

Question put and passed.

Bill read a second time.

Passed through Committee without amendment, and the report adopted.

Bill read a third time, and *passed*.

NORTHAM-GOOMALLING RAILWAY BILL.

ALL STAGES.

Received from the Legislative Assembly, and read a first time.

THE COLONIAL SECRETARY (Hon. G. Randell): I beg to move that the Bill be read a second time. We have discussed this line in all its bearings, and there is no necessity to say anything further.

Question put and passed.

Bill read a second time.

Passed through Committee without debate, reported without amendment, and the report adopted.

Bill read a third time, and *passed*.

PROROGATION ARRANGEMENTS.

THE COLONIAL SECRETARY (Hon. G. Randell): I understand that His Excellency will be prepared to prorogue Parliament to-morrow at noon, if that will meet the view of hon. members. I want to impress on hon. members that it will be necessary to have a quorum, and I ask their kind consideration so that there may be no mishap, therefore I ask that hon. members will assemble before half-past eleven.

HON. J. W. HACKETT: I would like to ask the Colonial Secretary whether he can tell us who will be the Premier to-morrow morning, and if he can inform members how far the debate has proceeded in another place?

THE COLONIAL SECRETARY: It will be necessary for hon. members to meet not later than half-past eleven, and I will communicate at once with the Premier on the matter.

HON. J. W. HACKETT: The present Premier?

THE COLONIAL SECRETARY: The hon. member would not speak in such a light-hearted way if he were in earnest. If it will suit hon. members to assemble at half-past eleven to-morrow, I will communicate with the Premier at once and see if His Excellency will be prepared to prorogue Parliament to-morrow at noon.

ADJOURNMENT.

THE COLONIAL SECRETARY moved that the House at its rising do adjourn until 11:30 a.m. on the following day. The Governor would be prepared to prorogue Parliament at noon.

THE PRESIDENT urged members to attend to-morrow forenoon, because there might be some business to transact before the hour of prorogation, and it was necessary to have a quorum.

The House adjourned at twelve minutes to 10 o'clock, until 11:30 a.m. the next day.

Legislative Assembly,

Friday, 15th December, 1899.

Papers presented—Question: Billiard Saloon Bars at Albany—Motion (urgency): Dr. Hungerford, R.M. at Russellton—Fisheries Bill, Council's Message—Metropolitan Waterworks Amendment Bill, Council's Amendment—Land Act Amendment Bill (Mining), Council's Amendments—Mineral Lands Amendment Bill, Council's Amendments—Patents, Designs, and Trade Marks Bill (abandoned)—Menzies-Leonora Railway Bill, third reading—Northam-Goomalling Railway Bill, second reading, in Committee (Division), point of order, third reading—Motion: Federation, a Dissolution of the Assembly, point of order, debate, Division (negative)—Companies Act Amendment Bill, Council's Amendments—Adjournment: Prorogation arrangements.

THE SPEAKER took the Chair at 7:30 o'clock, p.m.

PRAYERS.

PAPERS PRESENTED.

By the COMMISSIONER OF RAILWAYS: Plans, etc., in connection with Menzies-Leonora Railway Bill and Northam-Goomalling Railway Bill.

By the PREMIER: By-law of Albany Municipal Council, Ulster Road reserve.

Ordered to lie on the table.

QUESTION—BILLIARD SALOON BARS
AT ALBANY.

MR. ILLINGWORTH, by leave and without notice, asked the Premier: In regard to the question I asked last evening on behalf of the member for East Perth (Mr. James), by error I inserted 12 o'clock midnight instead of 11. I ask now, is it a fact that the magistrates at Albany have given consent for billiard saloon bars to remain open after 11 o'clock at night?

THE PREMIER (in reply): I cannot answer the hon. member off-hand, but will try to give the information to-morrow. The question as it appeared on the Notice Paper was put to the Government Resident at Albany by telegraph, and the reply which he sent was very strong, to the effect that the statement was absolutely untrue. I really do not know what object the hon. member desires to serve by putting this further question. It seems to me that if the magistrates at Albany have not power to allow a public-house to keep open after 11 o'clock at night, Albany being one of the important ports of the colony, they ought to have that power. People landing from P. and O. and Orient steamers in the night-time at Albany must have some means of obtaining refreshment.

MR. WILSON: They are travellers.

MR. ILLINGWORTH: If the Premier will make inquiry, he will find there is something serious in the matter.

MOION (URGENCY)—DR. HUNGERFORD,
R.M. AT BUSSELTON.

MR. LOCKE (Sussex) moved the adjournment of the House, in order to make an explanation with regard to a resolution passed by the House on the previous evening, for the production of all papers *re* inquiry into the conduct of the Resident Magistrate at Busselton. Those papers were not yet on the table, and if the House was to be adjourned to-morrow, the papers were not likely to be heard of this session; therefore he asked the indulgence of the House in order to explain his reasons for moving for those papers. Five or six months ago he received eight or nine serious complaints from some of the leading settlers at Busselton, relating to the conduct of this officer. These documents were forwarded to the Premier,

afterwards to the resident medical officer, then to the Colonial Secretary, and, in the course of many weeks, to the Executive Council, who decided that the charges were of so serious a nature that an investigation was necessary. Those settlers who complained declared they had no personal feeling against the doctor, but merely suggested that in consequence of his negligence, he had lost the confidence of the people and ought to be removed. A board of inquiry, consisting of the chief medical officer of Perth, the police magistrate of Perth, and the resident magistrate of Bunbury, investigated the matter with closed doors at Busselton some months ago; but, although repeated application had been made to the Premier and other members of the Ministry, he (Mr. Locke) had been unable to ascertain the result of the investigation, and, therefore, was unable to reply to inquiries by the settlers as to this matter. If there was sufficient cause for an inquiry with closed doors, in all justice to the settlers, to the officer involved, and to himself, as representative of the district, some information ought to have been made available. The Premier, or some member of the Ministry, ought to afford the House some explanation in regard to this most serious charge made against a member of the civil service.

THE PREMIER: The statement of the member for Sussex (Mr. Locke) was absolutely correct as to the appointment of a board to inquire into certain allegations against the medical officer at Busselton. Several letters were received from persons complaining of the officer's unskilful treatment of members of their families, it being stated that in consequence of his neglect several deaths had occurred. These serious allegations made an inquiry necessary, and the delay in the preparation of the report was to be regretted. It might be explained, however, that he (the Premier) had heard that the result of the inquiry had been to altogether exonerate the medical officer from blame, the charges having fallen to the ground absolutely; and no doubt that was the case, or there would not have been delay in the presentation of the report. He (the Premier) supposed that the principal medical officer, feeling there was nothing in the charges, had neglected

really to do what he ought to have done, owing to causes which he might be able to explain. No doubt the report should have been sent in at once, in the interests not only of the community, but of the officer himself. He (the Premier) had made inquiries at the Colonial Secretary's office, and had urged that the report should be sent in; and the last he had heard was that it had been sent to the Resident Magistrate at Bunbury for his signature. Dr. Black, the principal medical officer, was at present at Menzies, and would not return until to-morrow evening; but the member for Sussex might rest assured that when Dr. Black did return, the report would be submitted to the Government and every opportunity given of perusing all the papers connected with the matter. He (the Premier) had heard from the Under Secretary, who was a good authority, that the charges had altogether fallen to the ground; and at the beginning he (the Premier) thought it would be difficult to prove the allegations made, though at the same time they were so serious that some inquiry was necessary.

MR. LEAKE said he was particularly glad to see that this officer, as a member of the civil service, had been exonerated.

THE PREMIER said he had only heard it was so.

MR. LEAKE: The same thing had been heard by him (Mr. Leake), and he was sorry the member for Sussex (Mr. Locke) should have made such pointed reference to the charges. If the suggestions made by the hon. member had remained uncontradicted, serious injury might have been done to this officer; and in confirmation of the rumour of exoneration, there was the fact that the gentleman still held his office, whereas had he done anything which ought not to have been done by him, hon. members might rest quite certain his services would have been dispensed with long ago. After all, it was not certain that the member for Sussex had any right to complain of the papers not being on the table until they were complete, and they could not be complete until the report had been furnished. He (Mr. Leake) only rose to protest against anything like an indirect charge or insinuation being cast on any member of the civil service; and it was to be regretted the hon. member should have

brought forward this charge in so pointed a manner as on a motion to adjourn the House. He firmly believed the officer had been exonerated, and hoped the member for Sussex had got over the eight or nine complaints from which he suffered when moving the adjournment of the House.

MR. LOCKE (in reply): After the explanation of the Premier, and the sarcastic remarks of the leader of the Opposition (Mr. Leake), he asked permission to withdraw his motion. It was with pleasure he heard the doctor had been exonerated; but he could not agree with the remarks of the member for Albany, that his (Mr. Locke's) suggestions were pointed in any way, because he simply stated facts; and, in justice to the officer involved, it was necessary some explanation should be made.

Motion, by leave, withdrawn.

FISHERIES AMENDMENT BILL.

LEGISLATIVE COUNCIL'S MESSAGE.

The Council having made amendments to which the Assembly had disagreed, and on two of which the Council insisted, the same were considered.

IN COMMITTEE.

THE PREMIER: Did the Council's amendment mean that anyone could fish with a net without a license?

MR. KINGSMILL: The only reason for objecting to the Council's amendment was that it provided that only those who used a seine net required a license, whereas there were at least three or four other kinds of net. However, he would not further oppose the amendment.

MR. LOCKE: Better do so, even if the Bill were lost.

THE PREMIER: No; let the Council's amendment be agreed to.

THE MINISTER OF MINES moved, that the Council's two amendments in Clause 5 be agreed to.

MR. MORGANS: Apparently the Legislative Council was running the Legislative Assembly.

