quid pro quo*. In all such concessions, in the future, I hope it will be stipulated that they shall not last longer than, say, 50 years.

MR. BURT: I should like to make another suggestion as to any future concessions of this kind. I stated the other day that I thought the land given to these companies for the construction of a railway, in the shape of the narrow strip, two chains wide, on which the line is built, should not be granted in fee; but that they should have the free use and

enjoyment of it. I understood from the Government, at the time, that the old W.A. Timber Company had received the fee simple of the land in respect to about 18 miles of the line; and, as some objection has been taken by the new company to a change in the conditions upon which they should hold the remainder of the line, I shall not press my views upon the House in this instance. But I certainly think that in all future contracts of this kind, we should take this stand, and not give the land in fee to the contractors, but simply the free use and enjoyment of it. For the reasons I have just given, I now move that in section (c), in the first line, the words "use and enjoyment" be struck out, and that after the word "vested" the words "in fee" be inserted.

MR. PARKER: I would point out that the free use and enjoyment virtually gives them the land in fee, so that it really does not much matter, so long as the company has the free use and enjoyment of the land during the whole term of their concession.

Amendment agreed to.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I should just like to add that I do not think it is desirable, for various reasons, besides being contrary to the Land Regulations, that the company should select their lands, or any of their lands, within declared Agricultural Areas. After the Government have gone to the expense of surveying these areas, I do not think it would be right, nor in the interest of the country, that the contractors should be allowed to go in and take up their land within those areas. Therefore, I now move that all the words after "area" in sub-section 3 be struck out.

Agreed to.

Resolutions as amended, put and passed.

MR. PARKER: I now move that an humble address be presented to His Excellency the Governor, in reply to his Message No. 15, conveying to him the resolutions adopted by the Council with reference to the proposals made by the Hon. J. H. Gordon on behalf of the syndicate he represents. In making this motion I may perhaps be allowed to bring before the House a telegram received from Busselton, from which it appears that the Vasse people are not altogether satis-

fied with what the House has done for them in this matter. In justice to my constituents I think I ought to be allowed to read this telegram to the House. It appears that at a public meeting held at Busselton the following resolutions were unanimously adopted, and it was agreed that they should be forwarded to His Excellency the Governor:

(1.) "That the line of railway, suggested by the select committee, having its shore terminus at Lockeville, would be suicidal to the interests of the town of Busselton and to the Sussex district, and would have the effect of diverting the present and prospective trade of the Blackwood district from the Vasse, its legitimate outlet, and that this meeting strongly protests against the error made in 1871 being perpetuated in any new agreement entered into with the Western Australian Timber Co.

(2.) "That this meeting views with alarm the proposals of the select committee appointed to report on the Hon. J. H. Gordon's proposals, and considers that in any concession granted the Western Australian Timber Co., it should be distinctly provided that the shore terminus shall be at Busselton.

(3.) "That this meeting is of opinion that it would be in the interests of the colony that the land along the surveyed Bayswater-Busselton line, from its junction with the W. A. Timber Co. line, which is $1\frac{1}{2}$ miles only from its Lockeville terminus, should be resumed by the Government, and that the six miles from the junction should be constructed by the W. A. Timber Co., this meeting being of opinion that the terms offered are much more liberal and would cost the country far less than any contract entered into for the construction of the Bayswater-Busselton line would do.

