

transport by it. To this was to be added passenger traffic, wool, stores, animals, &c., backwards and forwards, all of which would, it was estimated, bring in £11,000. The Engineer calculated that the cost per ton would not exceed 10s., and he states in his report that the present carting price is about 30s. per ton. Taking the charge at 10s. per ton, the revenue from the estimated traffic would amount to £11,000 per annum. If from that sum they deducted 40 per cent. for working expenses—and certainly not more would be required—that would leave a balance of £6,600. Next, they would have to provide for the payment of interest and for a sinking fund, being 7 per cent. on the estimated cost of the work, £89,000,—5 per cent. interest and 2 per cent. towards a sinking fund. This per centage amounted to another £6,236 which would yet leave a clear balance of £370. His (the Colonial Secretary's) own opinion was that the traffic would considerably increase, and that the amounts named were much within the mark. He would go farther, and state that the proposed undertaking was an investment which in any other country would without hesitation be undertaken by private enterprise, and it was an investment that would pay. In addition to the £89,000 set down for the railway, it was proposed to raise an additional sum of £11,000 for the telegraph line now being constructed from Newcastle to Geraldton, and which had already received the sanction of the House, and been affirmed by the Secretary of State for the Colonies. It was not probable that the loan would be raised in this colony; it, therefore, became a matter for consideration whether we should adopt the Secretary of State's previous suggestions and endeavour to raise the money here and in England, or, in preference, go to the other colonies. He had no hesitation in stating that it would be far better for us to give people in the neighbouring colonies an interest in our own. As he had already said, we were closely watched by our neighbours, and, like himself, they had great faith in the future of this colony. When visiting Victoria, he took the trouble of ascertaining whether there would be any difficulty in obtaining the sum we required from capitalists there, and he was assured, on the highest and most reliable authority, that there would be no difficulty whatever in raising a loan, guaranteed by the Government, at a very moderate rate of interest; and the debentures would probably be taken at a premium, or certainly at par, and that the interest would not exceed 5 per cent, which was 1 per cent. lower than the rate of interest we were paying for the former loan. With these few observations he would merely move the second reading of the Bill.

After a short discussion the Bill was read a second time.

THIRD READINGS.

The following Bills were read a third time and passed, on motions by the Colonial Secretary (Hon. F. P. Barlee): Importation of Cattle, Sheep, and Pigs Bill, Survey of Land for Railway Purposes Bill, and Abolition of Forfeitures for Treason and Felony Bill.

The Council adjourned at 5.20 p.m.

LEGISLATIVE COUNCIL,

Friday, 11th July, 1873.

Addresses to His Excellency the Governor—Papers Tabled—Religious Bodies (Church of England) Bill: first reading; select committee—Increase of Members in Legislative Council Bill: motion for committee stage: in committee.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

ADDRESSES TO HIS EXCELLENCY THE GOVERNOR.

The COLONIAL SECRETARY (Hon. F. P. Barlee) informed the House that the Address in Reply to His Excellency's Speech and the Address relating to the Colonial Exhibition at South Kensington, passed on the 1st and 10th July, had been presented to His Excellency in accordance with the resolutions of the House.

PAPERS TABLED.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid on the Table of the House the following papers:—

Two Plans of the Admiralty Surveyor's survey of the entrance to Cockburn Sound and Owen's Anchorage.

Certain correspondence from the Sussex and Nelson districts, relative to the roads boards in those districts.

Annual report of the Central Board of Education.

RELIGIOUS BODIES (CHURCH OF ENGLAND) BILL.

First Reading.

The ATTORNEY GENERAL (Hon. H. H. Hocking), in accordance with notice, moved for leave to introduce a Bill to repeal the

existing Ordinances regulating the temporal affairs of churches and chapels of the United Church of England and Ireland in the colony.

The Bill was read a first time.

Select Committee.

The ATTORNEY GENERAL (Hon. H. H. Hocking) moved that the Bill be referred to a select committee consisting of Mr. Steere, Mr. Padbury, and the Mover.

Question put and passed.

INCREASE OF MEMBERS IN LEGISLATIVE COUNCIL BILL.

Motion for Committee Stage.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be considered in Committee.

Mr. STEERE moved the following resolutions as an instruction to the Committee:—

1.—To make provision for making such an alteration in the constitution of the Executive Council, by the addition of certain elected members and otherwise, as would secure it a greater share of the public confidence, and as would cause its action to be more in harmony with the Legislature and with public opinion.

2.—To provide that, with the exception of four Official Members, who shall be the persons holding for the time being the offices of Colonial Secretary, Attorney General, Surveyor General, and Colonial Treasurer, no Member shall sit and vote in the Legislative Council unless he shall have been elected by some duly appointed constituency.

3.—That the Committee shall insert provisions causing each constituency at present returning a Member of the Legislature to elect, for the future, one additional Member.

4.—That the Committee make some provision in the Bill for regulating the voting by proxy at future elections of Members of the Legislature.