THE PREMIER: This was not a money Bill.

MR. MORGANS: True; but, especially during the latter part of this session, the Upper House had objected to everything passed by majorities in this

Chamber, and the time had come when the Assembly should assert itself.

MR. ILLINGWORTH: It should have done so last night.

MR. MORGANS: Let the Upper House understand that the Assembly did not discuss measures exhaustively in order that the Council might trample underfoot the results of these labours. A good opportunity now offered for testing the question.

MR. JAMES: To do so would be playing into their hands.

MR. MORGANS: Surely not.

THE PREMIER: The Bill as amended by the Council was better than nothing.

MR. MORGANS: It should be understood that this Assembly had some voice in shaping the destiny of the country.

Question put and passed.

Resolution reported, the report adopted, and a message accordingly transmitted to the Council.

METROPOLITAN WATERWORKS AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENT.

Amendment made by the Council in Clause 17, considered.

Resolved in Committee that the amendment be agreed to.

Resolution reported, the report adopted, and a message accordingly transmitted to the Legislative Council.

LAND ACT AMENDMENT BILL (MINING).

LEGISLATIVE COUNCIL'S AMENDMENTS.

Schedule of five amendments, made by the Legislative Council, considered.

IN COMMITTEE.

No. 1, clause 2, line 4, after "division" insert "exclusive of that portion lying eastward of the line described in Section 93":

THE PREMIER: The lands eastward of the line referred to were those contiguous to the coast as far as Esperance Bay, and had been included in the South-West Division by the Land Act of 1898, for the purpose of settlement under the conditional purchase regulations; and it had also been provided that the Act should not interfere with the pastoral tenants in regard to their rents. As the law stood, it might be construed that a

rental of £1 per thousand acres imposed in the South-West Division or in the goldfields applied to the portion east of the line as far as Esperance. Of course that would not be fair, and had not been intended. He moved that the Council's amendment be agreed to.

Question put and passed.

Amendments 2 and 3—agreed to.

No. 4, add new clause to stand as Clause 11:—"Any person who shall unlawfully fell, cut, saw, split, or bark any timber or tree growing or felled upon any land comprised within the area of any timber lease shall, on conviction, pay a fine not exceeding £10; and all such fines may be recovered before a Resident Magistrate or any two justices of the peace in petty sessions":

THE PREMIER moved that the amendment be agreed to.

MR. JAMES called attention to the sweeping nature of the amendment, making it an offence for a person to remove any timber off a timber lease.

THE PREMIER: The amendment declared such removal to be unlawful, and if the tree or timber removed did not belong to the timber lessee, the only person who could proceed against an offender would be the Crown.

MR. WALLACE: This clause had been previously introduced into the Bill while passing through this House, and was disapproved by the Premier and other members, yet now the Premier had moved that the new clauses be agreed to.

MR. JAMES: If a person removed any "timber or tree" inside a timber lease, he was to be liable to a penalty not exceeding £10, yet a miner holding a mineral lease within a timber area would have the right to take timber within his area.

THE PREMIER, by leave, withdrew his motion, and moved as an amendment on the Council's amendment that the words "or tree" be struck out.

Amendment (the Premier's) put and passed, and the new clause as amended agreed to.

No. 5, Schedule, strike out the words "hereby demises" and insert "doth hereby grant and demise."

MR. JAMES: This was too twopenny-halfpenny.

MR. MONGER: Worthy of the source from which it emanated.

THE PREMIER moved that the amendment be agreed to.

Question put and passed.

Resolutions reported, the report adopted, and a message accordingly transmitted to the Council.

MINERAL LANDS AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The Council having made three amendments in the Bill, the same were considered in Committee, and agreed to.

Resolutions reported, the report adopted, and a message accordingly transmitted to the Council.

PATENTS, DESIGNS, AND TRADE MARKS BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

The Council having made amendments in the Bill, the Assembly dissenting, and the Council insisting on amendments in Clauses 14, 17, and 98, the Council's message thereon was read.

No action taken. Bill thus abandoned.

MENZIES-LEONORA RAILWAY BILL.

Read a third time, and transmitted to the Legislative Council.

NORTHAM-GOOMALLING RAILWAY BILL.

SECOND READING.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse): I beg to move that the Bill be now read a second time.

MR. MONGER (York): Whilst I have no objection to this Bill being read a second time, I would like to call the attention of hon. members, and especially those particularly interested in this railway, to the new clause of which I have given notice this evening, to be moved when the Bill comes before us in Committee. I wish to impress on the member for Northam (Hon. G. Throssell) particularly the nature of the clause of which I have given notice. When this item was before us the other evening as a portion of the Loan Bill, it was then practically agreed amongst hon. members that a clause to the effect I intend to move in Committee should receive not only the favourable consideration of the bulk of hon. members, but also of the

members more particularly interested in the Bill.

THE COMMISSIONER OF RAILWAYS: The Government are taking every precaution, and the people in the district have already given an assurance that, excepting of course where the line passes through improved property, no compensation will be claimed. An agreement has already been drawn up to that effect, and will be signed by the people concerned, and the matter will be fully looked into before the line is constructed. The country will be protected in every way; and it is to be hoped there will be no repetition of the difficulty which occurred formerly at Northam. There is an earnest desire on the part of the people in Goomalling district to see this railway built; and as the line runs principally through an agricultural district, the compensation in any case will not be large.

Question put and passed.

Bill read a second time.

IN COMMITTEE.

Clauses 1 to 3, inclusive—agreed to.

New Clause:

MR. MONGER moved that the following be added, to stand as Clause 4:

No compensation shall be paid to any person in respect of land entered upon or taken for the purpose of the said railway.

Some years ago, when the line between Northam and Southern Cross was to be constructed, the people of Northam gave pledges that no claim would be made for compensation for land taken; but shortly after the completion of that line the Government had the pleasure of seeing the pledges, not only of the principal people of Northam, but also the pledge of the member who represented that district, disregarded, and of paying some thousands of pounds as compensation. While he (Mr. Monger) was desirous of seeing agricultural railways constructed, he was not desirous of seeing people compensated to a considerable extent, simply because a line of railway had conferred a considerable benefit on them by passing through their lands. Having had experience in the case of Northam, he thought it only his duty to introduce this clause, which he believed would be supported by a majority of members. He was desirous of seeing

this very fertile portion of Western Australia opened out, but the railway must be built for the benefit of the farmers and settlers residing in the more remote parts near Goomalling, and not for the benefit of a few people near Northam.

THE COMMISSIONER OF RAILWAYS: At this late stage of the session, it would be unwise to agree to a new clause of this kind, especially when it was remembered that there was a Railways Act, which governed the taking of land for railway purposes. It was intended, or hoped at least that next session an amending Railway Bill would be brought in, to deal with this matter of land for railways, in a different way to that in which it had been dealt with in the past. He had always believed that in cases where improvements had been made to property in consequence of railway construction, there ought to be some system of betterment, or some fresh conditions laid down by law.

MR. MOORHEAD: Purchase the land before the surveys were published.

THE COMMISSIONER OF RAILWAYS: The Committee could not very well agree to the new clause, seeing that in all the previous railway Bills passed this session, no such provision had been made; and it would be unfair to the people on the line of route of the Northam-Goomalling line to ask them to accept such conditions. It would be better to leave this clause until the amending Bill of which he had spoken was introduced, because the people had agreed not to claim compensation.

MR. ILLINGWORTH: So did the Northam people previously.

THE COMMISSIONER OF RAILWAYS: In the present instance, the agreement had been so drawn that it could not be evaded. The Government had the power of taking for railway purposes one-twentieth of a person's land, if not improved, and a great portion of this line ran through rural land to which this condition would apply. The member for York (Mr. Monger) was not correct when he said that a great portion of the land would pass through the town lands of Northam, because it was intended to carry the line along the present railway for a distance of one mile and a quarter, when the rural lands to which he had just referred would be reached.

The Government were doing their best to avoid paying compensation, and, as he had said, the people were prepared to enter into an agreement to that effect.

MR. ILLINGWORTH: But the people of Northam on a previous occasion entered into an agreement and did not keep it.

THE COMMISSIONER OF RAILWAYS: That agreement was not legally drawn up, but was merely a promise; and even the York people on that occasion got compensation in the same way.

MR. MONGER: On that he begged to join issue.

THE COMMISSIONER OF RAILWAYS: And some of the York claims had only recently been settled, although the railway had been built some 10 or 12 years. It seemed to be that immediately a railway was constructed, people made as large claims as possible for compensation; and it was that the Government were trying to avoid now.

MR. LEAKE: The past experience with Northam in regard to land compensation was quite enough. The Commissioner had told the Committee this line would branch off from the present line, one and a quarter miles from Northam, and that it would not run through any town lands. The inference was that there would be no compensation to pay; but in case claims might be made it would be just as well to protect the Government in the way suggested by the member for York (Mr. Monger).

THE PREMIER: The clause would block the railway.

MR. LEAKE: The clause would not block the railway in the slightest degree, because under the Railways Act the Commissioner could take land for the purpose of a railway, without paying compensation.

MR. MOORHEAD: Did the Commissioner take land where a certificate of title was issued?

MR. LEAKE: There were two powers possessed by the Commissioner: either to take land under the Railways Act, or to resume land under the provisions of the Crown grants, and compensation was paid under the provisions of the Railways Act. What was desired was that the enterprising gentlemen of Northam should not get quite so much out of the Treasury as they got before. On that occasion certain

landowners represented to the Government that they would allow the railway to run through their land without claiming compensation, and the Commissioner for the time being thought that agreement related to town lands, as indeed it was intended to relate. Unfortunately however, the title deeds and the agreements, which had all been signed, were locked up in the safe in the office of the Commissioner of Railways, and lost. At any rate, those papers did not appear until two or three years afterwards, and when the agreements came to be examined, they were found to relate not to Northam town lands but to land three or four miles out of Northam, in respect of which the Government had the right of resumption, and were not bound, in any circumstances, to pay compensation. That was the way in which Northam scored against the Railway Department, and it was not desired that sort of thing should happen again. The new clause proposed by the member for York was not only harmless and inoffensive, but proper.