(4.) "That in the opinion of this meeting, in the interests of the Sussex district, it is imperatively necessary that any further concession of land to the W.A. Timber Company should be given for the object of permanent and general benefit, and that this end can only be attained by making Busselton the shore terminus of the railway line. The trade of the district is centred in the town-site, which embraces the Government offices and an expensive jetty in course

of completion, and the vested rights founded over 50 years, would be seriously disturbed if such interests were transferred to Lockeville, in opposition to the proposals made by the syndicate represented by the Hon. J. H. Gordon. The abandonment of $1\frac{1}{2}$ miles of the W.A.T. Company's old line is of minor importance, when five or six miles of new construction, from the spot above where the Bayswater-Busselton Survey crosses their line, will attain the desired end of not only restraining one of the many errors now so apparent under the old agreement but also lessening the cost of building the section from Busselton to that town direct, from a spot where it would connect with the Bayswater line when that line comes to be built. I have communicated with the Commissioner of Railways, and he informs me that he has an objection to the syndicate using the Bayswater line at all. His idea is that the whole of that line, if built, should be a Government line, and not a contractor's line or a private company's line. I communicated with Mr. Gordon too, who saw these telegrams, and he says that his syndicate positively refuse to adopt this suggestion; the line would be longer and much more expensive and would cross a great deal of private property, for which compensation would have to be paid. He also informs me that his principals advise him to abandon the proposal altogether rather than agree to this idea of the Vasse people. Their intention is to make the Vasse their shipping place, but that, so far as the line is concerned, it should follow the cheapest and shortest route, both in the interest of the company and of the public. That is what Mr. Gordon informs me. It will, therefore, be seen that if the Vasse people insist upon the route they now suggest, the Government—so the Commissioner informs me—will not consent, and the syndicate, so Mr. Gordon says, will not have it at all; they would sooner abandon the whole scheme. I take it that the main idea of the Busselton people is that the trade should be directed to that port, and Mr. Gordon informs me that is the idea of the company—that Busselton shall be their shipping place. I should

imagine that the Vasse people would not wish to see the whole project abandoned, simply because the line is not brought into that town from this particular spot. When this memorial goes to the Government of course it will be for them to determine whether it would be prudent to insist upon what the memorialists now wish; or whether it would not be better in the interests of that district itself, and of the colony at large, to accept what the company are prepared to carry out? It is simply a question of adopting the views of the memorialists or of abandoning the whole thing.

Motion put, and address agreed to.

The House adjourned at half-past nine o'clock, p.m.

LEGISLATIVE COUNCIL,

Tuesday, 30th April, 1889.

Message (No. 23): Assenting to Roads Act—Message (No. 24): Alterations to Council Chamber—Message (No. 25): Re Memorial to the Secretary of State—Message (No. 26): Transfer of W.A. Timber Co.'s concessions—Prorogation.

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

PRAYERS.

MESSAGE (No. 23): ASSENTING TO ROADS ACT.

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

"The Governor has the honor to inform the Honorable the Legislative Council that he has this day assented, in Her Majesty's name, to the undermentioned Bill:—

"1. *An Act to amend The Roads Act, "1888."*

"The authenticated copy of the Act is returned herewith.

"Government House, 30th April, 1889."

MESSAGE (No. 24): ALTERATIONS TO COUNCIL CHAMBER.

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

"The Governor will cause plans and specifications to be prepared in the Works Department for the necessary additions to the Legislative Council Chambers, as requested in the Address of Your Honorable House No. 17, of the 29th instant.

"Government House, 30th April, 1889."

MESSAGE (No. 25): MEMORIAL TO THE SECRETARY OF STATE.

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

"In reply to Address No. 18, of the 29th instant, the Governor has the honor to inform Your Honorable House that the Memorial addressed to the Right Honorable the Secretary of State respecting the Constitution Bill will be transmitted to Lord Knutsford by the outgoing mail.

"Government House, 30th April, 1889."

MESSAGE (No. 26): TRANSFER OF W. A. TIMBER CO.'S CONCESSIONS.

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

"In reply to Address No. 19, dated the 29th instant, the Governor has the honor to inform the Legislative Council that, subject to the approval of the Secretary of State, he will be prepared to enter into a contract with the Honorable J. H. Gordon and others for the construction of a railway, and other matters connected with the concession to the West Australian Timber Company in the Sussex District, on the terms advised by Your Honorable Council.

"Government House, 30th April, 1889."