He said: There is perhaps no question that requires more careful consideration on the part of a Legislative Assembly than one which has reference to a change in the Constitution. The subject is one which, in dealing with it, we should put aside all party feeling, and approach its consideration in an unbiassed spirit; and if in stating some of my reasons for bringing forward these instructions, I shall have to refer to certain matters which have been discussed at former sessions, it is not on account of the existence of any ill-feeling in

my mind, nor, that I am aware of, in the mind of any hon. member of this House. I think nearly every elected member of this Council will go with me when I state that our present Constitution has not worked well and never can work well, and is ill-suited for the requirements of this colony, or any other. This is rather a humiliating admission on my part, because, at one time, I was under the impression that our existing form of Government was well adapted for this colony. Then I only judged of the matter theoretically, but having seen the Act in practice, I have come to the conclusion that it is one under which this colony can never progress as it ought to do. Having stated my opinion that the present Act is not a good one, it became then my duty—and it is the duty of everyone else entertaining the same opinion, to suggest what we could substitute in its place. Under the provisions of the Imperial Act under which the present Constitution was adopted there is but one step for us to follow—Responsible Government. But I have come to the conclusion, though unwillingly, that the colony is not yet fitted to take that step; I say unwillingly because I consider the system of responsibility a good form of Government, and if the colony were in a position to adopt it, I would like to see it established, above all others. One of my reasons for asserting my belief that we are not in a position to undertake it is that its adoption would involve a considerable amount of expenditure in the pensioning off of those officials who would then become entitled to a superannuation allowance. But that, *per se*, would not have been an insuperable objection, because it is not improbable we might, on the other hand, secure more than commensurate advantages. In turning the matter over in my mind, however, I came to the conclusion that we could not find a sufficient number of gentlemen in this colony to form two distinct parties, which would be necessary under Responsible Government; although I can see in this very chamber many men who are fitted to be members of a Ministry. There are plenty of persons in the colony who if they had the leisure are well qualified to take an active part in political life, and it may be said if they had a salary—which they would have if members of a Ministry—they might be induced to do so. No doubt they would receive a salary while in office, but that would be a precarious source of income, and few men would be inclined to throw away a lucrative and permanent situation for one which they might only occupy for a few months. Failing, then, to see my way clear to the adoption of a system of self-government, it behoved me to consider what

compromise we could make between our existing form of Government and one of entire responsibility. Some people object to compromises, and say they are bad expedients; but it has been said by some of the most eminent statesmen in England that all political measures are compromises. Sir, the first of the instructions which I have moved is one which has reference to an Executive Council different from the present one. The Hon. the Colonial Secretary himself at the first session of this Legislative Council under the existing form of Government moved a want of confidence in the Executive Council, and in consequence of the affirmation of his resolution, some of the members were removed. I do not think that the experience of succeeding sessions has tended to produce any more confidential relations between the two branches of the Government, and I think we should endeavour to provide some means whereby the Executive might be popularized—if I may be permitted such an expression—by adding to it some of the unofficial members of this Council. The Secretary of State, it will be said, will never agree to that; you cannot show any other country where such a state of things exist. At the time I first propounded these changes I was not aware that the compromise which I recommend for adoption here was already in operation elsewhere; but I have subsequently ascertained that there is one colony, whose revenue and form of Government much resembles our own—Natal—where they do elect certain members of the Executive Council. In proposing the remodelling of our present Executive, by introducing elected members into it, in the selection of those members I do not wish to confine myself to this House, but to go outside of this chamber; and I would do this because there are many gentlemen who do not belong to this House and who never will be able to obtain a seat in this Council, who might yet be very able and efficient members of an Executive Council, and, at the same time, possess the full confidence of the Legislative Council. One objection raised against this proposal has been in connection with the peculiar duties performed by the Executive; but those duties are clearly defined and laid down in the "Red Book" (containing the rules and regulations of the Colonial Service), and there are local Ordinances which have been passed by this Council which further define those duties. There is also in the "Supreme Court Act" a clause which gives a power of appeal to the Executive. I have never been able to ascertain how it is that in this colony—the only one in Her Majesty's possessions—that the Colonial Treasurer has not a seat in the

Council. Next to the Colonial Secretary he is the official who should take charge of the financial work of the Council. I am quite aware the honourable gentleman opposite (the Colonial Secretary) will be rather jealous to give up the control of all fiscal matters in connection with the Council; but I am sure he has got so much to do now that he ought to be glad to get rid of some of it. I think the present Treasurer a most fitting person to have a seat in this House; he is a gentleman of great colonial experience, and I believe the Council would benefit by his presence. He is well up in the work of legislation, and, altogether, would be a very valuable acquisition to this Chamber. As to my proposal to remodel the Executive, and make it a consultative Council which would be in a measure responsible to public opinion, I may state that not only in Natal but in many of the West Indian islands some of the members of the Privy Council are non-official members. This principle of popularizing the Executive by giving it partly a representative character would obtain for it more of the confidence of the public than it now possesses, and would bring it more in accord and harmony with this Council. It has been said that we, the elected members of the House, while objecting to the policy of the Government, have no policy of our own; but I say I have a policy, and it is this—that the Government of this colony should be in accordance with the wishes of the colonists. No doubt the hon. gentleman opposite will say that such is the case, and that in this respect his policy and my own are identical. But I contend that the policy of the Government is not in accord with the wishes of the people of this colony, and I will only instance one case in point. I allude to the present Tariff Act, and especially the duty on flour question. Hon. members will recollect that in 1871 a Bill was passed by this House imposing a protective duty on flour. The measure was carried by a majority of one, and His Excellency's opinion on the subject being well known to be strongly opposed to the impost, the general impression on the minds of the elected members was that he would veto the Bill. I myself, however, did not concur in that opinion, for I did not think the Governor would do anything so unconstitutional. I left here before the prorogation, and, to my surprise, on my return home I received a letter notifying that the Bill, although adopted by a majority of this House, had been disallowed. His Excellency in alluding to it in his prorogation speech said it was a fit question for appeal to the country, and a general election being at hand, he would leave it to the public to decide the question of duty or no duty. Well, Sir, the general election

did take place, resulting in the return of a majority of members in favor of a protective duty on flour. What course was then pursued by the Executive? Were the wishes of the colonists, as expressed through their representatives, respected? No; certain nominee members who occupied seats in the previous Council were informed that if they would not assist to carry the policy of the Government on this question they would have to resign their seats.