THE COMMISSIONER OF CROWN LANDS said he was at one with the member for York (Mr. Monger) in contending that when a line was constructed through unimproved lands, there should be no compensation paid; and he knew no instance of a railway through agricultural country where compensation had been paid under such circumstances. He saw no reason why a distinction should be made between this unfortunate Goomalling line, and the line which had been made to the historic Greenhills. The member for York had hardly done himself justice, and was hardly as generous as usual in dragging up the ancient history of Northam nine years ago. If he (the Commissioner of Crown Lands) had time he could show that the Northam people were not at all to blame in the matter. The railway was taken through the town site, and hon. members would agree that when such was the case, if compensation were offered, the landowners had a right to take it. As a fact, no claims were made by the people; and if the Government had accepted the written offer of the people that they would only take what was awarded them, and a nominal sum had been tendered, no claims for compensation would have been made. But the offer was thrown

back at the people, and they were told it was not worth the paper on which it was written, and valuers were sent up who, without consulting the people, valued the land, and the compensation was pressed on the owners. This was not the first time the member for York had made reference to this matter, and very possibly he did so with a desire to "draw" him (the Commissioner). It was unusual for the hon. member (Mr. Monger) to act in this ungenerous fashion. As for the member for Albany (Mr. Leake), he had always a "down" on Goomalling, having paid a visit to that place and been not well treated in it. He (the Minister) would be much mistaken if this were not one of the best-paying agricultural lines ever constructed in Western Australia. Though only a paltry £20,000 was to be spent, yet on the promise that this railway should be constructed the Lands Department had disposed of £20,000 worth of land already; and he hoped to be able to announce to the House next year that another £20,000 worth would be sold in connection with the line. Why should any distinction be made between this railway and any other line? True, no compensation should be paid for railways passing through farm lands, the enhanced value given to agricultural land by a railway being an ample reward to the land-owner.

MR. MONGER: While not opposing the railway, but rather favouring it, he must say that if the Government intended to run this line through every farm and orchard on the route, and if compensation were to be paid, the line must be almost one of the worst-surveyed in the world, and there must be something wrong with the surveyors. According to the Minister's argument, there was no need for compensation; therefore why object to the new clause?

THE PREMIER: Time was being wasted on a small matter. This district was all rural land: there were no townsites, but many farms. Undoubtedly it was hard on a small farmer to have a railway run through his ground, to have his paddocks cut up, and land which he had cleared taken from him for nothing. But nearly all the settlers on this route had signed agreements, which were in order, and the major portion had consented to give the land for no-

thing. Three or four, however, wanted the value of the improvements they had made, amounting to about £1 per acre. If the member for Albany (Mr. Leake) were right, and the insertion of this clause would allow the Commissioner to build the railway and to pay nothing for the land, we need not oppose the clause; but he (the Premier) believed that by the clause, if any one objected to give the land, the Commissioner would thereby be prevented from building the railway.

MR. LEAKE: No; the clause merely said that no compensation should be paid.

THE PREMIER: Would the Commissioner have power to take the land?

MR. LEAKE: Certainly; under the Railways Act.

THE PREMIER: Why should Northam be penalised? He had in mind a place 10 times worse than Northam, where the Government had been victimised to a most unjustifiable extent, to about 10 times the value of the land.

MR. CONOLLY: Was not that a good reason for being cautious on this occasion?

THE PREMIER: No. Prevent the evil by a proper Act. Why was not the same clause put in the Norseman Railway Bill? The Government would have to pay for land there and at Menzies. Why this attack on Northam? When the railway to Northam was built, only some £3,000 was paid as compensation for the line going through the town a distance of about a mile and a half, and for this new line little if any compensation would be required.

New clause put, and a division taken with the following result:—

Ayes	...	...	...	15
Noes	...	...	...	15
A tie	...	...	...	0

AYES.
Mr. Connor
Mr. Conolly
Mr. Holmes
Mr. Hooley
Mr. Illingworth
Mr. Klugsmill
Mr. Leake
Mr. Locke
Mr. Monger
Mr. Moorhead
Mr. Phillips
Sir J. G. Lee Steere
Mr. Wallace
Mr. Wilson
Mr. James (Teller).

NOES.
Mr. Doherty
Sir John Forrest
Mr. A. Forrest
Mr. Higham
Mr. Hubble
Mr. Lefroy
Mr. Morgans
Mr. Pennefather
Mr. Piesse
Mr. Quinlan
Mr. Rason
Mr. Throssell
Hon. H. W. Venn
Mr. Wood
Mr. Moran (Teller).

THE CHAIRMAN gave his casting vote with the "noes."

New clause thus negatived.

MR. LEAKE: The last division having been on a question which involved expenditure, should not the Chairman have given his casting vote with the "ayes"? He would appeal to the Speaker.

THE CHAIRMAN: The hon. member, he believed, could not discuss the Chairman's vote. The rule was that the question of the casting vote was not to be introduced into the discussion.

Schedule and title—agreed to.

Bill reported without amendment, and the report adopted.

POINT OF ORDER.

MR. LEAKE asked the ruling of the Speaker as to whether it was open to the Chairman of Committees to give a casting vote with the "noes" on the division just taken, seeing that the Committee had divided on a proposal to increase the burden of the financial liabilities of the colony?

THE SPEAKER: Most of the directions given as to the way in which the Speaker or the Chairman of Committees should give a casting vote, in the case of the votes on either side being equal, were not mandatory directions, because the Speaker could vote as he liked, without giving any reason for voting. Of course there were certain directions laid down for the guidance of the Speaker and the Chairman of Committees, as to the way in which it was considered advisable they should vote; but these directions in his opinion were not mandatory.

THIRD READING.

THE COMMISSIONER OF RAILWAYS moved that the Bill be now read a third time.

MR. MONGER moved that the word "now" be struck out and "this day six months" be inserted in lieu thereof.

MR. LEAKE seconded the amendment. Amendment put and negatived.

Bill read a third time, and transmitted to the Legislative Council.

MOTION—FEDERATION: A DISSOLUTION OF THE ASSEMBLY.

MR. LEAKE (Albany) moved:

'That Parliament having refused to permit the electors to vote for or against the Commonwealth Bill, this House is of opinion that this

Legislative Assembly should be dissolved immediately, in order that the electors may return members pledged to vote for or against a referendum upon the Bill which has been accepted by the rest of Australia.

POINT OF ORDER.

THE PREMIER: I rise to a point of order. I desire to ask your ruling, Mr. Speaker, as to whether the motion is in order, or whether it is not irregular; whether it does not contain a reflection on a vote of this House. If the motion contain a reflection on a vote of this House, then by May's *Parliamentary Practice*, page 233, the Speaker will not allow it to proceed; or if it be irregular, then according to that work, page 232, the same procedure applies. My contention is that this motion erroneously represents the action of this Assembly. It describes as "Parliament" what is really only one branch of the Legislature, the Legislative Council. It states what, in my opinion, is absolutely untrue, namely that Parliament has "refused to permit the electors to vote for or against the Commonwealth Bill," whereas it is only the Legislative Council which has refused. By our law, the Parliament of this country is the Legislature of the colony, and consists of two Houses; therefore, I submit that this motion is not in order, and must be amended and put in a form in which it will be accurate, and which will not cast a reflection on a vote of this House. By a unanimous resolution of this House, it was decided that this Bill should go to the people for their vote.

MR. LEAKE: Not unanimously.

THE PREMIER: Yes; unanimously. When it was put there was no voice in opposition. I say the statement is an untrue statement, and contains a reflection on the vote given by this House.

MR. LEAKE: Is the term "untrue," as used by the right hon. gentleman, parliamentary in this instance?

MR. MORGANS: Say "misleading."

THE SPEAKER: I do not think I can withhold the motion from being discussed in the House, although, in my opinion, Parliament does mean the two Houses of the Legislature.

THE PREMIER: By law it means that, sir.

THE SPEAKER: Yes, by law. But everyone is not of my opinion, because I have heard this question discussed, and

have heard some gentleman say it is not incorrect to allude to this House as the Parliament; but, in my opinion, it is incorrect. I think the way to correct that is by moving an amendment after the motion is made, and I do not think I can withhold the motion from the House.

DEBATE.

MR. LEAKE (resuming): I will repeat the terms of the motion. [Motion again stated.] It does not astonish me that this motion should have met with opposition at the very outset. That opposition is only in the same terms as the opposition which has been given by the right hon. gentleman to this federal movement in its every phase and aspect since the introduction of the question into this Parliament. To throw obstacles in the way, to delay, to burk discussion, to defy the electors, and to refuse them those constitutional privileges which they possess, seemed to have been the first aim of the right hon. gentleman and many of his followers. It will be remembered that the question of federation was referred to in the Governor's opening speech, when it was proposed that Parliament would be consulted after the rest of Australia had accepted the Federal Bill. The second paragraph of the agreement came to by the Premiers in February last was to this effect:

The Premiers of the other colonies are of opinion that, after the people of New South Wales have accepted the Bill as altered, it should be submitted to the Parliaments of their respective colonies for reference to the electors.

That pledge has been so often referred to during the course of debates on federation here, that I do not want to say more than that the conduct of the right hon. gentleman and his colleagues has amounted from first to last to a manifest breach of the pledge which was then given. No one, unless desirous of analysing with the most technical minuteness the phrasing of this agreement, could come to any other conclusion than that it was agreed by the representatives of all the colonies that so soon as New South Wales had approved the Commonwealth Bill, there should be a reference of that Bill to the people in each of the colonies. First of all, of course, it had to be submitted to the Parliaments, but for what purpose? For reference to the electors.

