

meaning in money, I presume—"has been promised or guaranteed by the Government of the colony." I take it this would not apply to a contract under a land grant system. I think if the contractor in the former case is to be debarred, the latter also ought to be debarred. I certainly think an alteration should be made in the second subsection of this clause; but I understand we are prevented from doing so now. On the recommittal of the bill, I shall be prepared to bring forward an amendment.

MR. LOTON thought some very stringent law should be in existence excluding large contractors, whether paid in money or in land, from having a seat in Parliament. At the same time, he thought it would be unwise to apply the same provision to small contractors, who agreed to supply the Government with little necessities for the public service, under the head of annual supplies. He did not know whether it would be possible to distinguish between the two classes of contractors.

Clause put and passed.

*Any Member accepting a contract, or continuing to hold any contract after the commencement of the next session, his seat shall be void.*

Clause 25.—"If any person, being a member of the Legislative Council or Legislative Assembly, shall directly or indirectly, himself, or by any person whatsoever in trust for him, or for his use or benefit, or on his account enter into, accept, or agree for, undertake or execute, in the whole or in part, any such contract, agreement, or commission as aforesaid, or if any person being a member of the said Council or Assembly, and having already entered into any such contract, agreement, or commission, or any part or share of any such contract, agreement, or commission, by himself, or by any other person whatsoever in trust for him, or for his use or benefit, or upon his account, shall after the commencement of the next Session of the Legislature, continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such member shall be void. Provided that nothing in this or the last preceding section shall extend to persons contributing towards any loan for public purposes heretofore or hereafter raised by

"the colony, or to the holders of any bonds issued for the purpose of any such loan."

MR. MARMION said he noticed that this clause provided that if a member of the House who had already entered into a contract during the recess, continued to have any interest in the contract after the commencement of the next session, his seat should become void. It appeared to him that, according to this clause, if a member entered into a contract during the currency of a session, he would not be affected by it. The clause was somewhat ambiguous, he thought.

THE HON. SIR J. G. LEE STEERE said he could not help thinking that under the clause as worded a member of the Legislature might enter into a contract with the Government between two sessions, and still retain his seat. It might be a very large contract, extending over some months, and there might be no session of the Legislature intervening.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said if the committee would consent to report progress he would give the clause his consideration, and also see whether some amendment in the direction indicated by the hon. member for Perth (Mr. Keane) might not be made in the next following clause.

Progress reported.

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

## LEGISLATIVE COUNCIL,

Monday, 25th March, 1889.

Message (No. 3): Defence of Fremantle: Offer of Imperial Government—Message (No. 4): Defence of King George's Sound: Recent correspondence with the Secretary of State for the Colonies—Message (No. 5): Replying to Address re wire for Telegraph Line from Derby to Wyndham—Pensions (Schedule D. Constitution Bill)—Conveyance of boring plant to Yilgarn—Messrs. C. & E. Millar's Torbay railway proposals: referred to a select committee—Constitution Bill: in committee—Adjournment.

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

PRAYERS.

**MESSAGE (No. 3): DEFENCE OF FREMANTLE: OFFER OF GUNS FROM THE IMPERIAL GOVERNMENT.**

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

"The Governor has the honor to inquire whether the Honorable the Legislative Council are willing formally to authorise the expenditure necessary for the construction of a Battery to receive the two 7-inch guns offered by the Imperial Government for the defence of Fremantle.

"The construction and maintenance of this Battery were generally approved by the resolution adopted by Your Honorable House on the 16th September, 1885.

"In the Earl of Derby's Despatch upon the subject (Council Paper No. 31 of 1885), the cost of the Battery is stated at "from £3,000 to £4,000." An estimate recently prepared fixes the cost at £4,066.

"The position of the Battery, the details of its construction, and a revised estimate of the cost, must necessarily be determined after examination of the site by an Officer of the Royal Engineers, whose services, for this purpose, might probably be procured from one of the neighboring Colonies.

"The expenditure ought not to exceed £4,000, and it might be spread over the years 1889 and 1890.

"Before the guns, with ammunition and equipments, can be sent out by the Imperial Authorities, it is necessary, not only that the cost of constructing the Battery should be guaranteed by a vote of the Legislature, but that the Colony should also formally undertake the expense of maintaining the Battery in proper order, and of instructing the Artillery Force by whom the guns are to be worked. Including payment to a Volunteer Corps for daylight parades, the additional expenditure on this head is estimated at £500 per annum.

"There is a further question, namely, whether the Colony is willing to pay £500 per gun for certain improved mountings recommended by the Military Authorities for the two 7-inch guns; and, also, whether the effectiveness of

"the defence of the Port is to be added to by the purchase of two Maxim quick-firing guns, as part of the equipment of the Volunteer Infantry. These guns are recommended by the Military advisers, and would cost about £360 each.

"The immediate occasion of this communication to Your Honorable House is, that the Governor has been requested by the Right Honorable the Secretary of State to advise his Lordship, by telegraph, when the vote for the construction of the Battery, and for the improved gun-mountings (if required) has been passed.

"The two 9-pounder guns, with equipment, presented by the Imperial Government for service at Fremantle, were, as the Council are aware, received some time ago.

"The defence of the Chief Port and Capital of the Colony is of such paramount importance, that the Governor thinks it right to communicate with the Council on the subject during this Special Session.

"Government House, 25th March, 1889."

**MESSAGE (No. 4): RECENT CORRESPONDENCE re DEFENCE OF KING GEORGE'S SOUND.**

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

"The Governor has the honor to transmit, herewith, for the information of the Honorable the Legislative Council, copy of recent correspondence with the Right Honorable the Secretary of State on the subject of the Defences of King George's Sound.

"It will be seen that Lord Knutsford hopes to be able in a short time to address the Australian Governments fully on the subject.

"The papers enclosed with Message No. 1 show that there are likely to be difficulties in the way of the Inter-colonial Conference at Albany which had been suggested.

"Government House, 25th March, 1889."

*Governor to Secretary of State.*

WESTERN AUSTRALIA. }  
No. 317.

Government House, Perth,  
My LORD, 19th November, 1888.

On the 7th March last, I received, through the Governor of South Australia, the following telegram from Your Lordship:—

"In accordance with strong desire expressed by conference, Her Majesty's Government are happy to announce that they will be prepared to recommend to Parliament supply improved modern armament King George's Sound and Thursday Island, on the understanding that Colonies will be ready to undertake their part. Full details by post."

2. The "full details by post" promised by the above telegram not having yet reached me, I venture to inquire when I may expect them.

3. This question of the Defence of King George's Sound is one of such great importance, and has suffered so many delays, that it seems most desirable to make some special effort to settle it.

4. I would advocate, if possible, the assembling of a conference of representatives of the other Governments concerned, to discuss intercolonial arrangements for the completion and maintenance of a defence scheme. During the last visit of the Surveyor General (the Honorable John Forrest, C.M.G.) to Victoria, the Minister of Defence of that Colony (the Honorable Sir James Lorimer, K.C.M.G.) intimated unofficially that he thought his Government would be willing to join in such a conference, and the idea is approved in the Executive and Legislative Councils of this Colony. It is considered that the conference might take place at Albany, in February or March next; but it could not be usefully held until the "full details" referred to by Your Lordship had been sent to me.

5. Respectfully requesting the favor of the very earliest communication on the subject.

I have, &c.,  
(Sd.) F. NAPIER BROOME.

The Right Honorable  
Lord Knutsford, G.C.M.G.,  
&c., &c., &c.

*Secretary of State to Governor.*

WESTERN AUSTRALIA. }  
No. 106.

Downing Street,  
SIR, 29th December, 1888.

I have the honor to acknowledge the receipt of your Despatch No. 317, of the 19th of November, respecting the defence of King George's Sound and Thursday Island.

The subject has received the continuous attention of Her Majesty's Government, but it has been found necessary to make certain inquiries before a definite scheme could be submitted. I hope to be able in a short

time to address the Australian Governments fully on the subject.

I have, &c.,  
(Sd.) KNUTSFORD.  
Governor Sir F. N. Broome, K.C.M.G.,  
&c., &c., &c.

MESSAGE (No. 5): WIRE FOR TELEGRAPH LINE, DERBY TO WYNDHAM.

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

"In reply to Address No. 2 of the 22nd instant, on the subject of the Telegraph Line from Derby to Wyndham, the Governor has the honor to enclose, herewith, the correspondence and specifications referred to in the Address.

"Government House, 25th March, 1889."

#### PENSIONS IN "SCHEDULE D," CONSTITUTION BILL.

MR. VENN, in accordance with notice, moved that an humble address be presented to His Excellency the Governor, praying that he will be pleased to inform the House of the amount of "Special annual allowance" which, under the provisions of the 35th Victoria, No. 7, would, on abolition of office, be strictly due to the officers enumerated in Schedule D. of the Constitution Bill, and of the "special grounds" in each case for exceeding that amount, and for asking for the pensions specified in the schedule.

Agreed to.

#### CONVEYANCE OF BORING PLANT TO YILGARN GOLDFIELD.

MR. HARPER, in accordance with notice, moved that in the opinion of this House it is of the greatest importance that tenders should be immediately called for the conveyance of the lately purchased boring plant to the Yilgarn Goldfield.

Agreed to.