The COLONIAL SECRETARY (Hon. F. P. Barlee): That is not the case, and I would recommend the hon. gentleman to be more guarded in his statements. When the Council was dissolved all those gentlemen voluntarily resigned their seats.

Mr. STEERE: They were told, then, that they would not be reappointed if they voted in favor of this duty on flour, and some of them were not appointed again because they honestly said they could not and would not vote against their own convictions. That, I say, was not carrying out a policy in accordance with the declared wishes of the colonists. I do not stop to inquire whether the Government was right or wrong in having flour imported free of duty; it is the principle of the thing I look at, the principle of the Government opposing the wishes of the colonists as expressed by their representatives in this Council. With reference to my proposal to increase the number of the elected members of the Legislative Council, I do so inasmuch that I do not believe that the present number fairly represents the constituencies. As to the paltry increase in the Bill before the House I shall have to oppose that on constitutional grounds, which I will explain when the House goes into Committee upon it. If we are likely,—and it appears inevitable in the natural course of grants—sooner or later to drift into Responsible Government, I think no one will deny that as many colonists as possible should have some insight beforehand into the work of legislation, so as to be more fitted to undertake the task of self-government when that time arrives. How can they obtain that knowledge unless they have an opportunity of doing so as members of this House? In a letter which I published in a local paper not long ago I stated that, in common with many other members, I have returned home at the conclusion of each legislative session feeling almost humiliated in having taken part in what has been the mere farce of this House being called together to register the edicts of the Executive. I say, Sir, that it has been a farce throughout; and there was scarcely a day went by last session that it was not generally asked among the elected members, "How

much longer is this farce going to last; it is only wasting time to remain here," and I maintain, that it was time wasted, and that we might as well have stayed at home as take part in the proceedings of a Council where we had no real power. Another reason I have to urge in favor of this proposition to increase the number of elected members is, that at present the majorities in the divisions which take place in the House are insignificantly small, often only one and not unfrequently you, Sir, or the Chairman of Committees, has to give a casting vote, so that it is seldom, if ever, we obtain a definite decision by an overwhelming majority of votes, which is very often necessary in order to set some questions at rest. For instance, nothing, I think, can be more inadvisable than constantly altering the tariff of the colony as we do nearly every session—and I see a motion is already tabled which will probably have a similar effect this session. If it does I hope it will be reversed again next year. Even with a certainty of carrying the motion which the hon. member for Fremantle has placed on the notice paper, I would not, for the reason I have just stated,—the inadvisability of constantly tinkering with the tariff—have brought such a motion forward at all. The other instruction which I have submitted to the House has reference to the regulating of voting by proxy at future elections of members of the Legislature. I apprehend there is not one hon. member in this House who is not aware that the present system of proxy-voting is liable to abuse, and has been abused, and I think while we have a Bill under consideration for altering the Constitution it would be advisable that we should endeavour to prevent any further abuse in connection with this objectionable practice. I have thought at times it would be as well to do away with it altogether, and increase the number of polling places in each district, but I am forced to admit that under that arrangement a considerable number of the country electors, residing at a distance from the nearest polling place, would be virtually disfranchised; therefore, for some time yet we may have to continue the existing system, but we may so regulate it as to obviate many of the abuses attendant upon it. Sir, I will not detain the House any longer; I hope every hon. member present, after what I have said, and what the hon. gentleman opposite will have to say, in regard of this all-important question of remodelling the Constitution, will form his own opinion on the subject; and if they think that the propositions which I have submitted to the House in connection with it will tend to an improvement in the existing order of things, and contribute to the

welfare of the colony, I will ask hon. members to affirm them; but if on the other hand they are of a contrary opinion, and that the alterations I propose are not in accordance with the wishes of the House, I will accept their rejection with equanimity.

The COLONIAL SECRETARY (Hon. F. P. Barlee) then rose and said: Sir, the simple little Bill upon which I have moved the House to go into Committee today, and having for its object the placing of two more members in this Council, has called forth from the hon. gentleman opposite, in a somewhat long speech, a review not only of the past history of our present political Constitution, but of the proportions for its future constitution, contained in the resolutions that he has placed on the table for the consideration of hon. members. The hon. gentleman bases his arguments principally, as I understand him, on what he states as his opinion and I believe it is an opinion that exists only in his own mind and that of a few others—that this Constitution of ours has proved a lamentable failure. I totally disagree with him there, and before I sit down I will endeavor to prove, and I think I will succeed in proving to the satisfaction of hon. members, that what I say is correct and that what he asserts is wrong. But perhaps, Sir, before I go into the question I may advert to one little matter, and that is, a remark made the other day by the hon. member during the debate on the reply to the Governor's speech, when the hon. member stated his opinion that no political progress had marked the history of the past three years of this colony. That is a point which I think may be fairly taken up in connection with this matter, because I consider that on that very point hinges the whole question. If one required any refutation of the statement that the colony has made no political progress during the past three years, I would simply ask hon. members to refer to the Statute Books extending over that period, and they will see more signs of progress than was made during the previous 10 or 15 years in the history of the colony. I think, Sir, that is one sign of political progress, and if any further refutation of the assertion made by the hon. member be required, I would simply refer hon. members to the present meeting in this Legislative Chamber. What man is there in this colony who five years ago would have conceived that a number of colonists would be sitting around a table in a room like this to discuss, in concert with the Government—if they so will, I repeat, in concert with the Government—the future political Constitution of Western Australia? Is this no sign of political progress? Is there any man here who will venture to say that is not?

Mr. LOGUE rose to order and objected to the hon. member alluding to a former debate in the session.