MR. MORAN: Not so: for the approval of Parliament.

MR. LEAKE: I will read the paragraph again. [Paragraph read.]

MR. MORAN: You are talking of the Premiers' Conference: who are they? Whom do they bind, anyhow?

THE PREMIER: It means Parliament to approve of a reference to the electors.

THE ATTORNEY GENERAL: By implication, it meant Parliament to approve.

MR. LEAKE: The Premiers of each of the colonies undertook to use all reasonable endeavours to have that Bill referred to the electors.

MR. MORAN: Who authorised them?

MR. LEAKE: I must ask the hon. member to address the Chair. May I ask you, Mr. Speaker, to ask the hon. member to address the Chair?

THE SPEAKER: The hon. member cannot address the Chair unless he speaks. It is of course irregular to make any interjections.

MR. LEAKE (resuming): That was undoubtedly the pledge which was given by the Premier of Western Australia in February last; and whatever the present Parliament may think of it, whether he had the right to do so or not, at any rate there is his personal undertaking which certainly has not been fulfilled. Why should we not in this colony have the same privilege which the rest of Australia had in casting a vote on this question of federation, or rather I should say, on the question of whether or not this Bill should be referred to the people? I do not propose to-night to deal with the large question of federation or no federation, but to deal with the narrow issue of whether or not in fairness, in justice, we should not have this Bill referred to the vote of the electors, in order that they may say "aye" or "no." We know that Parliament has refused to send this Bill to the electors. It was proposed in the first instance that the Bill should be referred to a Joint Select Committee. On that Joint Committee were 11 gentlemen opposed to federation, and there were three in favour of federation. To that Joint Committee certain resolutions were suggested—suggested by the two chiefs of the anti-federal party, Sir John Forrest and Mr. Hackett. Those resolutions were

carried through the Joint Committee, and were reported upon to this House for approval. Those proposals were approved by the House, and they were sent from here to the Legislative Council, but the Legislative Council did not approve of them. They were introduced by the member of the Government, the Colonial Secretary (Hon. G. Randell) in the Legislative Council, and curiously enough, although there were present in the Council several members of the Joint Committee which had approved of those resolutions, there was not one of those members amongst the anti-federal party who was prepared to second the motion for approving of the Assembly's resolution, and that motion would have been lost for want of a seconder, but for the action of one representative of federation.

THE PREMIER: I do not think that is an accurate statement. I deny it absolutely.

MR. LEAKE: Deny what?

THE PREMIER: That the proposal would have been lost in the Council in the way you say. You are not justified in saying it would have not been seconded.

MR. LEAKE: It was not seconded, and I have this information from hon. members in that House, that there was a considerable pause before there was a seconder, and the question was put from the Chair or to whether or not there was a seconder.

THE PREMIER: How many voted for it, that is the point?

MR. LEAKE: I say Mr. Matheson seconded the proposal, which was ultimately put and thrown out.

THE PREMIER: How many voted for it—more than one?

MR. LEAKE: Prior to this little friction, I call it, there had been considered in this House, and at any rate proposed in the other, a proposal for approving of a certain petition which bore the signatures of 23,000 people of this colony, and that petition was contemptuously rejected—at any rate, in this Chamber. All that the petition asked for was that the Bill approved by the rest of Australia should be referred to the electors of this colony.

THE PREMIER: You got that division by a trick, if you like.

MR. LEAKE: Got a division on a petition signed by 23,000, by a trick? What can the right hon. gentleman be thinking of?

THE PREMIER: You misled me on that.

MR. LEAKE: The right hon. gentleman found himself in that division voting for rejecting the prayer of the petition of 23,000 people of this colony, and if the right hon. gentleman had been true to his pledges and to his principles, and to the principles of fair dealing and fair play, he would at least have brought down the necessary enabling legislation to confirm the resolution which had been passed by this House on his own suggestion, and on a chance vote that this House would have passed the Enabling Bill; and with the influence which the right hon. gentleman possesses, and through the medium of interviews and letters, he might easily have got that necessary Bill through another place; but this measure does not seem to have been treated by the right hon. gentleman with the same regard as other measures. When it is a matter of small moment, for instance such a little railway as that to Bonnie Vale or the Norseman railway, we find big influence is brought to bear to get those matters through the Council; but it is a curious fact that the very resolutions which the right hon. gentleman and his chief adviser —

THE PREMIER: Who is he?

MR. LEAKE: His chief adviser, Mr. Hackett.

THE PREMIER: Are you an adviser too?

MR. LEAKE: The same resolutions which were passed through this Assembly were allowed to be defeated, and practically ignominiously defeated, in another place. I mention these facts not because they are new to hon. members, but by way merely of emphasising the position of to-day; and I ask hon. members if there is anything that is unfair, improper, unconstitutional, in the motion I have moved to-night, to the effect that this Assembly should be dissolved in order that the electors may return members pledged to vote for or against a referendum on the Bill which has been accepted by the rest of Australia. The electors have not been consulted directly or indirectly on this question at any

stage, and they have had no voice in the selection of the federal delegates: there has been no election since federation became a burning question, and an election is practically denied at the present moment. The only way of testing public opinion at present is through the ballot-box, and if public opinion cannot be felt in that manner, how is it to be ascertained? Of course the people may find their voices in some other manner. We do not want to do anything but what is right and constitutional, but only to permit the people to voice their opinion, as I say again, not on the question of federation, but whether this Bill should be referred to their direct vote. I say to-night, as I have said over and over again, I am prepared to abide loyally the result of that opinion, if it is expressed in the proper and constitutional way; and if the people declare that they do not want the Bill referred to them, well and good. If they declare that they do not want federation, I shall be satisfied for the moment, at any rate, though, I dare say, I shall use what effort I can to bring it about at the earliest possible moment. This question of a dissolution has been discussed in the Press, and has been regarded from a constitutional standpoint; and it has been said that I, as leader of the Opposition in this Assembly, have no right to give advice to anybody on this subject. Of course, I cannot presume to know how to advise the Governor, or any person in authority, to act in a particular direction — I should be snubbed, and properly snubbed, for my pains if I attempted to do so—but I have a perfect right in public, and in this Assembly, to express my views on what appears to me to be the constitutional aspect of the question to-day. The people have neither directly nor indirectly been permitted to give an opinion on this important question; and, believing honestly as I do, that a dissolution is the speediest and most proper means of ascertaining their opinion, I submit the motion. I am perfectly well aware a dissolution, at the present time, would be all in favour of the anti-federalists, and of those gentlemen whom the Premier leads. But I cannot help that; and I am prepared to run the risk, because I think there should be no delay in allowing this question to be decided at

the ballot-box. How long the people of this country are going to have their rights defied in the way they are being defied, I am at a loss to know. I do not propose this evening to quote constitutional authorities at any great length, but I have authorities which show what is the proper course. I have before me a leading article from the *Melbourne Argus* of the 5th December which deals with this very question and the situation which obtains in our Parliament to-day. The article has reference to remarks made by myself in public, and quotes no less an authority than Todd, than whom there is no better on Parliamentary Government in Australia. The article says :

Mr. Leake, leader of the Opposition and of the federal party, suggests that the action of the Council has brought about a crisis which would justify the Government in dissolving Parliament. It is very seldom that a Governor does this of his own initiative, but it is not outside his constitutional prerogative. He may, as Lord Brassey did here on Friday, refuse a dissolution. On the other hand, "the Crown can only grant a dissolution upon the advice of a responsible Minister." "But," says Todd, "if an existing administration be not prepared to accept the Governor's decision in regard to a proposed dissolution, and to assume responsibility for the same, they are bound to resign office and give place to other Ministers who are willing to facilitate, and to become responsible to Parliament and the country for the intended exercise of the royal prerogative. Cases are cited in illustration. In one the Governor suggested to his advisers the expediency of an immediate dissolution, in order to get a popular decision on a certain question. He gave them the alternative of accepting his suggestion or of retiring from office. They resigned, and a new Ministry which accepted responsibility for the dissolution, was formed. The appeal to the country vindicated the Governor's action. It goes without insistence that this should be a very rare use of the prerogative. The Governor has three things to consider. First, is federation important enough to justify one of the occasional departures from the ordinary exercise of the prerogative? Second, is there a reasonable doubt as to Parliament being in accord with the mind of the country? And third, would a dissolution secure a clear and decisive voice of public opinion?"

Later, the article says :

Sir John Forrest, who professes both surprise and disappointment at the action of the Council, is still pondering what course he will adopt. The Governor's obligation is to look, if necessary, beyond both leaders and parties and Houses, and study only the public interests. The situation would be simplified if

Sir John Forrest would, under the circumstances, accept the responsibility of advising a dissolution.

The pith of that article lies, I think, in these words : "The Governor's obligation is to look, if necessary, beyond both leaders and parties and Houses, and study only the public interests." Inasmuch as the public interest has not been consulted by referring this great question to the people in any shape or form whatever, I think the public interest would best be served by a dissolution as now suggested. I quote this article to show I do not raise this question merely for the sake of causing a little excitement or anything of the kind, but because I believe there is a big constitutional question involved, and that the position amounts almost to a political crisis, when the Governor is bound to "look beyond both leaders and parties and Houses, and study only the public interests." That is the position which I take up, but I know full well how vain it is to ask this Administration to be guided by constitutional means or motives.

THE PREMIER: The Ministry are a bad lot.