#### MESSRS. MILLAR BROS.' TORBAY RAILWAY PROPOSALS.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser), in accordance with notice, moved: "That the proposals of Messrs. C. & E. Millar for the construction of a short line of railway, with a view to the further settlement of lands in the neighborhood of Albany—which have been sent

down to this Council by His Excellency the Governor in Message No. 2—be taken into consideration; and, further, that a select committee be appointed to report on these proposals." These proposals (the hon. gentleman said) have been in print for some days, and hon. members I hope have made themselves acquainted with their provisions. There can be no doubt, sir, that if our railway system throughout is to be a success, it will be in a great measure owing to the branches we hope to see constructed from various points to act as feeders to our main lines, in the same way as our Northam and our Newcastle branches have already become feeders for our Eastern Railway. This proposal now before the House is virtually a proposal to construct a branch line from our main line at Albany to a point about twelve miles from that town. I have been supplied by the promoters with a plan of the proposed route, showing clearly what their intention is. I beg to hand it in for the information of hon. members. It will be seen that they propose to continue the line to the south-west towards and beyond what is known as Torbay, opening up a fine piece of timbered country. I cannot say that I, myself, know that particular spot, but I am assured by those who do, that besides being a good timbered country it also contains some good agricultural land; and it is evident from the proposals before us that the promoters design this line to be not only a feeder to our Great Southern Railway, but also be the means of opening up a most desirable spot for settlement. The terms on which this line is offered to be constructed appear to be very liberal. If hon. members will just follow me they will see that the proposal is "to construct and maintain, at their own expense, a railway for the transport of goods, commencing at a point on the Great Southern Railway about ten or twelve miles distant from Albany, and to run in the direction of Torbay; the final survey to be subject to the approval of the Commissioner of Railways." The promoters estimate the cost of construction at at least £2,500 per mile, and they propose to build it on the same gauge as that of the Great Southern Railway; and they undertake that the whole of the works shall be finished

to the satisfaction of the Commissioner of Railways. They do not intend to lose any time about it, for they undertake to have the line completed and opened for traffic within one year from the date of the authorisation to construct it. They ask for the same concession in respect to an exemption of Customs duties upon all rolling stock for the use of the line imported into the colony, as was granted to the concessionaire in the case of the Great Southern Railway. As regards materials, rails, and fastenings, hon. members are aware that under our revised tariff these are now admitted duty free; but the promoters also ask that the rolling stock also shall be free of all fiscal charges. For the construction of the proposed line the promoters ask for a subsidy in the shape of 2000 acres of land for every mile or portion of a mile of railway completed and open for traffic. This land is to be selected by them in the vicinity of the proposed line, in blocks of not less than 1000 acres, but they undertake that their right of selecting this land shall not interfere with the rights of selection already granted to the W.A. Land Co. The promoters undertake that their selection of their lands shall take place within a year from the ratification of the contract, so that the idea is that the lands shall be selected by the time the line is completed. It will be seen that the Messrs. Millar have already selected under lease some large blocks of land at Torbay, and they ask for the right to cancel these leases if they deem it desirable, and to retake the lands within these leases, as a part of the subsidy lands for the construction of the line. Following this condition there comes a proposal which appears a very advantageous one for the colony. They agree that at the expiration of seven years from the date of the completion of the line, the Government here shall have the right of purchasing this railway from the contractors at the rate of £1,000 per mile. They go further than that: they propose that, in the event of the Government not caring to exercise this right of purchase, the line shall, in fourteen years from its completion, revert and belong to the Government absolutely. The promoters, so far as I understand them, are satisfied that within this period they can so satisfactorily and successfully settle

their lands, and that they will have become so valuable, that the first cost of the line would be returned to them by then. The proposals, as I said, appear on the face of them very favorable to the colony, but the Government, of which I am the mouthpiece, do not wish the matter too hastily settled, and it is my intention to move that the proposals—following the precedents adopted with similar proposals in the past—shall be referred to a select committee. The scheme is not a very large one, compared with some of the land grant railway proposals that have come before us; and, therefore, I do not think there is any necessity to appoint a very large committee.

**SIR T. COCKBURN-CAMPBELL:** With the concurrence of my hon. friend, the Colonial Secretary, I rise to second the motion which he has submitted for our consideration; and my reason for intervening so early in the debate is that, possibly, I am the only member present who knows much about the country through which this line will pass. I have known part of it for the last seventeen years, and some of it longer than that; and I imagine that the question of whether the House will determine that to construct this railway would be useful to the colony, or not, must depend to a great extent upon the character of this land. It is needless for me to point out to hon. members that this proposal is not one for what we call a "land grant railway"—that is, we are not asked to give a large bonus of land to induce a private company to build a private line, as we have done with the two land grant railways in which we are at present concerned. This is simply an offer by the Messrs. Millar to construct what we may virtually regard as a State railway, to come into the possession of Western Australia on certain terms. It strikes me that in order to form an opinion as to whether it is desirable to have this line constructed, there are three questions we ought to ask ourselves. Firstly, whether this immediate line which is contemplated is one which it is worth our while to possess; in the second place whether, possessing it, it is likely to lead to the good of the colony in the future; and, in the third place, whether the terms offered for the construction of the line are favorable. With

regard to the short line at present contemplated, it starts—as members if they carefully look at the plan will see—from what I call the first elbow of the Great Southern Railway, in a western direction from Albany, and goes a distance of about twelve miles towards Wilson's inlet. I, myself, wish the proposal had been to carry on the line to Wilson's inlet—it cannot be very far from there as proposed. I should think if the line were carried right on to Wilson's inlet its whole length would not be more than about 24 miles; and, no doubt, if desired by the House and the Government, the promoters would be willing to do so. I know the country about Wilson's inlet very well indeed; I spent a summer there about seventeen years ago, and I may say there is a very great deal of what down there is called peaty land, proved and known to be extremely prolific soil, besides extensive plains of chocolate colored loam; in fact there is a considerable amount of land all the way admirably adapted for what we call peasant cultivation, or small farms, well suited for the growth of fruit, vegetables, maize, and such like products, for which a ready market is to be had among the large steamers which already call at Albany, and the still larger number which we may expect to see calling there in the future. There can be no doubt, I think, that there is an important future in store for King George's Sound, and the day will probably come, when, as Sir W. Fitzherbert said at the Imperial-Colonial Conference, the town of Albany will be one of the largest towns in the Southern Hemisphere. There can be no doubt that if this line were constructed to Wilson's inlet it would enhance the value of Albany as a health resort. There is lovely scenery about Wilson's inlet—the place is quite a Paradise, and the land about there is, as I said, admirably adapted for the settlement of an agricultural peasantry class; and, if Messrs. Millar Bros. can obtain the right class of settlers, such as Germans, or Italian peasants, who are being encouraged now in New South Wales with so much success—if they can get the right sort of settlers for this land, I am sure the country could be very usefully and profitably settled. As to whether, if we obtain this line, it would be advantageous to us in the future, there

can be no doubt that the line would be the first step in the direction of a railway going through that very splendid, but now almost unreachable country between King George's Sound and the Vasse, by the Deep River and the Warren, and country admirably adapted for settlement, if there was a railway communication right through. From Wilson's inlet you get a magnificent forest to Deep River, and thence to the Warren, and up the Warren to Wilgarrup, and from Wilgarrup to Bridgetown, would be a most admirable line of railway, opening up those beautiful areas of land that are now lying idle. As to the question of whether the terms offered by the promoters are favorable terms, I really do not see how it could be possible for any State railway to be constructed on more favorable terms. For £1,000 per mile they offer to let the Government purchase the line, at the end of seven years; or, if the Government do not think it desirable to exercise the right of purchase at the end of seven years, the promoters would work it for another seven years, at the end of which they would make a present of it to the Government. We may expect that long before that time the country which the line traversed would be settled, and one would expect the line to be of considerable value. Of course there are certain objections to the scheme as placed before us at present; in the first place it does not connect with a railway belonging to the State; but I do not think there is much in that, because if the Great Southern Railway by the end of 14 years is not in our hands—which I hope it may be—no doubt we could make arrangements with the owners for working it. [The COMMISSIONER OF RAILWAYS: That is provided for in the concession.]

SIR T. COCKBURN - CAMPBELL (continuing): Another objection which may be urged against the scheme in its present shape is that we have no guarantee that any colonisation scheme will be carried out by the promoters in connection with this railway; and that seems to me the greatest objection to the proposal as now before us. But very probably we might obtain further information on this point from the promoters, which would satisfy us. It must be remembered that these promoters have

everything on the spot ready to construct and work this line, and the project can be undertaken at once, which, in the present state of the colony, with no public works going on, would have a recuperative effect upon our financial position. Therefore, I think it would be a great advantage, although the work is a comparatively small one, if it were undertaken at the present time. I shall be very glad to support the proposal to refer the question to a select committee, which, as I said before, may obtain further information as to the intention of the promoters which would remove any objection which some hon. members may have to the proposal as it stands.