The COLONIAL SECRETARY (Hon. F. P. Barlee): The hon. gentleman has endeavored to call me to order already; if I should be out of order I am perfectly willing to submit to the decision of the House. I am aware, Sir, that it is not in accordance with parliamentary practice that any hon. member should allude to utterances made by any other hon. member outside the House; therefore, to keep within the rule, I shall put it to this House that it is an extraordinary fact that the resolutions of the hon. gentleman are similar, precisely similar, to those put forth in an advertisement that was some few months since published in a local paper sketching the evils of the present and the benefits of the proposed Constitution. "Man never is, but always to be, blessed." Such was the first impression I derived on reading this advertisement, and it was miles from here that I read it, and I hardly thought it within the bounds of possibility that I should be called to take an active part in its discussion. Don't let me be misunderstood. It is not that I did not suppose that I should not sooner or later be called on to discuss changes of Constitution for Western Australia, but I never supposed such a proposition as was contained in the advertisement to which I have alluded would ever seriously be brought under the consideration of this House. Before I proceed to discuss this matter, Sir, I would like to place myself right with the members of this House, and, through them, with the colony at large. I stand here, in some measure, as the mouthpiece of the Government, and I wish emphatically to say, speaking on behalf of that Government, that there is not the slightest desire on our part in any way or shape to stop any onward movement, or to interpose any obstacles in the way of the colony's progress. The one great aim and desire of the present Governor has been to fit the colony for that great end which all her inhabitants look forward to, when the people of this country will be able, in full accord with the Government, to relieve the Governor and the Executive Council of the responsibility and the power they now hold, and take it on their own shoulders. Therefore, if acting as I do here to-night on behalf of the Government I combat and refute, with every power and argument I can, the majority of the propositions contained in the resolutions before the House, it is solely under the conviction, and an earnest conviction, that I am right in doing so, and in stating that, instead of tending to the advancement of the colony, these propositions, on the contrary, have a

retrograde tendency, and are calculated to place us in a worse position than we were in before we obtained our present form of Government. I am not going to give utterance to any idle words to-night; I am not going to say anything, as is done in this advertisement, without adducing arguments to support it; I am going to prove, or endeavor to prove, every word I have to say, and if it should so happen that I give utterance to anything that may not be pleasant to the hon. gentleman opposite to hear, I will take him at his own word, and he will give me credit for alluding only to the public utterances of a public man, and that I am in no way alluding to the private character of an hon. gentleman that I respect as much as any hon. member in the House. Perhaps I may be permitted to diverge a little further and say that, if I know myself, I can be actuated by no personal or selfish motives in anything I do in this Chamber. I have served Western Australia for many years, and am by many years the senior member of the Executive Council of the colony. I have very few interests outside the colony, and I think, under these circumstances, it would be strange, and I think that those who know me will give me credit that it is not likely, that in this House I will utter anything that I believe has not at bottom the interests of the colony which I serve, or that will not uphold the honor of the Government and this House, of which I am proud to be a member. Having said that much, Sir, I now return to the advertisement, a reference to which will enable us to argue properly the propositions now before the House. It commences by saying that our present Constitution has proved "a lamentable failure," and the only reason assigned for saying that, is, that there is no check upon the "autocratic idiosyncracies" of our present Executive Council. This, Sir, I look upon as the first blow to his whole scheme, for hon. members may rest assured that that is a bad scheme which can only be advanced by personal abuse of those who work existing schemes, and I will show how this advertisement abuses every one concerned: Executive Council, Nominees, and, indirectly, the elected members of this House. Now, when I read this high-sounding term "autocratic idiosyncracies" I was completely taken aback. I had rather prided myself hitherto that the Executive of this colony were a common-sense, straight-forward body, and I began to wonder whether we had really exercised autocratic idiosyncracies and I thought how clever this advertiser must be to use, as if they were every-day words, such high sounding words as these. I doubt if every hon. member of this House thoroughly understands

them. I am free to confess that I am puzzled. But I gather from this advertisement that the gentleman who wrote the advertisement was for some time a member of this honorable House; for he goes on to say that he returns home every session in a state of humiliation at having merely registered the edicts of the Government, and he characterises the Constitution as a "lamentable failure," simply because of the "autocratic idiosyncracies" of the Executive and his inability to do anything beyond registering the edicts of the Government. The advertisement goes on to quote as a saying of Earl Kimberley—a saying that was uttered long before His Lordship ever held office—that one of the worst forms of Government we can have is a Representative Government with irresponsible Ministers; and, having said that, the writer of the letter turns round upon myself, and accuses me of having brought into this House a vote of want of confidence in the Executive Council. Now, Sir, I think this is really rather too much of a joke. I do not think it necessary to occupy the time of the House by showing how idle such a statement was. I flatter myself that my honorable friends and myself have no idea of voting a want of confidence in ourselves, whatever other line we may be prepared to take, or whatever idiosyncracies we may show. But to go on a little further. We are told that since the present form of Government has been adopted it has not tended to produce any more confidential relations between the Executive and the elected members and between the Government and the colonists. If the gentleman who wrote that sentence was here before me, I would plainly ask him "Whose fault was that?" Let me ask this House to-day, is it a fact that the Executive of this colony does not possess the confidence of the public or of the Legislative Council? If I am told that such is the case, I want to know why it is so. The only argument the writer of this letter has attempted to put forward in support of his allegation is what he terms the unconstitutional line of action adopted by the Governor in regard of the duty on flour. It is a well-known fact that a very strong opinion on that subject existed in this House, and that opinions were equally divided, or as nearly so as it could possibly be to get a vote at all; and that at the time the matter was under the consideration of the House a general election was imminent. His Excellency then very wisely thought that, on a question of such importance as a duty on flour an appeal should be made to the country, a general election having been rendered inevitable consequent upon a change in the Constitution. The writer of the