MR. LEAKE: Constitutionalism is not a synonym for selfishness, or at least it ought not to be; but if it were, the success of my motion would be assured. There is another matter which it is well for us to consider, and that is the tone of public feeling. Parliament does not always represent public opinion, particularly when a Government has been in power for two or three years, and when an entirely different state of affairs has arisen from that which existed when the members were returned. That is the case to-day; because federation was not in the air when the present Parliament were elected, and we can only judge of public opinion from what we see and hear and read. No one will deny that the question of federation, and the question of the reference of this Bill to the people, are engaging public attention to a very great extent in this colony. There have been public meetings in all the large centres, and I affirm that in the majority of instances the principle for which I contend, namely the reference of this Bill to the people, has met with unusual support. I will not say the principle has met with unanimous support; but certain hon.

members who, I believe, are in the House to-night attended a fairly representative meeting in the Town Hall, Perth, only a few evenings ago, and must have been impressed with the practical unanimity which there prevailed. The same feeling obtains throughout the country, particularly on the goldfields, not only on the question of federation, but on the question of the reference of the Bill to the vote of the electors. That is the point from which we, who have advocated this course, have never for one moment deviated. We have advocated from the very start, that the Bill should be referred to the people; but every appeal we have made to good sense and manliness has been rejected. What has happened on the goldfields? Exasperated to such an extent, the people are forced to take what appears to me an extreme measure, and cry out for separation. I do not say there is anything practical in that movement.

MR. MORAN: It is rather an old cry with them, too.

MR. LEAKE: I think myself it would not be possible to get separation in time to join the federation as an original State; in fact, I am sure of it.

THE PREMIER: That is a safe statement.

MR. LEAKE: I am generally pretty safe in my statements; but I say that all this shows a great feeling of hostility to somebody.

MR. CONNOR: Fostered by whom?

MR. LEAKE: Fostered, I believe, by this Parliament, and directed against the Government; fostered by this Parliament on account of the unconstitutional attitude which members of this House have taken on this very important question, in refusing to allow the voice of the people to be heard, and in depriving them of their true constitutional rights.

MR. DOHERTY: Not this House.

MR. LEAKE: This House refused to allow the Bill to be sent to the people.

MR. DOHERTY: When?

MR. LEAKE: The House threw out the petition which was signed by 23,000 people; and, instead of maintaining the pledge which was given by the Premier of the colony that the Bill which the other colonies have accepted, and that Bill alone, should be referred to the electors, it was sought to attach a condition or a second principle to the Bill.

THE PREMIER: Which you voted for.

MR. LEAKE: Wait a moment: I will come to that. It was sought to attach extra conditions which were never in contemplation by the other colonies or by this colony in February last. These conditions were attached with the idea of defeating and delaying the federal movement in this colony. The Premier has said that I approved of or voted for these conditions. I did vote for them; but why? I voted for all I was worth in favour of the prayer of the petition of 23,000 people. I voted for the reference of the Bill, unamended, which the other colonies had approved. I objected to these conditions throughout the meetings of the Joint Select Committee, as the Premier well knows; and it was only when I found that unless I voted for the dual referendum I should lose all, that I felt, in fairness to the people, they should have the chance of voting not only on the original Bill, but on the second Bill, taking the chance of their being misled by the latter combining the amendments proposed by the Joint Committee. Therein, I think I acted loyally. The Premier sneers; but I sneer at him when he denies the voice of the people.

THE PREMIER: What is your objection to the Bill as amended by the Joint Committee?

MR. LEAKE: If there is no objection to the Bill, why did the right hon. gentleman not use his great influence in getting it passed through the Legislative Council, or why did he not use the great power which he has and bring down an enabling Bill embodying the two Bills in the schedule, and ask this House to pass them into law?

THE PREMIER: You could not do that in the other House.

MR. LEAKE: But the right hon. gentleman could have brought the Bill into this House without the consent of the other House.

THE PREMIER: They would not pass it in this House.

MR. LEAKE: I assert that course would have carried much greater force than bare resolutions, which we know perfectly well the Premier was doing his best to defeat in the Legislative Council.

THE PREMIER: That is not true.

MR. LEAKE: Well, I repeat the statement.

THE PREMIER: It is not true; and it is very insulting.

MR. LEAKE: There is no insult at all.

THE PREMIER: It is an absolute insult.

MR. LEAKE: I have said on more than one occasion that it is difficult to find language, either within or without Parliamentary bounds, to suit some people. It is a fact that the Premier and his anti-federal colleagues did their best to defeat these resolutions and federation generally in another place, and I will not withdraw the remark.

THE PREMIER: That is just about worthy of you, that is.

MR. JAMES: Hear, hear; the Premier is quite right.

MR. LEAKE: We cannot afford to disregard the expression of public opinion which has been uttered on the goldfields. Only within the last two or three days there has been a large conference there of men representing all classes and interests, from mine managers to the miners themselves, who, by a vote of no less than 60 to 2, have passed resolutions in favour of separation. These men have as much interest in the colony as any member in this House, and I think the same remark applies to every man on the goldfields. Every man who is earning his living in this colony is as much a Western Australian as myself or the Premier; and I hope the time is drawing to a close when we shall have the reflection cast on recent arrivals, that they have no interest in the colony, but are birds of passage, and merely come to get what they can out of the country.

MR. DOHERTY: They did not come here to spend their money.

MR. LEAKE: I do not know what the hon. member came to the colony for.

MR. DOHERTY: To make money.

MR. LEAKE: At any rate, the hon. member does not seem to have come here to protect the constitutional rights of the people who send him to Parliament; and, if so, the sooner we present him with a valedictory address the better.

MR. DOHERTY: You come and try. If you will resign I will resign, and fight you on the question.

THE SPEAKER: Order! order!

MR. LEAKE: The principle for which the hon. member contends is the very one

for which I am contending. I will resign my seat for Albany, if the Premier and every other member will resign their seats for their different constituencies and go before their electors. But there are some, I dare say, of whom it would be too much to ask them to go before their electors, because we know full well they would never come back again.

THE PREMIER: By your direction, I suppose.

MR. LEAKE: There are many men, and the Premier is amongst the number, whom I would prevent getting back to Parliament, if it were in my power to do so, because I believe they do not represent the feelings of either the electors or the people of the colony generally. Considering that the Premier, with all the assurance he possesses when he is in the Chamber, thinks he can control the ballot-box and secure the return of a majority, it is curious he does not immediately accede to the very mild suggestion I have made. It is not a question of returning members pledged to federation or against it; but it is a question of whether or not the electors shall have a voice in declaring for or against the referendum; and to any candidate who is in favour of the referendum, I can promise my support. This is not a question of the Government and the Opposition, or a question of federation or no federation, but merely a question of the referendum or no referendum. And is there an hon. member who occupies a seat in this House, who would dare go on the hustings and say he is against referring this Bill to the people?

MR. MOORHEAD: Then you would support the whole of us.

MR. LEAKE: That is what I say. I should support the present Government, if they would declare themselves in favour of the referendum.

MR. MOORHEAD: I hope you will remember that promise.

MR. LEAKE: I would support even the member for North Murchison.

MR. MOORHEAD: I should be happy to take your offer.

MR. DOHERTY: You (Mr. Leake) did not get in by a large majority, you know.

MR. JAMES: He was returned unopposed the last time.

MR. LEAKE: All these remarks only emphasise the position for which I am contending. They all show that the

principle is a good one; and it will be remembered that whilst we were debating the federal question, I think on the Select Committee's proposals, several members on the other side of the House declared that there ought to be a general election on this question. But now that the question is put to the test, and they are asked directly to vote for an election, we shall find that there will be only about half-a-dozen on the Government side of the House who will vote in favour of a dissolution.

THE PREMIER: Oh, well! You have had a field-night.

MR. LEAKE: I have had a field-night, and I am not sorry for it; because I know perfectly well that I am voicing the opinions of a majority of the electors of this colony, and that I am placing the right hon. gentleman and his followers in a very awkward, and difficult, and nasty, and perilous position.

MR. HARPER: Never mind about that.

THE PREMIER: Do not study us.

MR. LEAKE: I am not going to study the hon. member. I really hope he will give me credit for having some little common sense. The member for Beverley (Mr. Harper) we know we could not turn out. He represents an anti-federal "pocket borough," and is perfectly well satisfied if he can get 1s. a pound for his apples. That is one way of looking at the federal question.

MR. HARPER: And you are satisfied if you can get 6s. 8d. for your attendances.

MR. LEAKE: The member for North Murchison (Mr. Moorhead) says federation would not really affect the price of fruit.

MR. MOORHEAD: That is a matter of quarantine regulations, and has nothing whatever to do with the customs duties.

MR. LEAKE: I do not propose to say any more, but to submit this motion to the House. It cannot be termed a no-confidence motion, because if it had been such, I am certain the Premier would have had the courtesy to say so when the motion was put on the table, or between that time and now. So that I have had a freer hand in discussing this question than I otherwise might have had.

THE PREMIER: You have moved so many no-confidence motions that we are getting tired of them.

MR. LEAKE: I thought you could not have too much of a good thing.

MR. MOORHEAD: They involve a great waste of time.

MR. LEAKE: This is not a question of no-confidence: it is simply a question as to whether or not this House thinks that immediate steps should be taken to voice the opinions of the electors on the big question of the referendum of the Commonwealth Bill which has been adopted by the rest of Australia.

MR. WILSON: I second the motion.

THE PREMIER (Right Hon. Sir J. Forrest): I am rather surprised at the concluding remarks of the hon. member, to the effect that this is not a no-confidence motion. Had these remarks come from anyone else but an astute lawyer and a Queen's counsel, I might have thought the speaker did not know what he was talking about.

MR. LEAKE: Why did you not say the motion was one of want of confidence?