MR. SHOLL: This is not the time for a discussion of this proposal—the discussion should take place, I take it, upon the report of the select committee. But I should like to know if the Government have any information to place before the select committee and this House with reference to this scheme. It is all very well for the Government to come here with a proposal of this kind, asking us to concede a large subsidy of land to companies or individuals; but, surely, before the Government do that, they should send some of their own officers to report on this land, and not take the statement of any individual member of this House about it, because he may happen to have seen this country, nor the mere statement of the people who are asking for this concession. I think it would be more businesslike, and more statesmanlike, if the Government, before bringing in a proposal of this kind, had sent down someone and got an independent report on this land, as to the quality of the land, the amount of land which really belongs to the Government at the present time, and how much belongs to the Land Company. [The COMMISSIONER OF CROWN LANDS: We know that.] [The COLONIAL SECRETARY: It is shown on the map.] It would help this House and the select committee if the Government were to exert themselves and try to obtain some further information as to this land. I think it would be convenient also if the Commissioner of Crown Lands would provide us with a map showing not only the route of this line, but also the land beyond, especially when we are told

that eventually the line is to go in the direction of the Warren and the Vasse. I think the Government ought also to state whether they are prepared to support this proposal or not. [The COMMISSIONER OF CROWN LANDS: We have said so. The Governor said so in his Message—he recommends it to the favorable consideration of the House.] It appears that Messrs. Millar Bros. have at the present time large areas in this neighborhood of leasehold timber country. [Mr. A. FORREST: No.] The hon. member says, No; is he the agent of the promoters, or is he authorised by them to deny it? [The COMMISSIONER OF CROWN LANDS: It is special occupation land.] And I understand it is proposed to run this railway from Albany to this land of theirs, so as to enable them to get their timber into market; and it is proposed to ask this Government to concede 2000 acres of land per mile in order that the promoters may be able to do this. Unless this line is eventually to lead further than this freehold land of Messrs. Millar Bros., I think it would be useless for us to have this line built, unless there is a condition in the contract that they shall settle this land as they say they intend to do. We cannot forget also that we have granted concessions already to other timber companies who have had to build their own railways and gone to great expense; and now we are asked to subsidise another company to work against them, by enabling this new company to build their railway at the expense of the colony. Possibly, when the select committee report, we may have further information with regard to the scheme, which may remove some of these objections.

MR. SHENTON: I think we cannot do better than refer the proposal in the first place to a select committee, who will report to the House the terms upon which they would recommend the adoption of the scheme, or otherwise. No doubt, should it be considered necessary, the Government might instruct one of their officers to examine this country—we have railway communication now, and it could be done at once, and he might telegraph his report before the House is prorogued. From what I have heard, myself, I believe it would be a good thing for the colony to have this

land opened up, which is now lying waste.

MR. A. FORREST: I must protest against the remarks of the hon. member for the Gascoyne (Mr. Sholl). He has charged me with being the agent of Millar Bros. I repudiate it altogether. I have no more to do with Millar Bros. than any other member of this House has, and I think no member has a right to make such an insinuation.

MR. SHOLL: I did nothing of the sort. I simply asked the hon. member if he was their agent, or authorised to speak for them. He seemed to know so much about their land, I thought I would ask him whether he was acting as their agent.

MR. A. FORREST: I understood the hon. member to insinuate that I was agent in this House for Millar Bros., the promoters of this scheme. I repudiate the insinuation altogether. I have nothing to do with them, any more than any other member. The plans were prepared in my office, by one of my clerks, for which they paid. I am as independent as any member of this House with regard to this proposal. It is a well known fact that the hon. member for the Gascoyne is opposed to everything intended for the progress of the colony. I don't think he has ever enunciated or supported in this House any measures for the benefit of the colony; and I don't think, if he comes back to this House, he ever will do so, because the hon. member lives for himself, and himself only. He has no idea of progress. His mind is narrowed into a small circle. The hon. member for Gascoyne, in his early youth, made a fortune, or made sufficient for himself and his belongings; and, now, when anything is proposed for the welfare and progress of the colony, he stands up in this House and says, No. I say, sir, that is not the class of men we want in this House; and I am astonished, myself, at any hon. member getting up like he did to discuss a matter which he knows nothing about. He wanted certain information, he says. He wants this, and he wants that, and he wants the Government to do this, that, and the other, to get him more information. If he had only read this proposal of Messrs. Millar Bros., and looked at the plan that accompanied it, he would

have found all the information he required. Instead of that he gets up, and throws cold water on the scheme—a scheme that is meant to improve the land, and to spend money in the colony, which is very much required. We know that one enemy in the camp carries a great many others with him. I say he should consider this scheme before he condemns it. The scheme is a reasonable one, and, when the proper time comes I shall speak in its favor. As for the land, I will say what the hon. member, Sir Thomas Campbell, said: the land has been lying idle for the past 50 or 60 years, and has not returned sixpence to the revenue; and surely if we can get men of means to spend £30,000 in building this railway, and, at the end of fourteen years, make a present of it to the colony, surely we would be doing right in accepting such an offer.

MR. MARMION: I should like to say just a word in answer to the hon. member for Kimberley, who has stated that this land has been lying idle for 50 years, and of no value to the colony. But the hon. member should recollect that we gave a large tract of country to this Great Southern Railway syndicate for building that railway for us to enhance the value of this land, and other lands in the same direction. This land remained idle for 50 years because there were no facilities for getting at it; but he must not suppose that it is going to lie idle for another 50 years, now that we have a railway. At any rate we have not yet had an opportunity of arriving at an idea of how much this Great Southern Railway has enhanced the value of our lands, and I think we might fairly wait until we see whether our expectations are likely to be realised. I am quite prepared to allow that there may be advantages attached to the introduction of capital by a firm like Millar Bros. into this colony; at the same time, I cannot, at this stage, without a great deal more argument, and a fuller consideration—which no doubt the scheme will receive at the hands of the select committee—I cannot, at this stage, agree that it is desirable we should hand over any extent of land to a firm which, no doubt, is moved to some extent by patriotic motives in making this offer; but I cannot really give them credit for being actuated in such a matter as this by any

idea but that of making money, which, after all, is the motive power in all these concerns. And I have not the slightest objection to their making money, so long as the colony derives a corresponding advantage from it; and it is quite possible that the colony may derive a corresponding advantage from it, but I should like it to be shown that such will be the case, and that the colony would not derive a greater advantage by the holding of these lands than by parting with them for this purpose. We must bear in mind that the Great Southern Railway is not a State railway, and that in building this short branch connecting with it we are not assisting our own State railways in the slightest degree, but simply adding to the traffic upon the W. A. Land Company's line. Though I have not the slightest objection to that line's traffic being added to—I think it ought to be added to as much as possible—but I do say that if that is done it is the W. A. Land Co. that ought to pay for it, and not this colony. If it is considered necessary to open up the timber industry, in the existing condition of affairs, we must bear in mind that the timber industry has been already opened up by others, in the Southern districts of the colony; and opened up, in more than one instance, at the expense of the companies engaged in it, who simply received some concession of land from the Government; and I certainly do not see the necessity of our giving away some 30,000 acres of land, at this time of our history, to enable another company to carry on the same industry, and to do so by means of a railway constructed at the expense of the colony. I do not see that we are in any way called upon to do this; nor does it seem to me fair towards those already engaged in that industry, and who have expended a great deal of money in endeavoring to develop it. I ask hon. members to bear all this in mind. We must not be hoodwinked, and have dust thrown in our eyes. When we parted with our land for the construction of the Great Southern line we parted with it because we thought that line would enhance the value of the Crown lands which we reserved, and in that sense we hope to get a *quid pro quo*. But I think the time has come when it behoves us to be careful of our national estate, and not

squander it away to people who wish to open up a new industry, and make it more remunerative for themselves. We should consider whether that industry would not prove remunerative without this concession, and whether the construction of this line, without any subsidy from us, would not be a remunerative undertaking for the promoters. These, at present, are my sentiments; I cannot say what result the inquiries of the select committee may have, or what my sentiments may be when we have some further information before us. At present we know nothing at all about the quality of this land, nor what may be its ultimate value, nor upon what conditions Messrs. Millar Bros. hold certain lands already in this neighborhood. When we are enlightened on these and other matters we may be in a better position to arrive at a conclusion as to the merits of this scheme. I ask members in the meantime to bear in mind that we are not to look at the land between here and Albany now as valueless land, as we did years ago before this railway was built. The colony has parted with a million acres of country for the construction of that line, and it may cost this colony millions of money, before many years are over, to repurchase that railway from the present owners. It is nonsense, therefore, to speak as if the land was of no value, or that its value has not been largely enhanced by the construction of that railway. It was an understood thing between the members of this Council that no land grant railways, or grants of land for railway construction should be again made, except for some project of national or intercolonial importance; and I fancy a resolution was passed to that effect. We must also bear in mind that the colony is now in a transition state, between two forms of Government, and we have heard members saying that they object to having anything more to do with projects of this kind until we have the control of our lands entirely in our own hands, and also the control of the affairs of the colony. I do not think there can be any pressing necessity for dealing with this proposal at this stage. I dare say that Messrs. Millar Bros. are anxious that it should be settled at as early a date as possible, but, I take it, it won't disconcert them very much if

they have to wait until such time as the colony has changed from the present form to another form of Government, when there will be a Ministry in office who will be responsible to the country. What do we know about this land at present; or how can we express any opinion upon the subject? Or how will members defend their action before their constituents, if they give away this land, with the information now before us? Of course the select committee may bring forward some arguments in its favor which we may find unanswerable, but at present we are not in a position to deal with the proposal; and, at present, with the information now before us, I see no reason why the colony should at this time and for this purpose alienate all this land, which we are told is first-class land for agricultural purposes, and when the object in view would in all probability be attained without this concession.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I have listened with some attention to the remarks of the hon. member for Fremantle, and I am sorry to find him throwing so much warmth into his speech. It seems to me difficult to understand the motives or the causes which gave rise to the hon. member's speech. This proposition of Messrs. Millar Bros. is, I think, one of the most reasonable, and certainly one of the most advantageous ones, that has ever been offered to this House. Knowing a little as I think I do of the resources of this colony, and of other projects we have had before us, I must say that when I heard that such an offer was about to be made I could not believe that such a favorable offer would have been made by any firm that was able to carry it out. The hon. member for Fremantle I think would have been wise if, instead of making the heated speech which he did, he had waited until he got his information. I am afraid that is another proof of what we have seen so often—that anything brought forward in the interest of Albany is to some hon. members like a red rag to a bull. I am afraid it is so with the hon. member for Fremantle. [Mr. MARMION: You are quite mistaken.] That is my opinion at any rate. So far as I am concerned, I