'letter proceeds to accuse the Governor of a desire to nominate gentlemen as unofficial members of this House whom he had reason to suppose might coincide in his views. Now, I would ask any man of common sense, would it be reasonable for a Governor who desires to carry out a certain line of policy, would it be wise, I ask, would it be reasonable, what would be said of a man in any capacity of life who would bring members into this Council whom he knew would oppose his policy? Did any one ever hear in this world of a Minister forming a Cabinet by bringing into it men whose policy were diametrically opposed to the policy of his party? The thing is absurd on the face of it, and I am quite certain that the line of action pursued by the Governor in regard of the flour question was thoroughly constitutional. And after all, Sir, what is the Constitution of this House? The Governor has six votes upon which he may as a rule depend for a support of the general principles of his policy, and the representatives of the people have 12 votes. Surely it is not expected that the Governor should give up his policy; and if that policy is—which I believe it to be—in accordance with the policy of the public of this colony, I do not think there is much reason to say that the Executive does not possess the confidence of the people. But, Sir, I am now prepared to give some reasons why I believe that it does possess that confidence. In the first place, the Government, which has a minority of members in this House, has had an immense amount of support from the elected representatives of the people, and very few measures brought into this Council by the Government have not been adopted. Why should this be so, if the Government did not possess the confidence of the public, as expressed by the actions of their representatives? Another reason why I think that the Executive possesses public confidence—and I don't think anyone will deny it—is the entire absence of public discontent, or demonstration of dissatisfaction or ill-feeling towards the Government, and the prevalence of a feeling of cordiality whenever and wherever the Governor or any member of the Executive comes in contact with the public. This feeling of cordiality would never exist if discontent and dissatisfaction was rife among the people, or if the Executive did not possess their full confidence. In the face of this, I mean to say that if any hon. member desires to persuade this House that the Executive Council of this colony as at present constituted does not possess the confidence of the people, he ought to come here with something more than his own bare assertion that such is a fact, and I affirm, Sir, that I have demonstrated unmistakably it is not a fact at all.

Again, Sir, I would ask hon. members, supposing this Council had handed over to it the responsibility and the power now vested in the Governor, does any hon. gentleman imagine for a moment that that responsibility and that power would be monopolised by the members sitting on the opposite benches, to the utter exclusion of members on this side of the House? I don't think so, and moreover, I don't think any member of this House thinks so. Looking at the political and the material progress made by this colony during the past three years, and since the adoption of the existing form of Government, and looking at the fact that the present system was accepted as a transitional form of Government, a stepping stone from one constitutional system to another, I mean to say that it has worked better and longer in this colony than in almost any other country where it has been introduced. I have never said that it is a perfect system of Government, and who more strongly than His Excellency himself pointed this out when it was proposed to him, that the colony should adopt it? His reply was, "I think it is a pity that you should attack this form of Government; if you only give me time I will endeavor to frame a scheme whereby the Executive Council can be strengthened from the Legislature until such time as the colony can gradually be prepared to accept the responsibility of self-government." The hon. member for Wellington himself was one of the strongest advocates of the present Constitution, and I went hand in hand with him on that occasion. And why? Because I believed that the colony really did require a change, and I knew that the only change at our hand was the existing form of Government. But, Sir, I will proceed to review this scheme for remodelling the Constitution which the House is now called upon to consider. The first portion of it proposes that the Executive Council—that autocratic body—should be remodelled; and how? Not by the addition of gentlemen nominated by the Governor,—and here comes another slur, which if I did not resent, I would feel unworthy of the seat I now hold. What does he say? He says that "no gentleman of independent feeling would consent to forfeit his self-respect by accepting a nominee seat in this House;" and he further goes on to say that "their very presence is irritable to the elected members." I don't think that is a becoming manner to speak of any member of this honorable House, and before I sit down I will discuss the question of nominee members; but in doing so I will take care that I do not slander those members as they have been slandered in this advertisement. I say, Sir, that the colony owes a debt of gratitude to these

gentlemen, who have shown their loyalty to their Queen and their devotion to the interests of the colony by accepting seats in this Council; and I will say more of these gentlemen,—that as a body, from those who were first nominated up to the present members, they are second to no member in this House, in honor, in honesty, in zeal for the public service, in the knowledge of the wants of the colony, and in that independence of feeling which has been so cruelly slandered in this advertisement. I will even go farther and say that I do not believe any one of them would have put forward a scheme for the remodelling of the Constitution so crude, so unworkable, so altogether unstatesmanlike, as are the majority of the resolutions tabled by the hon. member opposite and referred to in this advertisement. And now, Sir, let us examine his scheme a little more closely. The Executive which it is proposed to remodel—not by the introduction of nominated members, but by the addition of certain elected members and otherwise—is to be called a Privy Council, and is to consist of four unofficial members to be elected by the Legislative Council, and four official members who are to occupy seats in this House. The present Executive Council consists of three official members having seats in the Legislative Chamber, and the Commandant, who in case of the Governor's death or absence assumes the reins of Government; and as he may have to take the office at any time, it is considered essential that he should know something of the public business of the colony. Instead of the Commandant it is proposed to introduce the Colonial Treasurer into the Executive and into this House. The hon. gentleman who suggests this change is an hon. member who is understood to desire to bring economy to bear upon the Public Service; yet this very first proposal, if carried out would be attended with increased expenditure, and I would object to it, if only on the plea of economy. If this colony, as the hon. gentleman intimates, will sooner or later drift into Responsible Government, the result of this proposition, if carried out, would be that the colony would have four officials to pension instead of three. Another objection to this suggestion is that if three official members are capable of performing all the work connected with this House it would be useless and a pity to bring four into the House. Why should you keep more cats than can catch mice? What is the reason, the only reason, the hon. gentleman adduces for replacing the Treasurer in the Legislative Council? Simply because it has been done elsewhere. Now I have often heard the hon. gentleman argue,