THE PREMIER: Because I did not want to prolong this session, and I knew that the hon. member had a trial of strength with the Government a few days ago, when he was absolutely defeated; and I do not see that I am bound, even on receiving notice of a motion from the leader of the Opposition, to recognise that motion at once as a vote of want of confidence. He never told me that it was a vote of want of confidence.

MR. LEAKE: I say it is not.

THE PREMIER: Nor do I know at this moment whether the hon. member represents the party he leads in this House. He has not said so, and I notice there are very few Opposition members here to-night; and this does not seem like a party conflict.

MR. LEAKE: That is what I say.

THE PREMIER: I cannot understand how the hon. member could think that. Surely his knowledge of constitutional law must tell him that if he takes the management of the Government out of the hands of the Executive, such action must be considered a vote of want of confidence in the Government. I have known Ministers to resign because the House refused to adjourn a debate, when they have desired that it should be adjourned.

MR. LEAKE: That is not in your line.

THE PREMIER: I have known that. The remarks of the hon. member when telling this House that this motion to take the management of the affairs of this colony out of the hands of the Executive, and to direct the Governor as to the course he is to follow on an important constitutional matter, is not a vote of want of confidence, are too funny altogether. I think such a statement, coming from the leader of the Opposition, must be considered, and I am sure he must think so himself, a vote of want of confidence in the Government.

MR. ILLINGWORTH: You did not treat it as such.

THE PREMIER: I am treating it as such to-night, and I have never had the least doubt, from the time the hon. member proposed it, that it was as deliberate a vote of want of confidence in the Government as could be framed. At the same time, seeing that a week ago we had defeated the Opposition by a majority of three to one, I did not trouble to take a serious view of the motion.

MR. KINGSMILL: Your majority was not so large.

THE PREMIER: I think it was 24 to 8.

MR. KINGSMILL: 26 to 13.

THE PREMIER: I beg the hon. member's pardon—2 to 1; and that is near enough. The hon. member (Mr. Leake) talks about dissatisfaction on the goldfields. I will refer to one or two of the things he said before I come to the main question. The hon. member says this dissatisfaction is fostered by the actions of this House. Well, if it be so, all I can say is that I very much regret it; because what has this House or this Legislature done to the people of the goldfields that they should be disaffected? Have we not tried our best to improve the condition of our goldfields, to give them means of transit, and means of communication of every kind? Have we not borrowed millions of money with a desire to try to develop those goldfields? Have not all my efforts for the last seven or eight years been devoted to trying to turn that wilderness into a place where people can live and enjoy themselves? I say, compare the services which the party which I represent in this House have rendered to the people of the goldfields with the services of the hon. members

opposite, and I should like to know any fair-minded man who could say that the Opposition have ever done anything, that they have any record to show, of any occasion on which, whether by speech or by act, they have tried to improve the material interests of the people on those goldfields.

MR. HOLMES: You have had public money to squander.

THE PREMIER: We have had it; but you might have supported us in trying to spend it.

MR. HOLMES: What! In squandering it?

THE PREMIER: Whereas you have always tried to oppose that expenditure. You do not mind making money out of the goldfields; you have made thousands of pounds out of them; but you do not believe in giving anything back in exchange. I think the hon. member had better leave me alone. I can hit him hard, and my fair name is as good as his. I have never done anything against the goldfields. I have never made any money out of them: all my efforts have been directed to improving their condition. That being so, I care not for what people may say of me in public meetings: I am not a servile slave; I am not here at the bidding of any section of this community. If I were out of this House to-morrow, and a private citizen again, I should not be any worse off than I am now. Am I depending on the people of the goldfields, or the people of the colony, for anything? For everything I get am I not trying to do my duty to them? Therefore anyone who threatens me with being turned out of this House, or out of this Government, need not think for a moment that he will disquiet me, so long as I have within myself the knowledge that, during the time I have held any office, I have tried to conduct that office purely and in an honourable manner, and that I have left an honourable and unstained record behind me. [SEVERAL MEMBERS: Hear, hear.] I have asked: does the hon. member (Mr. Leake) represent the Opposition in this House—does he now represent the party he leads in this House? He has not told us. I see many members of that party are absent to-night—where are they? Are they in accord with the hon. member? I take it they are not, or they would be here. I think it is only right

the hon. member should tell us whom he represents on this occasion. Does he represent a united party? What I say in this House I speak on behalf of the members who support me in this House. Does the hon. member do so? If he does not, I think his observations are only to be taken as those of the member for Albany, and not as coming from the leader of the Opposition. The first thing I have to say in regard to this motion is that it contains a wilful misstatement on the face of it; and the hon. member has not only published this misstatement throughout the colony, but he has not been content with that—he has not been content with sending this motion, containing a glaring and incorrect statement, to the representative of the Queen in this colony, but he now has the effrontery to submit it for the approval of this House. I say, and the records of this House will show it, that this House has never refused to permit the electors to vote for or against the Commonwealth Bill.

MR. ILLINGWORTH: Is this House Parliament?

THE PREMIER: This House is a branch of Parliament.

MR. LEAKE: The motion says "Parliament."

THE PREMIER: But Parliament means the two Houses, and if the hon. member is not content with that, I will refer him to the law.

MR. LEAKE: The Speaker is against you.

THE PREMIER: The Speaker is not against me: in fact he is in my favour; and before we leave this Chamber to-night we shall obliterate from the motion this glaringly incorrect statement that Parliament has refused to permit the electors to vote for or against the Commonwealth Bill. I really did expect from the hon. member that he would not go so far as he has gone. I did expect better things from those persons who get meetings together in Perth—I am not sure whether the same resolution was passed on the goldfields—I did expect from them, at any rate, that they would have stated the truth in the motion they put before the people. But they have not done so. I say it is a glaringly incorrect statement which has been made; and the hon. member has had the effrontery

to submit that glaringly incorrect statement to this House for approval; trying to prejudice the people on the goldfields against whom? The hon. member and his friends do not care about the Legislative Council—that is not big enough game for him: he wants to fasten the stigma on the Government; he wants to fasten it on this House; and more especially does he want to fasten it upon me, and for what reason? For mere political reasons, in order that he may gain some political advantage: the hon. member knows that as well as I do. The whole of this federation business, as far as the hon. member is concerned, has been an attempt to get into power, to oust the present Government. It has been a political move, from beginning to end. The hon. member would ally himself with anyone, and would forget all he has ever done and all he has ever said, in order to gain an opportunity for political advancement; and that has been the history, I regret to say, of the federal movement in this colony from start to finish: it has been nothing more than a political move from beginning to end, and all against the Government. I should like to know what the people on the goldfields and the hon. member himself would have said, if the party I represent here had been all-in-all for federation. Would he have supported us in the way that he now opposes us? Not a bit of it: he would have been on the other tack. And I can well understand the people on the goldfields, because they are led to assume this attitude, not because they are not honest men as good as we are, but because they are led by a poisonous and disreputable Press. I can well understand their attitude, their minds being poisoned daily by untruths. I can well understand their thinking that such actions as this of the hon. member are but reasonable. They say: "Let us follow these people who are hostile to the present Government. We shall have a change, at any rate, through this federation movement. At all events, we shall get rid of this hated Forrest Ministry." I do not mind speaking plainly. I say nothing against the goldfields people, but I say a good deal against those who pretend to represent them; and I say those leaders are not honest, and never have been: they do not tell the truth; they most grossly

misrepresent me, and have been doing that daily, not on one but on hundreds of occasions. Why should I stand still and say nothing to people who are so unceasingly making misstatements about me? I shall not do so. The only thing I will say is that I really feel almost ashamed to notice such contemptible observations.

MR. LEAKE: You do not mind them?

THE PREMIER: We are not afraid. We never were afraid yet.

MR. LEAKE: Not when you are in good trim. You like to fight under cover. You do not like the open.

MR. ILLINGWORTH: You do not like to fight on the veldt.

THE PREMIER: We will speak out straightforwardly, and that is what I ask the hon. member (Mr. Illingworth) to do, and not to think which way the cat is going to jump, as he was thinking when he went with me up to Cue.

MR. ILLINGWORTH: You are misrepresenting me.

THE PREMIER: You were an anti-federalist when going along the road, but you changed when you arrived at your destination and saw how the feeling ran there.

MR. ILLINGWORTH: That statement is absolutely untrue, and you know it.

THE PREMIER: That was my opinion; but of course if the hon. member contradicts me, I shall withdraw the statement.

MR. ILLINGWORTH: I have spoken at every election in favour of federation.

THE PREMIER: Yes; but you did not like this Bill.

MR. ILLINGWORTH: Yes, I did: I stuck to the Bill all the time.

THE PREMIER: Well, I thought you did not. I should like to say, in support of the statement I have made, that this House did not refuse, as is pretended in this motion, to permit the electors to vote for or against the Commonwealth Bill; that this House passed the resolution, as hon. members know—a resolution which provided that the Bill as amended at the Conference of Premiers, also the Bill with the amendments proposed by the Joint Select Committee, should be referred to the vote of the people. If a man professed to be the greatest federalist in the world, what reasonable objection could he have to both the Bills being referred to the electors of the

colony, in order that the people should be able to say whether they approve of one Bill or the other, or whether they approve of neither? Is the whole virtue of this measure to be in the fact that only one Bill is to be referred to the people? There may be something to be said as to either Bill being referred to the people, because there might be confusion; but there cannot be anything said against the two Bills being referred to the people. Surely the electors of the colony are intelligent enough to know the difference between one Bill and the other, and surely they would be able to judge which Bill would best serve the interests of this country. That is the course I proposed to this House. I did not go back on my promise, as the hon. member has said in the most offensive way that I did: I have not, as he stated, broken my word, and he knows I have not done so. What did I promise? I promised that this Bill which had been amended at the Premiers' Conference should be referred to the Parliament of this colony for reference to the electors; that it should be referred to the Parliament of this colony in order that the Parliament might approve of its being sent to the electors. That is what I promised, and have I not kept my word, merely because I tried to give to the people the alternative choice of another Bill, and said, "Here is the Bill I promised to submit to you, but I think, after more careful consideration than I was able to give to this Bill before, that this other Bill as amended by the Joint Select Committee is more in our interests than the one as amended by the Premiers: still, you shall have the choice of both Bills being submitted to you, and it will be for you to say whether you like the Bill as amended by the Premiers, or whether you like the Bill as amended by the Joint Committee of both Houses of Parliament." I was in favour of that course, because Parliament for all these years had not had an opportunity of considering this matter, and in our Enabling Act it was distinctly provided that before the Bill should go to the electors it should be approved by the Parliament of this colony. How can the hon. member say I have not kept my word? Or how can he say I am opposed, or that this House is opposed, to sending the Bill to the people? We passed a

resolution in this House and transmitted it to the other House, providing that both Bills should go to the people for their vote; yet because the other House has not passed that resolution—

MR. LEAKE: Under your influence.