look upon Albany and Fremantle with equal eyes. I look upon them as part of our Western Australian estate, and I think it is our duty, and it is my desire, to further the progress of both Albany and Fremantle to the utmost of our ability. The hon. member for Gascoyne and the hon. member for Fremantle have both referred to concessions made to timber companies, in the past, in other parts of the colony. I am afraid they are both pretty ignorant of the terms upon which those concessions were given, or else they would not have made some of the remarks which they did. I may as well remind the House of what some of those concessions were. The Rockingham Company had a reserve of 250,000 acres, with the exclusive right to cut timber upon it for a period of 42 years, at a rental of £50 a year; and any land that was sold was sold subject to their right to the timber. I would point out that 250,000 acres, at £20 per square mile, comes to about £8,000 a year, under our present Land Regulations. Hon. members, I think, can hardly say that we gave that company nothing. They had also 50 acres of land on the shores of Mangles Bay, at Rockingham, and timber sites all over their reserves, and the fee simple of any railways they built over Crown lands. That is what we gave one company. Next we come to what is known as the Ballarat Timber Co. We gave them the fee simple of the railway through their concession, and 250 square miles of timber country, and the same exclusive right to the timber as the Rockingham company; their lease extending over some forty years. They also had the right to select 2000 acres in fee simple in any part of the colony; they had land at Lockeville, and sidings for timber depôts, all over their property. Then, again, there was the concession to Mr. M. C. Davies, at Port Augusta,—over 100,000 acres of land, and the right to a piece of land at Port Hamelin, besides other concessions. Then there were liberal concessions made in years gone by to Mason, Bird, & Co., and to Yelverton—though not on such favorable terms. Therefore, I think it cannot be said that the concession now asked by Millar Bros. is of greater value than the concessions already made to these timber companies. It is quite the reverse. Hon.

members, too, must consider what we are offered in return. We are offered a good line of railway, equal to the Government railways of the colony, over 14 or 15 miles of country, connecting it with Albany; and we are promised that the line shall be completed within a year. It will cost the contractors about £3,000 a mile, I suppose, to build it; and, in seven years, we shall have the right to get it back for £1,000 a mile; and, in fourteen years, we have the right to get the whole line for nothing. All they ask is that we give them 2000 acres of land for every mile of railway they build. The hon. member for Fremantle, or the hon. member for the Gascoyne, can go and purchase this land at 10s. an acre, and get twenty years to pay for it. Hon. members seem to think this place is an El Dorado. As soon as anyone desires to get hold of any of our land and turn it to some account, it becomes of enormous value in our eyes at once. We have been looking idly at this land for 50 or 60 years, and there it is useless for all practical purposes; but the moment an offer is made to convert it to some good use, we begin to imagine there must be some great virtue in the land, and we object to have it touched. Really it seems to me as if hon. members like to look at these big trees and say they belong to us. They are of no use unless they are cut down and sent to a market; and, whether they are cut down now or in a few years hence, it seems to me it makes no difference to us. Timber is a product of the colony, and it is useless until it is cut down; and, if Millar Bros., or anybody else, undertake to cut it for us and export it, they are doing a good thing for the colony, and they ought to be encouraged. The hon. member for Fremantle says that our object in building our Southern Railway was to enhance the value of our land. My idea was that the main object we had in view was to settle the land. What we want is to see the land occupied and utilised, and if anyone desires to spend money in doing this, we should give them every encouragement. [Mr. SKOLL: We have no guarantee that these people are going to settle this land.] The hon. member seems to put an extreme value upon this particular piece of land. I don't think he does upon other parts of

the colony. I know he was one of those who tried to thwart me, with the Land Regulations, in locking up all our Northern lands for the good of the pastoral tenants. The hon. member wished to keep the Northern lands of the colony all to himself. I believe, myself, in being careful of our territorial estate, but I don't see any use in keeping it to be looked at. I believe in utilising it. It is time hon. members gave up this croaking they have been so accustomed to. They have lived in the colony, some of them during the last forty or fifty years, and they want to keep it to look at; and any newcomers who have capital to turn it to good account for themselves and the colony are looked upon coldly. All I can say is, I hope members will look at this matter in a purely business way, and see whether it will pay the colony to accept this offer. If they do that, I know they can only come to one conclusion, and that is that the offer of Messrs. Millar Bros. is one of the most favorable offers that has ever been before this Council.

MR. LOTON: It is not my intention, at the present stage, to offer any opposition to the proposal, nor is it my intention to support it strongly at the present time. It appears to me that we want a lot of information about this scheme. As to what the hon. the Commissioner of Crown Lands has said about the concessions made in the past, I don't think the hon. gentleman adduced any argument, or showed us anything, that should encourage us to repeat the experiment. He certainly did not show us that any good accrued to the colony from the granting of those concessions. I think that is a question which is open to a great deal of doubt, or, at any rate, to very considerable difference of opinion. The hon. baronet, who referred to the land which it is proposed to open up by means of this railway said it was splendid land for agricultural purposes. If so I think he has made out rather a strong case against our granting this concession to Millar Bros., particularly when we bear in mind that a considerable portion of this land that is intended to be taken up is already held under special occupation leases. There is another objection to this scheme as it stands; the proposal is put before us as a proposal to build a line of railway to open up a cer-

tain amount of country, which we are told is good country for agricultural settlement; but we have no guarantee that this country is going to be settled and occupied and cultivated. It strikes me that the main and primary object of the promoters is to get their timber conveyed to a port of shipment, rather than the settlement of the land by a class of cultivators. If this land is of such excellent quality there couldn't be much difficulty in having it taken up for *bond fide* cultivation, especially as it is only 10 or 12 miles from a market, and we are told a ready market, and a profitable market. There ought to be no difficulty in our selling such land, without giving it away; and it strikes me that the colony would benefit by it. I shall certainly be opposed to alienating this land except under conditions of settlement and cultivation. If we can get a guarantee that the land will be utilised in this way, the proposal will have my support.

MR. PATERSON: I quite agree with those hon. members who think that we ought to get further information before agreeing to this proposal. I have no objection to giving away land to people who will work it and turn it to profitable use. I would willingly give the promoters this land if they undertake to have it settled and cultivated, and so help to bring traffic to the main line of railway, and increase the productive industries of the colony. As to their utilising the timber I would not object to that at all; I think it would be a very good thing to get rid of it, if this is good agricultural land. It can't be worked under cultivation unless the land is cleared, and there could be no possible objection to Millar Bros. clearing the land, so long as they undertake to have it cultivated afterwards. This land has been there since the foundation of the colony, and up to the present it has been no earthly good to anybody; nor will it be unless we get it cleared and a railway to it. I would give them twice as much as they ask for, if they would undertake to have it occupied and cultivated.

MR. DE HAMEL: It is evident that the hon. member for Fremantle and the hon. member for the Gascoyne, who have been decrying this proposal, have never seen the land about which they have been addressing the House. If they went

down there and saw this land, they would find, without exception, soil equal to any not only in this colony but in any part of Australia. But they would find, in addition, the most heavily timbered country that we have in this colony—which is saying a great deal. They would find that these trees, which may be a source of wealth to Messrs. Millar Bros., men possessing a saw-mill of their own at the present moment, worth some £10,000 or £15,000—a saw-mill second to none in this colony—they would find that this timber, though of value to them, would be not only of no value but an absolute curse to the ordinary settler who took up 20 or even 1000 acres of this land. Let the ordinary settler, the colonist we require, go on this land, this heavily timbered land, and what will be the result? He must, in the first place, expend a large amount of labor and go to an immense expense in cutting down these enormous trees, and after he cuts them down his troubles would only be commencing. If hon. members had seen the trunks of these trees lying on the ground they would say at once they were a greater curse than they were standing upright. What can a man do with them? The only thing he can do is either to let them lie there and rot, or else try to burn these huge logs, which is the work of time, the work of years. The probability is that he would never get rid of them, and never get the land under cultivation. If he ring-barked them, there they would stand, and the timber would be lost to the colony for ever. But let men like Messrs. Millar Bros., with the enormous capital they possess, come there with their line of railway, with their “jinkers” and their teams, and they will soon convert these monarchs of the forest into solid marketable timber, and they will export it, and they will create a trade, not only with Australia but with the whole world. They can bring the timber of Western Australia into repute and known throughout the world. I say, sir, let us at once, and without any further opposition, have this select committee appointed, and let us see whether we shall not grant Messrs. Millar Bros. the concession they ask for to build this line on the terms they offer to us,—terms such as this colony may never get hold of again,—a line that will absolutely be the property of the Govern-

ment in fourteen years time. Sir, if we give them these powers, if we give them this right, we shall be doing more in the best interests of Western Australia than has ever yet been done by any House that has previously sat here.

MR. RASON: Without entering at any length into this discussion, I hope hon. members will endeavor to take as broad as possible a view of this question as they can. We have heard a great deal of late about men having “a stake in the colony.” Sir, it is men like Messrs. Millar Bros. that we want to have a stake in the colony. If we can only induce men like Millar Bros., capitalists, and enterprising capitalists to boot,—if we can only induce men like these to cast in their lot amongst us, we shall very soon go ahead. Into the question of the merits of this proposal we shall be able to enter more by and by; but it is a question of something else besides the construction of this short line of railway—it is the question of whether we shall encourage capitalists to come here or whether we shall give them the cold shoulder, and continue to drive them away as we have driven a great many away in the past. Millar Bros., sir, are not only prepared with their “jinkers,” they are prepared with their “chink” as well; and I think if we can by any means encourage such people to settle amongst us, by granting them a concession like this, without doing some grievous injury to our immediate interests, it would be much better for us to do so. We have been told that they would make an immense profit out of this timber. If they did, it would be the best possible thing that could happen to this colony; for the more profit they made, the better would it be for us, because capital is always watching capital; and if other capitalists see Messrs. Millar Bros. making a large amount of profit out of this colony, we should soon have a great many more capitalists coming here, trying to do the same thing. I hope hon. members will give the question the fullest and gravest consideration. I shall be prepared to give it all the support I can.