when it has been suggested in this House that we should assimilate our practice with that of other colonies, that it was no reason at all why we should adopt this or that system here because it was in existence elsewhere. Sometimes I have agreed and sometimes disagreed with the hon. gentleman, but here I disagree with him altogether. Never since he has been in the colony has the Treasurer taken any part in the public conduct of financial operations; it was never intended that he should; the Colonial Regulations provide otherwise; and however I might be relieved of responsibility in the conduct of financial matters, those regulations do not admit of it. When the present Treasurer was a member of the Executive, he advised His Excellency on such matters on which the advice of the Council was asked, and a very good and cautious adviser he was, but as a member of the Legislative Council he never brought the Estimates forward, he never explained monetary matters, and his presence here would simply entail an unnecessary cost on the colony, and so, if only for this reason, which I have previously stated, in order to save the purse of this colony, I do not see why there should be four official members of the Executive to be pensioned off when Responsible Government is adopted, when there is no need for more than three. In addition to the four official members it is proposed that four other members, to be elected by members of this House, should be added to the Executive Council. Now, let us see how this would work. The object aimed at is, that these gentlemen would be responsible—and here there is a reason given for this supposition, because if they did not give satisfaction they would not be re-elected, and such rejection would be tantamount to a vote of want of confidence. Now I confess I was amused when I read this, and I will show I had some ground for amusement. The only colony brought forward as a case in point is Natal, and there the hon. gentleman has assumed that certain members of the Executive Council are elected to that council by the Legislative Council. There is nothing whatever that I know of to lead us to suppose such to be the case. I am quite aware that in the colony of Natal two of the members of the Executive are elected members of the Legislative Council, not members who are nominated by the Governor, and there is no reason why that should not be adopted here. He has already had authority to take two members from this House and place them in the Executive Council. Why has not this been done? Might it not be that the members chosen would not have made the Executive a more popular body than before? If, however, there

should be a feeling on the part of this House that the Governor should be requested to attach to the Executive Council a couple of members of the Legislative Council, that might possibly be done; but if the idea is that those two additional members should be elected by this House, it is an idea that I feel sure has never prevailed elsewhere, and an idea that could not be entertained here, because the result, in all probability, would be that it would hamper the Executive, and bring disunion into its counsels. An Executive divided against itself must tend to damage the interests and prosperity of the colony; and any hon. gentleman who could bring forward such a proposition as to introduce four elected members into that Council can have no idea of how Cabinets, and especially colonial Cabinets, are conducted, or how public business is carried on. (Then, Sir, each district is to elect an additional member, to which few can object, under certain circumstances, but only under such circumstances as those to which I shall shortly allude. The only other change suggested is the abolition of proxy voting, and to a great extent I concur with the hon. gentleman in this, and I am really glad to find something in this wonderful scheme in which I can concur,—“one half-penny worth of bread to all this quantity of sack.”) Now, let us examine how such a proposal will work. I believe that such a scheme can only have the following effect:—To create disunion; to make mischief; to ensure a dead lock, and to bring on Responsible Government, in the very worst form in which it can be approached, when the Government and the people are at variance. We can do a great deal of good by working together, but if we pull in contrary directions, and with no unanimity of purpose, no beneficial results can accrue. As well attempt to tow a steamer with a rope of sand. But to return, Sir, to the Privy Council scheme. The four additional members are to be selected from the elected members of this House, or what is worse still, from outside. They would have no responsibility of any kind, and would not be answerable for their actions to the Queen or to the Government, to the Crown, the colony, to their constituencies, nor to this House;—a very pretty state of affairs indeed. This is going from bad to worse with a vengeance. The duties of this Privy Council would be to advise the Governor on such matters as were brought before them; but the hon. gentleman seems to forget that the Governor, if he so chooses, need not put anything before them. Whatever question is submitted for their consideration they must express their dissent or assent upon it. If the elected Privy Councillors agree with the members of the present Executive—so autocratic

in its idiosyncrasy—the position of the colony would be more deplorable than it appears to be in the hon. gentleman's eyes at present; on the other hand, if they are not in accord with this autocratic body, they would simply be outvoted, and being in a minority, they must hold their tongues, and by virtue of their oaths as Privy Councillors, must come into this Council holding their heads down, not daring under their oaths to reveal the debates in the Privy Council, and their oaths must record their vote with the decision arrived at in the Privy Council, or resign their seats. A pretty onward move! Fancy the hon. member opposite, having carried out his scheme, finding out what a grave error he had fallen into. “Man never is, but always to be, blessed,” would be again the cry; new changes in the Constitution would be called for; and we should be farther off than ever from the accomplishment of that great fact which all good colonists look forward to see one day, that good time when, hand in hand, and with united mind we may see Responsible Government taken over, when men on all sides have agreed that the time has come to take it, and when men on all sides have made up their minds to assume the grave responsibilities of office, and do so in good faith, and with no personal ends to serve. I would ask whether a Privy Council without a combination of opinion can possibly work so as to promote the welfare of the colony? It appears to me not, and I have no hesitation in stating that the proposed change, instead of being a progressive step, is a retrograde movement, and one that must tend to damage the interests of the colony much more than to benefit it. I believe no member of this House will support a motion which will have that effect. Surely no hon. member of this Council imagines that the practice which governs deliberative assemblies of this kind are identical with those governing a Privy Council, and that in such a Council you could have party conflicts and an Opposition side. Surely a Government divided against itself must fall; and a Privy Council constituted in a manner proposed by the hon. gentleman opposite would have as much chance of working harmoniously as would a Ministry or a Cabinet formed by an appeal to the leader of an Opposition party to nominate one half of its members. Sir, I next come to the question of nominee members, and I know no fitter question to be discussed in a Council of this kind, so long as you eliminate from such discussion everything which can personally reflect on such members. I am free to confess that the principle of nominee members in a Representative Assembly is not one that commends itself to my mind, and I entirely concur that the lives