THE PREMIER: The hon. member has the effrontery to say that because both Houses did not pass that resolution, therefore the resolution has not been passed at all; and he says the resolution was defeated in the other House under my influence. What reason, what ground, has he for that statement? I tell him the statement is absolutely without foundation, and that I have never tried to influence any member of the other House to vote against proposals sent from this House. I tell him that to his face, and I tell it to the world, that I have never tried to influence any member of the Legislative Council to vote against any resolutions passed by this House. In fact, I thought that resolution would have been carried. I had every confidence at the time that it would be carried. Of course I knew there were great difficulties in the way of that resolution being carried in the other House. I knew there was danger that it might not be carried; still I believed, or at any rate hoped, it would be carried. We all know the result, that the Council did not approve of the two Bills being sent to the electors. I must say it is difficult to follow the votes as given on this question by the other House, because the members there did not vote on each separate question directly, but they voted on amendments to the question. For instance, when the resolution forwarded from this House was moved in the other House, it was moved as an amendment to a motion then before the House; and the resolution then becoming the substantive motion, another amendment was put and was carried, and the resolution we had passed in this House was lost. Therefore, it is not possible for us to say how the resolution forwarded from this House would have fared in the other House, if it had been put by itself. I believe, however, there was a majority—I regret to say so—in the Council opposed to the two Bills being sent to the people; but at the same time I believe there was a majority in that House which would have been in favour of the Bill as

amended by the Joint Select Committee being sent to the vote of the people. Why was not the motion to that effect carried? Simply through the management of the hon. member opposite. I charge the hon. member here with having deliberately arranged with the member for North Coolgardie (Mr. Gregory) and the member for North-East Coolgardie (Mr. Vosper), to defeat the motion that was brought forward, asking firstly that both the Bills should be sent to the people, and secondly that negotiations should be opened with the other colonies in order to gain their assent to the Bill as amended by the Premiers being further amended by the Imperial Government, in accordance with the decision of the Joint Select Committee of both Houses of Parliament in this colony.

MR. LEAKE: I do not think there is any mention of the Imperial Government, in the resolution.

THE PREMIER: No; but the hon. member knows that was the only way left open to us to amend the Bill, namely to get the assent of the other colonies to these alterations being made by the Imperial Parliament; and I have it on the authority of one of the best lawyers in Australia, one of the most prominent (if not the most prominent) federalists in Australia, that there would be no difficulty at all in the Imperial Government making the alterations desired by this colony, if the assent of the other colonies could be assured. We know we have had the consent of two colonies, all along.

MR. LEAKE: You have not told us so before.

THE PREMIER: No; because I have not got it in black and white; but I know that the colony of Victoria and the colony of Queensland have no objection to the amendments recommended by the Joint Select Committee in this colony, and that only South Australia and New South Wales, perhaps also Tasmania, might be the objecting colonies. I am sure the people of Victoria and the people of Queensland would not hesitate to make these small amendments in the Bill as approved by the resolution of this Assembly, because these amendments are regarded there as being of no importance to them, while they are all-important to us. I charge the hon. member (Mr. Leake) with conspiring with the two

members representing North Coolgardie and North-East Coolgardie, in arranging beforehand that they should use their influence with members of the other House to vote against the proposals made by Mr. Hackett that the two Bills should be sent to the people, and that before they were sent we should open negotiations with the other colonies.

MR. LEAKE: A charge is made against me. The only objection I take is to the word "conspiring."

THE PREMIER: "Arranging" will do.

MR. LEAKE: What I was going to say was that I admit I did use my best endeavours to have that portion of the resolution which would refer the amendments of the Joint Committee to the electors being defeated.

THE PREMIER: The hon. member has now acknowledged it. He did try, by arranging with those two members, that they should use their influence with members of the other House to throw out the proposals by Mr. Hackett for referring the amendments of the Joint Committee to the electors, and for opening negotiations with other colonies for obtaining their assent to those amendments. In fact, the hon. member admits that he shut the door on federation, so that there is now no way of getting out of it.

MR. LEAKE: No; I only met the trick which was played by you and Mr. Hackett.

THE PREMIER: The hon. member should not make too many admissions. He has admitted the charge as to arranging with two hon. members to use their influence to defeat those proposals; and I say that, by defeating those proposals, the hon. member has shut the door. If I had the support of Parliament behind me, even single-handed and without the assistance which other members could no doubt give me, and with the opportunities I shall have in visiting the other colonies, I believe that if the resolution passed by this House had been also passed by the Legislative Council, the assent of the other colonies could have been obtained. But that assistance has been denied to me and to those associated with me, by the action of the hon. member in having arranged with two other members to defeat the proposals in another place, and there-

by to defeat the object which this House has been trying so earnestly to attain.

MR. LEAKE: Untrue misrepresentation. I have always been in favour of the Bill, as accepted by the rest of Australia, being sent to the people of this colony for their decision, and I have always objected to the Bill as amended by the Joint Select Committee being sent to the people.

THE PREMIER: Surely the hon. member can sit still under a little criticism. I intend to criticise him pretty severely before I sit down, and this is only the beginning. The hon. member has charged me with having used my influence on members in another place. I charge him with arranging with two other members, the member for North-East Coolgardie and the member for North Coolgardie, to defeat the proposals which would have met the view of those people on the goldfields who have thought that federation might be delayed by carrying out the resolution which was passed in this House. I believe none of those people particularly disapprove of the terms as recommended by the Joint Select Committee, and in fact we have it on record that the hon. member himself (Mr. Leake) has said he would approve of the amendments if he thought they could be attained. His only objection was that the conditions could not be obtained; but he went the best way to work in order that they should not be obtained, because he shut the door on federation. He prevented myself or anyone else moving with any authority behind us, in the direction of getting those terms for the people of this colony. What could have been easier if the resolutions of Mr. Hackett in the other House had been passed, and if the hon. member had not entered into this bargain or arrangement, than for several members of this House to have made another attempt to bring this colony into line with the other colonies? That could have been done in a month or six weeks, when this House might have been called together again to consider the arrangement. Nothing could have been easier, and we would have been in plenty of time before the Imperial Parliament considered the Commonwealth Bill. But no; the hon. member had got the good cry of the "Bill to the people" with which to go to the country,

and he did not want to lose the cry in a day or two.

MR. LEAKE: Quite right.

THE PREMIER: He wanted to keep the cry for another year or two, and was determined not to give us an opportunity of forwarding federation, although he admits he had no objection to the terms so long as federation was not delayed. But we have not delayed federation, though I confess I do not think it possible to enter federation as an original State. I can tell the House honestly that I have looked about in all directions in order to find a way out of the difficulty. I could not get a motion passed here or in the other House, because the door has been locked; but those who are in my confidence would, if they could speak, tell hon. members how I have been trying and manœuvring to see whether I could have the question re-opened in the Legislative Council. That I have not been able to do, owing to the leader of the Opposition and his two friends having entered into this conspiracy, and by locking the door, prevented this colony from entering into federation at the present time.

MR. LEAKE: That is splendid!

THE PREMIER: It is true, and that is the best of it.

MR. LEAKE: I stopped you from sending an impossible Bill to the people, and I am glad of it.

THE PREMIER: But you voted for the Bill. The hon. member ought not to interrupt, seeing I have the floor of the House. He voted against the two Bills being sent to the people; and although I, on this question, voted against many members who have given me loyal support for many years, yet the hon. member has the effrontery to tell me I have been double-dealing.

MR. LEAKE: Yes.

THE PREMIER: I would like the hon. member to be as fair in his life and conduct as I have been. I would like him to be able to look back on what he has done during his lifetime, and be as satisfied as I am glad to say I am, with the honourable name I have at the present time, and which I hope to leave to others who will come after me. It is impertinent on his part to talk to me about double-dealing.

MR. LEAKE: Hear, hear.

THE PREMIER: Is the hon. member so straightforward and so honourable in all his dealings, that he can afford to charge me with double-dealing? But I care not for his taunts or for his opinion, because I know my name is as honourable and fair as his is, or ever will be.

MR. LEAKE: Hear, hear.

THE PREMIER: The hon. member says "hear, hear"; but I tell him I will not tolerate, from him at any rate, imputations on my honour and way of dealing.

MR. LEAKE: Hear, hear.

THE PREMIER: I say that the hon. member and his two friends have locked the door on this movement, and that is what they tried to do, and was the object they had in view and have succeeded in, at any rate for the present. They will not allow us to confer with the other colonies, or submit any Bill but the Bill which was passed by the Convention, and which, though the hon. member regards it as a sacred document, was afterwards altered by the Premiers sitting in conclave.

MR. MORAN: Absolutely altered.