MR. RICHARDSON: I also hope we shall try and act in this matter as suggested by the hon. member for the Swan, and try to look at the matter from as broad a point of view as we can. There

is, no doubt, some truth in what has been said that there has been a tendency in this colony to regard these matters from a somewhat narrow point of view. We seem to view our land, which we see lying idle for years and years, as if it became instantly invested with extraordinary value the moment any capitalists from outside begin to nibble at it. Land which for the last half a century we have not thought worth looking at, becomes at once to be regarded as possessing the potentialities of great wealth when we get an offer from some enterprising capitalists to convert this land into some use for themselves or the colony. There is a great deal of the "dog-in-the-manger" spirit about all this, I am afraid. I am not prepared to say at this moment that I am going to support this particular scheme, or that I am going to oppose it. What we want is to be able to give an intelligent vote upon it, and to do that we must have a great deal more information than the mere random statement that there is a good deal of good land in this neighborhood. We want to know what is the quantity of land, we want to know its proximity to this proposed line of railway, we want to know the cost of clearing this land, and we want to know how much of it, if cleared, is likely to be of value as agricultural land. I know of some land about Albany which it would cost at least £5 an acre to clear, and it would take a long time before any intending settler would think of tackling that land. Even if we found that this land is of value, if cleared, the question arises—are we prepared to make a railway to it, so as to make it of some use to the cultivator? I am afraid not. Unless that is done, the land will certainly remain valueless, so far as agricultural settlement is concerned. But we must have conditions imported into this contract with Messrs. Millar Bros., under which the settlement and cultivation of the land shall be one of the main features of the scheme. Unless we have some assurance of this kind, I shall decline to support it; on the other hand, if we can have such a condition embodied in the agreement, the scheme shall have my support.

**THE COMMISSIONER OF RAILWAYS** (Hon. J. A. Wright): I rise merely to say that I have been to the

locality where it is proposed to build this line of railway, on three or four occasions, and can speak of the land with a certain amount of personal knowledge. The ground where this karri is growing is exceedingly good and rich soil, and would be exceedingly well adapted for agricultural purposes as soon as the timber is cleared from it. Until that is done it is totally useless; and, unless this timber is going to be used for industrial purposes, no one in his senses would take up this land with the idea of clearing it for cultivation. I saw one tree from which 750 sleepers were cut. That is not the sort of timber that a settler would attack with a joyous heart. I think it would be to the benefit of the colony if this heavily timbered land were cleared, and I doubt if we shall ever get a more favorable opportunity of having it done, on terms more advantageous to the colony.

Question put—That a select committee be appointed.

Agreed to.

**THE COLONIAL SECRETARY** (Hon. Sir M. Fraser) moved that such committee consist of the Commissioner of Railways, Sir T. C. Campbell, Mr. Venn, Mr. Keane, and Mr. Loton.

**MR. PARKER** suggested that the name of the member for the district (Mr. De Hamel) be added.

**MR. MARMION** demanded a ballot.

Hon. members having delivered to the **CLERK** their ballot papers, the following members were found to have received the greatest number of votes: Mr. De Hamel, Sir T. Cockburn-Campbell, Mr. Venn, Mr. Loton, and the Commissioner of Railways.

Committee appointed accordingly.

## CONSTITUTION BILL.

### IN COMMITTEE.

The House went into committee for the further consideration of this bill.

Clause 25 (adjourned debate)—*vide p.* 108 *ante*.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton) said that certain amendments appeared on the Notice Paper in his name both in this clause and Clause 26; but he rose to say that it was not his

intention to move them, having conferred with his leader on the subject.

The clause was then put and passed.

*Provisions of Clauses 24 and 25 not to extend to incorporated trading companies.*

Clause 26.—“The foregoing provisions shall not extend to any contract, agreement, or commission made, entered into, or accepted by any incorporated company where such company consists of more than twenty persons, and where such contract, agreement, or commission is made, entered into, or accepted for the general benefit of such company, nor to any contract or agreement in respect of any lease, license, or agreement in respect to the sale or occupation of Crown Lands:”

MR. PARKER said he understood from the Attorney General that he did not intend to move the amendments standing in his name on the Notice Paper. One of those amendments was to reduce the number of persons in a company, exempted from the provisions of the previous clauses, from twenty to six. As the hon. and learned gentleman did not now propose to move his amendments, he intended himself to move to strike out the word “twenty” at any rate. He found that in Tasmania the number constituting a company to entitle it to be exempted from the provisions of the clauses relating to contracts was only six, and that the exemption applied to companies whether incorporated or not. He thought if six was a sufficient number in Tasmania it ought to be sufficient here. He observed also that in Tasmania not only were shareholders in incorporated companies exempted, but also shareholders in trading companies. The Attorney General, apparently, — judging from the amendments in his name on the paper—had intended following the example of Tasmania. He (Mr. Parker) did not propose to go so far as the hon. and learned gentleman had intended to go; he did not propose to exempt trading companies, but he proposed to reduce the number in incorporated companies from twenty, say, to six.

MR. BURT thought six, perhaps, was rather a small number; he should prefer to see the number reduced from twenty, say, to one-half that number—ten. He also thought the clause ought to be made

to apply to an association as well as to a company. He found the term used in the Acts of the other colonies.

MR. PARKER said he had no objection to the number being reduced to ten instead of six, and he would assent also to the other suggestion, with regard to the clause applying to an association as well as a company. Perhaps the hon. member would embody the two proposals in his amendment.

MR. BURT thereupon moved that the words “incorporated company, where such company consists of more than twenty” be struck out, and the words “company or association consisting of more than ten” be inserted in lieu thereof.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said it was his duty to insist, so far as he could, that the clause should remain as it stood. The same provision existed in South Australia, where, he believed, it had worked well. It would be his duty to take the sense of the committee upon the amendment.

MR. LOTON thought the clause should not even apply to incorporated companies. It would be very easy for any company to increase the number of its shareholders or directors so as to bring it within this exemption, and so enter into as many contracts as it liked. In his opinion those who had large transactions with the Government ought not to have a seat in Parliament while that contract is running; and, so far as he was concerned he should support the clause as it stood, rather than the amendment.

Amendment put, and negatived on the voices.

MR. PARKER said the previous clauses relating to contracts contemplated, apparently, that no person directly or indirectly interested in a Government contract of any kind should hold a seat in Parliament. He thought it would hardly be fair to include those who merely became sureties for the performance of a contract in that disability. Nor did he think they should include persons who borrowed money from the Government, —from the Savings Bank for instance. He therefore proposed to move an amendment, which he might say he had taken from the Tasmanian Act. It was virtually the same as that which had been put on the Notice Paper by the Attorney General, though not worded exactly the

same, and as that amendment was already in print, he had no objection to adopt it. It was to add the following words to the clause: "nor shall the foregoing provisions apply to any person whose position in respect of the contracts, agreements, or other matters in the last two preceding sections mentioned is solely that of a guarantor, nor to any person borrowing money from the Government."

MR. SHOLL said he could not support this amendment, especially with regard to guarantors. A person who was a guarantor for the performance of a large Government contract might be a member of the Ministry; he might be the Minister of Railways or of Public Works, and he thought it would be most unwise to allow a man who was so mixed up in contracts to be a Minister of the Crown, or even a member of Parliament. They knew perfectly well that the sureties were the persons who were responsible for the performance of a contract, in the event of the contractor failing to carry it out; and such a provision as this might lead to very grave abuses, which it would be unwise on their part to place a member of Parliament or a member of a Ministry in a position to commit.

MR. SHENTON could not support the amendment in its present shape, but he thought they might exempt those who merely borrowed public funds from the Government. He certainly thought that guarantors of a contract should be excluded in the same way as the contractor himself; they are equally responsible and interested in the due performance of a contract. He would move as an amendment upon the amendment of the hon. member for Sussex, to strike out the words "whose position in respect of the contracts, agreements, or other matters in the last two preceding sections mentioned is solely that of a guarantor, nor to any." The amendment would then apply only to persons borrowing money from the Government.

MR. A. FORREST thought they would find great difficulty indeed in finding members at all if they were going to disqualify every man who became a guarantor or surety for a contract. He did not consider a guarantor a responsible party at all. (Laughter.) Hon. members might laugh. He was responsible, per-

haps, in a certain way, but he had no interest in the contract. There were many members in that House now who would not be able to hold their seats if this amendment passed. In most Government contracts now they demanded a bank deposit as security, which perhaps was the best sort of guarantee they could have. He thought they were going too far with this matter. They had a great many restrictions already against men getting into the House under this bill, and he thought it would be a mistake to go any further, and prevent the most influential men in the country from sitting in the House. It seemed to him some hon. members wanted to see nobody but men of straw in that House.

MR. MARMION said it was his intention to oppose the amendment. If it was desirable to keep out contractors, it certainly was equally desirable to keep out guarantors. As for such a provision being hard upon men of capital who consented to become guarantors for other people's contracts, he thought it would act quite the other way; he thought most people would be very glad of this excuse for declining to become guarantors.

MR. RANDELL failed to see how the preceding clauses could possibly be said to embrace people borrowing money from the Government; and, if he was right, he failed to see the necessity for the amendment at all. He thought it was very undesirable to interfere with these clauses more than they possibly could.