of these gentlemen have not fallen in pleasant places, for they have to bear a good deal of that sneering and abuse which is levelled at public officials, and they have none of the solid pudding to console them. In a small colony like our own, public opinion is apt to believe that these gentlemen act under influence, and where there is that feeling abroad it is not always that these hon. members carry that weight and influence which their position ought to give them, and it may under certain circumstances lead to a species of antagonism between the elected and the nominated members. But, with this form of Government you must have nominee members. The Governor in his public speeches on his first arrival, and in his conversations with the hon. gentleman opposite, expressed himself, as I have already stated, averse to the colony entering upon this form of Government, and that it should rather wait until he had matured a transitional scheme that would prepare us for the great end we all have in view; and had that scheme of Government been framed, nominee members would have had no place in it. But in a Constitution constituted as this is, where the whole power rests in the hands of the Governor—and mind you it must rest in the hands of the Governor—he must have a certain number of votes upon which he can generally depend for support. How could the Government be carried on if in a minority? Suppose a Governor is instructed to carry out certain measures, or to do certain things, and there is a determination on the part of the majority of this House not to do them, what would be the result? You would simply bring on a deadlock. Allusion has been made to the colony of Natal during the course of this debate. In that colony, under the new Constitution of 1869, the Legislative Council consisted of five Government nominees and 12 elected members. But what did they do there? They had to guarantee a Civil List amounting to £40,000, and if this Council is prepared to do the same, no doubt the scheme submitted for its consideration by the hon. gentleman opposite might be carried out. The revenue and expenditure of Natal has for years kept nearly equal balance with our revenue and expenditure; but while the Civil List in this colony is only £4,480, there it amounts to £49,100. In the new charter which that colony has obtained I believe it is left optional with the people to form a Responsible Government whenever they please. Under our present Constitution it is impossible for this colony to absolve the Governor from the responsibility which now rests with him, and so long as he is responsible he must also have the power. I have told this House over and over again that

there is only one way in which that can be done, and that is, by the people of this colony taking upon their own shoulders the responsibility, and with it the power now vested in the Governor. Until that is done it is, I repeat, impossible for that responsibility to be handed over to the people. Suppose he were to let go his responsibility, and something went wrong, who would then be answerable? Who would be the first to blame the Governor if the affairs of the colony went astray? The hon. gentleman opposite, if he did his duty, would be the very first. A Government must be in a position to carry on, or it must give way, and when the time comes for hon. gentlemen opposite to sit on their benches, they will find how true what I say is, and then they will possibly think they might have given the Government a little more support. The next question in the scheme before the House is the proposition to provide an additional member for each district. Having abolished the nominee members, and obtained a majority in the Executive, it is next proposed to bring in 12 additional elected members into this Council. But here there is an important omission in this proposition—the abolition of the property qualification of members. In introducing an additional number of members into this House the object in view I take it is that all classes of the population may be represented. To attempt to do that with the present property qualification would be perfectly absurd. This abolition of qualification was a measure some time since introduced by the Government, so that of course it was an unpopular measure, and one that would not do to insert in this advertisement. No right-minded man would object to increasing the number of representatives on principle, but in practice the proposition would be impracticable, under the existing property qualification. But supposing this part of the scheme were carried out, and that we had four Government members in this House in opposition to 24 elected members, what would be the result? Would the official four have to sit here merely to register the edicts of those 24 members? Suppose the Government is in a minority, and yet declines to give way, and the majority were inexorable and would not give way, the whole public business of the colony would be at a stand still. How are you going to get out of it? The hon. gentleman has got me into a difficulty here, and there is but one way out of it, and this he has altogether omitted to provide for. A Bill must first be passed to provide for such a difficulty when it occurs, and that Bill must provide for all that has to be done before those who create the difficulty accept the responsibilities of office, and allow us who sit

here to retire. Sir, I have now hastily reviewed the scheme before the House, and I need not trespass much longer on the time and patience of hon. members. We have been told that the Executive Council does not possess the confidence of the people; I have told you that I think it does, and brought strong arguments in proof of what I said. It has been proved by the progress made during the past three years in the history of the colony—very material progress too—and which was compassed with the consent of the majority of the members of this House, so that if the elected of the people actually represent the opinion of that people, the Government must possess the confidence of the country and of its representatives. When this Constitution was first granted to this colony I think the hon. member for Wellington made a great mistake; he came into this Council under an altogether erroneous idea of the position he was to occupy and a very extended notion as to his powers. I believe the hon. gentleman has been in the House long enough to have discovered his mistake, and he now wants to blame the Government, because the thing has not answered in the way he expected; instead of endeavoring—if he wishes to do so—to amend the Constitution of the colony in a proper spirit, without throwing stones on all sides, as has been done in this advertisement. During the first session of the Council he did manage to successfully oppose some very important measures brought forward by the Government in connection with public works, which, had they been adopted, we would at the present moment be in a far better position than we actually are; we would, in fact, be witnessing the beneficial effects of what we are now doing, and be in as good a position as I hope we shall be in three years hence. But during subsequent sessions I have observed that the hon. gentleman's influence declined, and gradually dwindled away, until, like the fading star before the dawn of day, it has almost been extinguished; and I thought the other day that I was doing a courteous act in proposing that he should gracefully retire into the seat of the Chairman of Committees. But Sir, this Council has a very important duty to decide tonight; it has to decide whether, after hearing what the hon. member opposite has said, and what, on the other hand, I have stated, it will affirm the resolutions that have been placed on the table;—the majority of which, I think, I have shown to be utterly unworkable. On the part of the Governor, on behalf of whom I am now speaking, I will say very plainly that he will not oppose any scheme which in his opinion will tend to promote the welfare of the colony; but the resolution now before the House cannot have that

effect, but will rather interpose obstacles in the way of progress, and would simply reduce this Council to a position which afforded no further power than merely to register the edicts of an irresponsible Executive or Privy Council. The Governor will not accept any scheme that will bring disunion and embarrassment into the counsels of the colony, such as this proposition would undoubtedly and inevitably result in doing; but he will be glad to favor any measure of a progressive nature carefully matured by this House. Any constitutional changes must be the result of the well-considered and mutual opinion of the Government and the representatives of the people. Whether we are likely to arrive at anything like that now I cannot say; but I would submit whether it would be wise at the present time to attempt to tinker up the Constitution, rather than to wait for the time I have so often alluded to, when the power and responsibility now vested in the Governor may be altogether transferred, not as suggested by the hon. gentleman, from the Governor and the Legislature to a composite and unworkable Executive Council, but from the Governor and the Executive to a Legislative Council composed solely of the representatives of the people. (Cheers).

After a slight pause, and some brief observations from Mr. PADBURY, Mr. LOGUE, and Mr. DEMPSTER,

The SURVEYOR GENERAL (Hon. M. Fraser), having indulged in some humorous prefatory remarks which convulsed the House with laughter, proceeded to state as his opinion that the instructions laid upon the table by the hon. member for Wellington were thrown amongst hon. members as a firebrand, with the view of precipitating the assumption by this colony of a system of Responsible Government. He said the hon. gentleman appeared to look upon the Executive Council as a sort of training ground for legislative colts before they were brought forward to caracole in the finest style of equestrianism before the admiring gaze of the public in the arena of the Legislative Chamber. (Laughter.) The idea, though absurd, was certainly amusing, by reason of its incongruity. He could fancy himself, for instance, and the hon. member for Geraldton, yoked together in official harness, and his hon. colleague the Colonial Secretary attached to the hon. member for Wellington. (Laughter.) With regard to the proposed increase of representatives, if it was so difficult to obtain the present number of members to accept the duties he would ask the hon. member where he intended to go to procure double the number, as was contemplated in one of

the resolutions he had submitted for the consideration of the House. Last year the hon. gentleman had opposed a Bill having for its object the granting of two additional elected members, one for the Murray and Williams district and one for the Northern district; yet this session he came before the House with a proposal to give to all the electoral districts of the colony an additional member, including the district which the hon. gentleman himself represented (Wellington). Now, he could not conceive how that district at any rate could benefit by the acquisition of another representative to shed his light on the work of legislation, while the constituency already had such a brilliant luminary in the House in the person of the hon. member himself. (Cheers and laughter.) The proposal reminded him of a passage in *Henry IV.*, where Hotspur, before coming to high words with Prince Henry, says—

Two stars keep not their motion on one sphere; Nor can one England brook a double reign. Of Harry Percy and the Prince of Wales;

nor could he conceive how another legislative luminary of lesser magnitude than the hon. member for Wellington could shine, or render itself visible, in the constellation of which that hon. gentleman was "the bright, particular star." (Renewed cheers and laughter.) The brightness of the lesser luminary would be entirely eclipsed by the brilliancy of a star of the first magnitude. Another objection he had to the scheme submitted to the House was that it was a half-measure; he did not believe in half measures; he was in favor of going the whole animal or none. Under a hybrid Constitution such as that proposed by the hon. member, he (the Surveyor General) would feel himself in a very anomalous position; he would have two masters to serve, and he had it on the authority of a very ancient volume that no one could serve two masters, inasmuch as he would despise the one and fear the other.

Mr. STEERE, having repudiated the assertion that he had brought forward his motion, and thrown it as a firebrand amongst hon. members, in order to precipitate the adoption of self-government by this colony,—than which nothing was farther from his mind,—with the leave of the House withdrew the whole of his instructions, with the exception of that relating to proxy-voting, which he moved should be adopted.

The COLONIAL SECRETARY (Hon. F. P. Barlee) seconded the motion.

Resolutions 1, 2 and 3, by leave, withdrawn.

Resolution 4 agreed to.

In Committee.

Clause 1—

Debate ensued.

Clause agreed to.

Clauses 2 to 6 agreed to.

Schedule 1 agreed to.

Schedule 2 postponed.

Schedules 3 to 5 agreed to.

Progress reported, and leave obtained to sit again.

The Council adjourned at 9 p.m.

LEGISLATIVE COUNCIL,

Monday, 14th July, 1873.

Papers Tabled—Torrens Act: select committee report—Election Petition, General Regulations—Supreme Court Ordinance Amendment Bill: first reading—Poison Land and Land Regulations—Scab Inspectors: Returns—Public Works Loan Bill: in committee—Pearl Shell Fishery Regulation Bill: second reading—Local Revenues in Northern District Bill: second reading—Provision for Further Government of Northern District Bill: motion for second reading—Pearl Shell Fishery Regulation Bill: in committee—Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill: recomittal.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

PAPERS TABLED.

The SURVEYOR GENERAL (Hon. M. Fraser) laid upon the table a letter from the Hon. Secretary of the Western Australian Central Committee of the Sydney Intercolonial Exhibition enclosing certain resolutions passed by the committee, and moved that the same be read.

Question put and passed.

The letter was read by the Clerk.

The SURVEYOR GENERAL (Hon. M. Fraser) laid upon the table a letter from John S. Wright of Birmingham, to the Colonial Secretary, enclosing a memorial with reference to the immigration of agricultural laborers.

TORRENS ACT.

Select Committee Report.

Mr. CAREY brought up the report of the select committee appointed to consider the advisability of bringing in a Bill similar in its provisions to the Torrens Act. He said that