MR. PEARSE asked the Attorney General how the clause would affect trustees, for instance, borrowing money for different institutions with which they were connected.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said it would not affect anyone borrowing at all, so long as it was not a Government contract.

Amendment put, and negatived on the voices.

Clause agreed to, as printed.

Clause 27.—Not to extend to contracts by descent:

Agreed to, *sub silentio*.

*Office holder taking the oath as Member thereby to vacate his office.*

Clause 28.—"If any person while holding an office of profit under the Crown, other than that of an officer of Her

"Majesty's sea or land forces, on full, half, or retired pay, be elected a member of the Legislative Assembly, or of the Legislative Council, after Part III. of this Act shall be in operation, he shall, if he takes the oath or makes the affirmation hereinbefore prescribed, be held by so doing to vacate his said office."

*Except chief Executive officers.*

"This section shall not apply to the offices of Chief Secretary, Attorney General, Treasurer, Commissioner of Crown Lands, or Director of Public Works."

MR. BURT moved that the subsection be struck out, and the following inserted in lieu thereof: "This section shall not apply to offices liable to be vacated on political grounds." This, he said, was following up the principle adopted in the amendment agreed to in Clause 6, of not naming these officers.

THE ATTORNEY GENERAL (Hon. C. N. Warton): Agreed to.

Amendment put and passed.

Clause, as amended, agreed to.

*Seats in Parliament vacated in certain cases.*

Clause 29.—"If any member of the Legislative Council or Legislative Assembly, after his nomination or election—

"(1.) Ceases to be qualified or becomes disqualified as aforesaid; or,

"(2.) Becomes of unsound mind; or,

"(3.) Takes any oath or makes any declaration or acknowledgment of allegiance, obedience, or adherence to any foreign Prince or Power, or does, concurs in, or adopts any act whereby he may become a subject or citizen of any foreign State or Power, or whereby he may become entitled to the rights, privileges, or immunities of a subject or citizen of any foreign State or Power; or,

"(4.) Fails to give his attendance (if a member of the Legislative Council) in the Legislative Council for any one session thereof without the permission of the said

"Council entered upon its journals; or, (if a member of the Legislative Assembly) fails to give his attendance in the Legislative Assembly for two consecutive months of any session thereof without the permission of the said Assembly entered upon its journals; or (if a member of the Legislative Council after Part III. of this Act shall be in operation),

"(5.) Accepts any office of profit from the Crown, or any pension during pleasure or for term of years, other than one of the executive offices specified in the last preceding section, or than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay,

"his seat shall thereupon become vacant."

MR. BURT said it would be seen that under this clause a member who absented himself from the Legislative Assembly for two months was liable to lose his seat, but, in the Legislative Council, a member had to absent himself for a whole session before his seat became vacant. He proposed to make the cases parallel, for he failed to see why there should be any distinction between the two Houses in this respect. He moved that the words "any one session thereof," in subsection 4, be struck out, and "two consecutive months" inserted in lieu thereof. The same rule would then apply to both Houses.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said he could see good reason why the clause should stand as it is. It was very well known that the work of the Upper House usually followed upon the work of the Assembly, and that often there was very little business to be done in the Council, as compared with the other House, and the absence of members would not be so much felt, nor would their presence be so necessary. On the other hand there were special reasons why members should give their attendance in the Assembly, where nearly all the work originated. He might say

that this provision also had been copied from the South Australian Act, and he saw no reason why it should be departed from. He should therefore oppose the amendment.

MR. LOTON failed to see that any hardship would be imposed upon the members of the Upper House if their seats were to be vacated if they were absent for two consecutive months; for all they had to do, if they wanted longer leave, was to get the permission of the House, and he did not suppose that would ever be refused. The least a member could do was to ask for leave to absent himself, if he wished to go out of the colony or anything like that; but he did not think it would be wise to encourage members to absent themselves, as this clause seemed to do. So long as they put in an appearance for one day in the session that would be enough, as the clause now stood. He saw no reason why there should be this distinction between the two Houses. He maintained that, whether members were nominated or elected, they ought to attend to their duties.

MR. RICHARDSON said it appeared to him we ought to guard against these old fogies—as the members of the Upper House had been sketched by the Attorney General—neglecting their duties too much; and that we should insist upon their attendance at least once in two months.

The amendment was agreed to.

THE HON. SIR J. G. LEE STEERE moved that the lines within brackets at the end of subsection 4 be omitted. These words, it would be seen, qualified the following subsection, with regard to the acceptance of offices of profit from the Crown. They were not necessary now, in view of the amendment made in Clause 6, which, as amended, prevented the members of the Council—whether nominated or elected—from accepting offices of profit under the Crown.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said he was of the same opinion as his Honor the Speaker, that there was no necessity now for the words in brackets.

Amendment agreed to, and words omitted.

MR. BURT said that subsection 5 of this clause provided that the seat of a

member should become vacant if he accept an office of profit from the Crown, but exception was made in the case of a member accepting “one of the Executive offices specified in the last preceding section”—that was to say, accepted a Ministerial portfolio. According to this subsection, a member accepting a Ministerial office would not vacate his seat. He proposed to do away with that provision by striking out the words “than one of the Executive offices specified in the last preceding section, or.” He did not propose at this moment, until he heard some argument against it, to dwell upon the desirability of members accepting Ministerial offices going back to their constituencies for re-election; he had dwelt at some length upon the point, when he addressed the House on the second reading, and followed up the arguments of the hon. baronet, now in the Chair. He thought the hon. baronet on that occasion gave them very good reasons indeed why members accepting offices in the Ministry should go back for re-election; he pointed out that it would prevent a hasty or inconsiderate assumption of office on the part of the Opposition, and prevent a great deal of unworthy manœuvring and intrigue for office, and give an element of stability to any Ministry, without which good government would be impossible. It might be, too, that a constituency would disapprove of their member accepting an office in a Ministry with whose policy they were not in harmony; and there were many other reasons why the usual and constitutional course should not be departed from. He did not see that it would be any hardship for a member to seek re-election upon accepting office. It had been said it might deter many good men from entering a Ministry, or from undertaking to form a Ministry, if you obliged them to go back for re-election; but he did not think that fear was well grounded at all, because, as a rule, if a Ministry was turned out in a legitimate way on some question of importance, the attempt to turn them out was not made until the other side had obtained a good following, and were pretty sure of a majority to carry on the Government, and their policy would necessarily be popular for the time being. Not only that, it was very seldom indeed that Ministers were

opposed when they went back for re-election; constituencies, as a rule, were rather proud than otherwise of being represented by a cabinet minister. It might be asked—then what is the good of having such a provision in the bill? He looked upon it as a safeguard, a constitutional safeguard, for the reasons he had already indicated. Without it, the (what ought to be serious and responsible) work of turning out a Ministry, upon the slightest occasion, was made as light and simple as possible. A positive premium was placed on hostile and factious intrigue and opposition. In such attacks everything was to be hoped, and very little, if anything, to be feared, if all that members had to do was to cross the floor of the House and take up the seats of the Ministry they had turned out, without being under the necessity of having their action confirmed by their constituents. The mere fact that members knew they would have to seek re-election would operate very forcibly indeed against mere factious opposition for the sake of office, and afford a safeguard against a too ready assumption of the reins and responsibility of Government, by men who had no reasonable prospect of having a following in the House or in the country. He therefore proposed, as an amendment, to strike out the words in question. The same provision existed, he believed, in the Constitution Acts of all the other colonies, except South Australia; and they had been told that in South Australia they had had more change of Ministries than in any other of the other colonies.

MR. SHOLL: But is that the cause of it?

MR. BURT: If it is not the cause of it, let the hon. member suggest what the cause is. There is the fact.

MR. RANDELL said he rose to support the amendment. It seemed to him the very essence of Responsible Government that Ministers accepting office should seek re-election at the hands of their constituencies. He was not able to speak with reference to the results of the opposite procedure in South Australia—he was not in a position to say that this had been the actual cause of the frequent changes of Ministries in that colony; but it seemed to him that it afforded a very good reason for those

frequent changes. He thought it was a very desirable and a very wholesome provision, and it was one which harmonised with his own idea of the principle of popular government. The feeling which he had felt all along throughout this movement in favor of Responsible Government was that, possibly, with our limited population, it might degenerate into government by clique; and he thought it was very desirable that we should provide every safeguard against cliquism and intrigue, and the grosser forms of manœuvring for office. If the result in South Australia had been what they were told it was—owing to the absence of this very safeguard—how much more necessary was it here, with our much smaller population, where we were likely to have these difficulties arising still more frequently? He thought that with the limited materials at hand here for forming Ministries, it was most desirable that every protection should be afforded against intrigue and factious opposition; and that members should not be permitted to accept Ministerial offices without the approval of their constituents, and the endorsement of their policy by the electors. He felt strongly the danger of omitting this safeguard. As had been already said, without it the serious and responsible work of shifting an Administration out of office was made as light and as easy as possible. Surely this was not an object to be aimed at in these restless and unsettled times, that our Ministries should be always in danger of being turned out, without those who turned them out having to face the electors. Nothing could be worse for the country than to have constant changes of Ministries, for mere change's sake, or for the sake of the profits or emoluments arising from holding office, and that in this way Responsible Government should degenerate into government by clique. He could not conceive that there would be any hardship in members accepting office having to go back to the country for an endorsement of their policy: on the other hand, he could see that many dangers might arise, and many difficulties be placed in the way of obtaining a good and firm government. He believed the practice prevailed in the mother country with very beneficial results, as well as in all the other

Australian colonies, with one exception—an exception that was not very encouraging for attempting the experiment here.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the hon. member who had just sat down had referred to the mother country, and the practice there of Ministers accepting office having to seek re-election. It was true that by an old statute, the statute of Anne, this practice existed: but it was found to be increasingly inconvenient, and attended with very little practical result. Every time there was a change of Ministry, there was a positive waste of two or three weeks of valuable time, possibly at a busy period of the session, while the new Minister or Ministers went to the country for re-election; and, as the sessions here were not likely to last so long as the sessions in England, this loss of valuable time would be still more inconvenient and embarrassing to the Government of the country. Even in England the rule had been broken into, to a considerable extent of late. The present Lord Chief Justice of England was the first officer who accepted the Attorney Generalship without going to his constituency; and the rule had been evaded by other ingenious statesmen; and he knew that the feeling in the mother country was increasing against the practice, as a most inconvenient one, and presenting no commensurate advantage. The result, in the first place, was waste of valuable time, in the next place it was most inconvenient; and not one man in fifty who went to the country upon the acceptance of office in England lost his seat. The feeling there amongst statesmen of all parties was certainly growing against the practice; and the necessity for it, which existed at one time, had long ago been removed.

MR. BURT did not think that the English practice was one that should always guide us in this colony, where an entirely different condition of things existed from what existed in a country like England. English experience in this matter helped us very little. In England they did not have changes of Ministries every few months, as they had had in a neighboring colony; nor was there any danger of such constant shuffling of Ministries. What was the use of

comparing English Parliamentary life, with its complete party organisations, and its rigid discipline, with Parliamentary life in a colony like this, that had not yet entered upon party government? In England, a Ministry would not be ousted except upon some important question of principle, but, in these colonies, anybody by taking up some popular cry of the hour might get up a party at a moment's notice. No Ministry would be safe to carry out any well-defined policy. In the House of Commons political parties had been formed and consolidated for years, and the members of these parties followed one another like a lot of sheep. Would they do so here? In England, the great historic parties had got into a groove, a certain well-defined groove; and no one had a chance of getting into office unless they had the voice of the country at their back. Was it so here? He was inclined to think perhaps that anyone who endeavored to form the first party under Responsible Government in this colony, although he might succeed in forming it, would find very great difficulty in keeping his team and his followers together, or keeping them in their proper place. There would probably be as many leaders as there were views or offices to fill, and there would be no cohesion or united action—at all events until members had learnt to yield to some little discipline. At present there was not a member in that House who had learnt anything like discipline—certainly not the hon. member for Fremantle, who, if he didn't get his own way, would turn any Government out in half an hour. But even if members did learn a little discipline, we could never hope to reach that state of trained discipline, that blind adhesion to party, which was shown by parties in the House of Commons. He hoped, in fact, we should never go to that extreme. But it was absurd comparing the state of political affairs in England with political life in this colony. Here nothing would be easier than for one or two intriguing men to get up a popular cry and turn out, or worry the life of, any Ministry; and there were men who would not hesitate to do so, if they felt sure that they could take office without having to go back to the country for re-election.

Such a state of things would be fatal to good government or statesmanlike action on the part of any Ministry.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) pointed out the vexatious delay and the trouble and inconvenience it would give to a member in this colony of "magnificent distances," to have to go back to his constituents, upon every occasion he accepted office. Apart from the personal inconvenience, there was also the delay of public business. Supposing, for instance, the hon. member for Kimberley had to go back to his constituents, at the extreme end of the colony? True the difficulties in the way were reduced by reason of the telegraph wire being brought into requisition; still a considerable delay must necessarily take place, while members were scattered through the wilds of the colony, like lost sheep, trying to find their constituents. In this respect there was not the slightest comparison between here and Great Britain, nor even the other colonies that were more closely populated than we are.

MR. MARMION thought any gentleman who might be a member of any Ministry hereafter would be very cautious before he accepted office, unless he felt pretty sure that he did so with the concurrence of his constituents. He quite agreed with what had fallen from the Attorney General on this subject, that it was attended with a great deal of inconvenience and waste of valuable time for no good purpose. In this colony especially, where it was so awkward for members to communicate with their constituencies at a distance, it would cause most vexatious delay, especially in connection with remote constituencies, if a member was compelled to go back for re-election upon accepting an office in a Ministry. It would be still more vexatious when all the members of a Ministry had to do so, perhaps in the middle of a serious political crisis; and the whole business of the country had to remain at a standstill, while the elections were taking place, say at Kimberley, or Roebourne, or Albany, and the whole of the returns had to come in from the outlying polling places.

MR. BURT: A Ministry wouldn't offer a member office, if he represented a very remote constituency.

MR. MARMION: He might be a very good man, and indispensable for the Ministry. It might be the hon. and learned member himself. I think it would be a mistake to introduce any such vexatious provision into the bill. No such provision is contained in the bill now, and I think we may well let it go as it is.

MR. A. FORREST would certainly oppose the amendment. He thought it would probably do the hon. and learned member for the North himself more harm than anybody else, if he expected to represent that district in the future; for the hon. member would probably be one of those who would be almost sure to be called upon to assist in forming a Ministry. It would be very awkward if the hon. member had to go up to the North—awkward for himself and for the business of the country, which would be at a standstill all the time. He thought that for the present at any rate we might do without this re-election business.

MR. RICHARDSON said he agreed in principle with the amendment, but there were some practical difficulties in the way of carrying it out. Our electorates were very far apart, and remote from head quarters, many of them; and though communication might be carried on by means of the telegraph wire, still most members would like to be on the spot. It might be very necessary that they should be on the spot. Some adventurer, knowing the time was short, and the difficulties in the way, might take unfair advantage of the sitting member, and oust him out quite unsuspectingly, by springing a mine upon him, in some hole-and-corner kind of way. No doubt such tricks would be resorted to under another form of Government, for party purposes. That was his only objection to the amendment. Theoretically the principle, no doubt, was a good one; but there were practical difficulties in the way. South Australia was said to be the one exception to the rule; and they had been told that, as a consequence, changes of Ministries occurred very frequently in that colony. But they had not yet heard anyone asserting that this was the only reason for these frequent changes. There might be other reasons conducing to them; and, unless it was clearly shown that they were attributable to this, he

did not think much value should be attached to that argument.

Question put—That the words proposed to be struck out stand part of the clause.

The committee divided, with the following result—

Ayes ...	12
Noes ...	12

**AYES.**  
Mr. Congdon  
Hon. J. Forrest  
Mr. A. Forrest  
Mr. Marmion  
Mr. Morrison  
Mr. Pearce  
Mr. Richardson  
Mr. Shenton  
Mr. Sholl

Hon. C. N. Warton  
Hon. J. A. Wright  
Hon. Sir M. Fraser, *q.c.m.s.*  
(Teller.)

**NOES.**  
Mr. De Hamel  
Mr. Grant  
Mr. Harper  
Mr. Keane  
Mr. Loton  
Mr. Paterson  
Mr. Randall  
Mr. Rason  
Mr. Scott  
Hon. Sir J. G. Lee Steere, *Kt.*  
Mr. Venn  
Mr. Burt (Teller.)

The number of votes being equal,

**THE CHAIRMAN** said: The way my casting vote will be given will be in the way that I conceive is most in accordance with parliamentary and constitutional practice; and that is, that the Speaker's or the Chairman's vote should not decide the question; and, in this case, I think my vote should not decide a question involving a departure from a recognised constitutional principle of the British Empire. Therefore I give my vote with the Noes.

The words in question were consequently struck out.

**MR. MARMION** said he was not at all satisfied with the result of the division. As a further test, he moved that the following words be inserted in lieu of those that had been struck out: "than any office liable to be vacated on political grounds." The sub-section would then read that a member's seat would be vacated if he accepted any office of profit from the Crown, other than an office liable to be vacated on political grounds, —in other words a ministerial office. He only hoped that the committee would reverse the vote they had just recorded.

**THE CHAIRMAN**: The committee has already decided to strike out these words, or words precisely to the same effect.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): The motion of the hon. and learned member for the North was simply to strike out certain words—not for the purpose of inserting any other particular words. The hon. and learned

member was not adroit enough. I submit we can now insert any words we like in lieu of those struck out.

**THE CHAIRMAN**: I understood that the vote of the committee distinctly implied that Ministers should seek re-election. The question was put in the way it was—"that the words proposed to be struck out stand part of the clause"—for technical reasons only; it is the usual formula. The object in view was thoroughly understood.

**THE HON. SIR J. G. LEE STEERE**: Does the hon. and learned member for the North intend to move the proviso appearing in his name on the Notice Paper,—"Provided that members accepting office liable to be vacated on political grounds shall be eligible for re-election, or (while the Council remains nominated) for re-appointment?"

**MR. BURT**: Certainly.

**THE HON. SIR J. G. LEE STEERE**: Then why cannot the hon. member for Fremantle be content to vote against that?

**MR. BURT**: Certainly he can. I appeal to the Chairman,—whether the amendment now put forward does not raise exactly the same point as we have just decided?

**THE CHAIRMAN**: It certainly does so in my opinion, subject, however, to my being otherwise convinced, on sound grounds. That is what was in the mind of the committee, I take it.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): I must take exception to that view, for this reason: when the committee, sir, upon your casting vote, agreed to strike out those words, upon the motion of the hon. member for the North, nothing was said as to any words being inserted in lieu thereof. No one knows what was in the mind of the committee, when they agreed to strike out those words. It seems to me that the main question was never before the committee, as to whether members should go back for re-election upon accepting Ministerial offices. The only question before the committee was to strike out certain words, which was done.

**MR. BURT**: And those words were of precisely the same purport as those which it is now proposed to put in again, relating to the re-election of members accepting Ministerial appointments.

**THE COMMISSIONER OF CROWN LANDS** (Hon. J. Forrest): Nothing was said about re-election. Who is to know what was in the mind of the committee, when that question was put?

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): It is quite clear that the Chairman knew what was in his own mind, but it does not follow that in giving his casting vote—as he had a perfect right to do, with his reasons for doing so, or without his reasons, constitutional or otherwise,—his mind was attuned to that of the committee.

**MR. MARMION**: Then I shall move that these words be inserted, so that there may be no mistake about it.

**THE CHAIRMAN**: I wish to state distinctly that were it not that I had expressed somewhat strong views on this subject of the re-election of Ministers, and that I felt strongly on the subject, and that the committee might possibly think I was acting in a prejudiced manner, I should certainly refuse to put this amendment; for there is not the slightest doubt that the object of it is to attempt to reverse a decision already arrived at. But I should be sorry to let any member think that I was in any way prejudiced. The question is, that these words be inserted.

**THE ATTORNEY GENERAL** (Hon. C. N. Warton): No one, Sir Thomas Campbell, can have heard your decision without feeling the highly honorable motives which actuate you; we know you are always actuated by the same highly honorable motives. It is only because I also feel very strongly on this point that I avail myself of a technicality to again press upon the committee the inconvenience of the practice which they propose to introduce, of compelling a member upon accepting a ministerial office to go back to his constituents for re-election. All my training and experience have been political and parliamentary, more even than legal, so that I think I am entitled to speak with some little authority on this point. I assure the committee that statesmen of all parties in England are agreed that the provisions of the statute of Anne are antiquated and out of date. This provision requiring Ministers of the Crown upon accepting office to go back for re-election was passed at a time when there existed

great fear of the powers of the Crown and its Ministers. In a certain sense they are now Ministers of the people rather than of the Crown, and are chosen by a very different system of parliamentary procedure from what they were when that old statute of Anne was passed, and the reasons which then existed for having this provision have passed away, but the practical inconvenience prevails, and, in England, weeks are wasted and the whole business of the country is kept at a standstill, through it. So much has this inconvenience been felt that, as I said, statesmen of all parties are agreed as to the desirability of doing away with this provision. It has been said that our circumstances are different from those of the mother country, and that the inconvenience here will not be felt. But see what will practically happen? What possible gain will there be? We shall have a House of 80 members, and in that House perhaps a Ministry with a majority of 20 to 10; there may, perhaps, be only four Ministers in the House, and is it likely that the mere fact of their having to go to the country for re-election would affect that majority? We know that the leaders of parties are popular men in their constituencies, and do you think that three out of the four would not be sure to be re-elected? Would it affect the majority if one or two of them were not returned? See the delay and the inconvenience it would give rise to, if through some fluke or other, they were not returned, and other appointments had to be made, and another appeal to the electors; and all this time the business of the country at a standstill. I have nothing to do, myself, with these things; the future is for you. All I can say is, and all that I will say is, that if the committee having, through a technicality of procedure, had an opportunity of reversing its vote, does not choose to avail itself of that opportunity, the day will come when they will regret it.

Committee divided on the amendment, —that the proposed words be inserted; the numbers being—

Ayes ... .. 11

Noes ... .. 14

Majority against ... 3

**AYES.**  
 Mr. Congdon  
 Mr. A. Forrest  
 Hon. J. Forrest  
 Hon. Sir M. Fraser, *&c.*  
 Mr. Marmion  
 Mr. Pearce  
 Mr. Richardson  
 Mr. Shenton  
 Mr. Sholl  
 Hon. J. A. Wright  
 Hon. C. N. Warton  
 (Teller.)

**NOES.**  
 Mr. De Hamel  
 Mr. Grant  
 Mr. Harper  
 Mr. Keane  
 Mr. Loton  
 Mr. Morrison  
 Mr. Parker  
 Mr. Paterson  
 Mr. Randall  
 Mr. Eason  
 Mr. Scott  
 Hon. Sir J. G. Lee Steere, *&c.*  
 Mr. Venn  
 Mr. Burt (Teller.)

MR. BURT moved that the following words be added to the sub-section: "Provided that members accepting office liable to be vacated on political grounds shall be eligible for re-election, or, while the Council remains nominated, for re-appointment."

Question—put and passed.

Clause 29, as amended, agreed to.

Clauses 30 to 36:

Agreed to, *sub silentio*.

#### Electoral Districts.

Clause 37.—"The colony shall be divided into thirty electoral districts, each returning one member to serve in the Legislative Assembly, that is to say, the districts of—

East Kimberley	Fremantle, North
West Kimberley	Fremantle, South
Roebourne, Town	Fremantle, Suburban
Roebourne, East	Murray
Roebourne, West	Wellington, North
Gascoyne	Wellington, South
Murchison	Nelson
Geraldton	Sussex
Greenough	Toodyay
Irwin	Northam
Moore	York
Swan	Beverley
Perth, East	Williams
Perth, West	Kojonup
Perth, Suburban	Albany.

MR. SCOTT said he agreed with this proposed division of the colony into electoral districts, with one exception, and that was as to the Perth districts. He thought that instead of there being three, there ought to be four electorates in the metropolitan division. He thought the suburban districts of the Canning and Wanneroo should be combined, and have a member of their own; and, in order to allow this extra member, he would suggest that the Nelson district be struck out. He thought it would be generally acknowledged that the town of Perth itself, the seat of Government, was entitled to three members, and he thought the surrounding districts of Wanneroo and the Canning should have their own representative. Those districts might be said to have different interests alto-

gether from town interests, and at present they had no voice whatever, thrown in with Perth, the town votes completely swamping them. The Nelson district was a very small and not very important district, *per se*, and might well be amalgamated with the Sussex or some other district. He did not think it could be said that in moving in this direction he was advocating centralisation of power in Perth, because the extra member he wanted was not for the town of Perth at all but for the surrounding country districts, and he was doing it in the agricultural interest, rather than town interest.

MR. SHOLL moved that progress be reported. He must protest against the indecent way in which this matter was being pushed through. It was now very late, and all the members residing at Fremantle, and other members, had left. He thought it was very necessary they should have more time to consider the report of the select committee on these electoral divisions; it had only been laid on the table that evening.

MR. PARKER said that Perth virtually had three members given to it, under the arrangement now proposed. If they looked at the return of the number of voters who voted at the Canning last election they would see that only about 20 voted there altogether. [Mr. SCOTT: They came into Perth.] As for Wanneroo there could not be more than a dozen electors there. If they were going to give these two districts a member of their own, he thought they ought to take away one member from Perth. He could not help thinking that Perth and Fremantle would have a very large preponderance of representation under this bill. It was proposed to give these two towns six members between them, which meant one-fifth of the representation of the whole colony. It was only proposed to have 30 members altogether, and these two towns were to be given six, which he thought was rather more than they ought to have. Population was not everything. They must consider all other interests. Some of the other districts were very large and important districts—Albany, for instance; and it was only proposed to give them one member each. It struck him that Albany would become a very much more important place in the future,

and they had tacked to it a very large extent of country for purposes of representation in the Assembly. There were other very extensive districts that would only have one member, and he thought Perth and Fremantle ought to congratulate themselves upon getting no less than six members between them.

THE HON. SIR J. G. LEE STEERE could not help expressing his astonishment that the hon. member for Perth should have the audacity to propose to abolish the Nelson district, an important country constituency, for the sake of giving the Canning and Wanneroo a member of their own. He did not think the hon. member could have the slightest idea of the Nelson district—an important farming district—when he proposed that it should give way to Wanneroo and the Canning, where there were only some 30 electors, or so. It was ridiculous. He had been wondering why the hon. member should have picked upon the Nelson district of all the districts in this schedule for the purpose of striking it out; certainly there were many others which he should imagine were less entitled to a member of its own than the district of Nelson. He did not think the hon. member could be serious. He was sure the hon. member would get no support in that House to his proposition.

The motion to report progress was agreed to.

Progress reported.

The House adjourned at twenty minutes past eleven o'clock, p.m.

## LEGISLATIVE COUNCIL,

*Tuesday, 26th March, 1889.*

Petition (No. 1) from Mrs. Tracey, of Guildford, complaining of grievous injustice in being dispossessed of her landed property—Correspondence between the Government and owners of s.s. *Australind*, as to steamer not calling at Wyndham—Constitution Bill: in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

### PETITION FROM MRS. TRACEY, OF GUILDFORD.

MR. RASON presented a petition from Mrs. Eliza Tracey, of Guildford, complaining of grievous injustice in being dispossessed of her landed property, and praying for some redress. The petition, he said, was signed by 41 residents of the Swan district, in support of the petitioner's cause.

The petition was handed in.

THE ATTORNEY GENERAL (Hon. C. N. Warton) said the signatures were not on the same sheet of paper as the body of the petition. The whole document ought to be in one continuous roll.

THE SPEAKER said he had pointed out a similar irregularity in a petition presented during the last session of Council. Members presenting a petition should see that it is in proper form.

The documents were then handed up to His Honor.

THE SPEAKER: I see there are two petitions here, one from Eliza Tracey, and signed by her, which seems in order; and a second petition, with several signatures attached, addressed to the hon. member, Mr. Rason, which, of course, is highly irregular. All petitions intended for consideration by this House should be addressed to the Legislative Council, and not to individual members. Eliza Tracey's petition appears to be perfectly in order, and that is the only one which it is competent for this House to receive.

Petition received and read.

MR. RASON moved that a select committee be appointed to inquire into the allegations contained in the petition, with power to call for persons and papers. He did not propose at this stage to com-