THE PREMIER: That is the Bill which he contends is god-like and cannot be altered. I was at the Conference, but I am not so egotistical as to think all wisdom is centred in me; and I see, looking back, that in every part of the work of the Conference we mutilated and injured the Bill as it came from the Convention. The hon. member seems to be full of vitality and energy in regard to this matter. He was not content with passing resolutions which are, on the face of them, inaccurate and untruthful, but he has appealed to the representative of the Crown in the colony. The hon. member has not even had the courtesy to wait until receiving a reply, but after presenting an address containing resolutions passed at some meeting or other, he asks the House to come to his rescue, without allowing His Excellency time to give the matter careful consideration and to express an opinion in a reply. In fact, after appealing to the Governor, the hon. member does not desire to be guided by the opinion of His Excellency, or wait to know what his views are, but wishes to bring to bear on the representative of the Crown the weight and authority of the Legislative Assembly.

MR. LEAKE: And a very proper thing, surely.

THE PREMIER: At any rate, the hon. member asks the House to pass this resolution before he receives a reply from His Excellency. Why did the hon. member not come to the House at once, and not go to the Governor at all? Why does he appeal to two places at once?

MR. LEAKE: I put it off to the last moment: this is the last night of Parliament.

THE PREMIER: The hon. member had plenty of time in which to bring this motion forward, because it is ten days since the resolution was passed in the other House.

MR. LEAKE: You say I should not have submitted the motion at all.

THE PREMIER: You should have done it more quickly, if you intended to come to the Legislative Assembly at all. But I have no doubt it is a political move on the part of the hon. member, in order to get some political advantage. And that is the great leader of the great federal movement! He is willing to descend to a political device, in order to gain some little political advantage. What does he ask the House to say? He asks the House to say that hon. members have no longer any confidence in the present Government; and he goes further and, by inference, says he and his friends of the Opposition are the persons to take over the government of the colony. That is the opinion which the hon. member asks us to indorse to-night; and let there be no mistake, because that is the plain English of the motion. Surely it is for the dominant party in the House to arrange a dissolution, and I never heard of a dissolution being arranged otherwise. Surely it is not the duty of a Government who have been in office for nine years, and have the confidence of the members of the House, to hand over the administration to a weak and discredited party such as that led by the hon. member. Surely it is not our duty to hand over the affairs of the Government to a party who could not command more than 13 votes to 26 in a division a few nights ago.

MR. MORAN: Thirteen out of 44 members.

THE PREMIER: The division was 13 to 26. Is that the party we are going to allow to decide when an appeal shall be made to the electors of the colony? I say we are capable enough, we are able enough, we are strong enough—

MR. LEAKE: Ah! That is the point.

THE PREMIER: To judge for ourselves as to the time when we think it is our duty to appeal to the electors of this colony; but we are certainly not going to do it at the point of the bayonet, at the dictation of a weak party like that led by the hon. member opposite; we are not going to be bullied by an arrogant, self-constituted leader to-night, who does not even represent the Opposition. Some prominent members of that Opposition are away to-night, and I suppose will not support the hon. member.

MR. MORAN: Where is North-East Coolgardie?

THE PREMIER: Where is the member for North-East Coolgardie (Mr. Vosper)? Where is the whip of the party (Mr. Gregory)? Certainly two trusted members for Fremantle constituencies (Mr. Holmes and Mr. Solomon) sit there (in opposition). I do not know what they are thinking about; still, I very much question, seeing that they are opposed absolutely to federation, whether they would see any great advantage in having to face their electors to-morrow or the next day. I do not think they feel very eager for the passage of this motion. Of course I know they are quite prepared to face their electors at any time, but whether they are most anxious and most desirous to go to their electors to-morrow—well, as the Scotchman said, "I hae my doots aboot it."

MR. HOLMES: Give us a chance.

THE PREMIER: I wish the hon. member would keep quiet. I should like to ask the hon. member, and other hon. members and the people of this colony, whether they think that if we had a general election to-morrow, the majority of 20 to 8 against the Bill as it left the Premiers would be likely to be turned into a minority. A vote of 20 to 8 is a large majority in a division, and it was not a very big House, but still there it was—really 24 to 8. Is it likely that the hon. member (Mr. Leake) would be able to change that majority into a minority?

But even if he could, does he really suppose that if we came back from the country with the parties almost equally divided—and I think that is the best the hon. member could expect—does he think even if he could carry through this House a resolution that the Bill as amended by the Premiers alone should be sent to the people, that he would be able to induce the members of the Legislative Council to adopt that resolution, seeing that there are only four, I think, in the whole of that House at the present time who are in favour of it? If he does, if he thinks he could carry that one Bill through this House, does he really think—can any hon. member in this colony think—that he could change that vote of 4 to 18 into a majority? I say there is no chance whatever of its happening as the Council is at present constituted.

MR LEAKE: There would be a new general election held.

THE PREMIER: Yes; I am coming to that in a minute. There will soon be a general election for eight members of the Council. I should like to ask hon. members and the people of this colony why this Assembly, which has sent to the people this Bill, that is so much liked by the hon. member, who was willing to send it, and has voted signifying his willingness—I should like to ask him why this House should be penalised for having done what it was desired by the hon. member to do? The only difference between the hon. member and my supporters is that we would send two Bills to the people: we did not refuse to send the Bill which he desires. We said: "We will send another Bill alongside of that Bill, and let the people have a choice." What does the hon. member expect from this House? Does he expect to penalise it for doing the very thing that he desired it should do? The only hope the hon. member can have from a dissolution, looking at it from a constitutional point of view, is that the result of the general election will so influence the members of the Upper House that they will consent to pass the Bill as they are at present constituted; in fact, that they will forget all their opinions, and that they will vote for the referendum. If that be the case, is there not a far better way of influencing the members of the Upper House? Before the 21st May next, eight members of

the Legislative Council will have to retire by effluxion of time. Why does not the hon. member and others who are so eager for federation try to influence to the best of their ability the elections for these eight vacancies, so that the eight members may be returned all federalists, all willing to vote for the Bill they require? Surely that would be an easier and far better way to influence the vote of the Upper House, than by dissolving this Chamber for the sake of the influence the elections might exercise upon members in another place—in the hope that the result of those elections might be an indirect sort of inference that the country seems in favour of or against this Commonwealth Bill. Surely the reasonable way is to set to work to influence the members of that House themselves in April next, in three or four months' time when eight of them will have to seek from their electors a new mandate for their seats. But, as I said before, the hon. member does not care about attacking the Upper House: he and his friends want bigger game; they want to attack the Administration, in order that they may get on to the Treasury benches, in order that they may have control of this country. But I can tell the hon. member (Mr. Leake) that, if he does not shape better than he has shaped this year, he will have to wait a good long while before he can form a Government; because, even if he does get rid of me, there are many other hon. members sitting on this (Government) side of the House who would be quite prepared to carry on the government of the country rather than hand it over to incompetent, inexperienced irresponsibles, such as the hon. member and the few around him have proved themselves to be. I suppose I am not as well versed in constitutional history as many other hon. members in the House; but I very much question whether in recent times there has been such a precedent as is required by the hon. member. And I mention recent times because it is useless to go back to what was done 50 years ago in regard to constitutional government, constitutional principles having altogether changed during the last 20 years, a great many things that were done 50 years ago not being heard of now. Responsible government has grown greatly during recent

years, and I do not believe there is a case on record in which a Legislative Assembly has been dissolved against the advice of the Government in power, because an elected Upper House has refused to pass a measure. Some of those who are better versed in constitutional literature than I may search it out; but I may say that during the last 15 or 20 years—and that is long enough, too—I do not believe there is a case on record in which a Legislative Assembly has been dissolved against the advice of Ministers in power, because an elective Upper House has refused to pass a measure. It is no use applying the rules in regard to Upper Houses that are nominated: they can be influenced no doubt by popular elections for the Assembly; but when the Upper House is elective, with one-third of its members going to the country every two years, I think they would take their convictions from their own constituents rather than from the constituents of members of the Legislative Assembly. I do not know whether this motion of the hon. member is impertinent or ridiculous, or whether it is between the two, neither impertinent nor ridiculous. When the leader of the Opposition has sustained two or three defeats during this session, has had two or three trials of strength with the Government, and has been ignominiously defeated, or at any rate badly defeated each time, it really borders on something that I cannot understand—on the ridiculous—to introduce such a motion as this.

MR. ILLINGWORTH: Call it the sublime.

THE PREMIER: To come forward again in the very last day of the session to court another defeat—I can only say, if this is not trifling with the members he leads, I think it is trifling with the members of this House. And what does it mean? I am not going to say what the Government propose to do to-night: that is another matter altogether. I am going to say this, though, that we are not going to be dictated to by the hon. member opposite, or to be led into any action by anything he does, not are we going to take our directions from him. I say that most distinctly. I say that to dissolve this House at the present time means two general elections during the next year or so. Well, I should like to

know whether that is altogether fair. Here we have passed a Constitution Bill, which will be assented to as soon as possible; here we have passed an Electoral Bill giving the franchise to women; and the hon. member wants us to go to the country now, to have the trouble and expense of a general election, in order that such election may shed its influence upon another place, which itself sends eight members to the country in three or four months. I say again that hon. members of that place will be more largely influenced by the votes of their own electors than they will by elections to this House. Where is the precedent in recent time for the course proposed by the hon. member? He cannot show any precedent, and therefore I say that seeing the hon. member does not represent even his own party on this question, and seeing that this is the last day of the session, seeing also that he has been defeated two or three times this session in moving motions of no-confidence, seeing that the hon. member leads only a small minority in this House, I say it is trifling with the members of this Assembly to propose this motion at the present time. The Government, with a strong majority in this House, and having had a strong majority for years, are to be told by the leader of the Opposition that a dissolution must take place immediately. Surely the hon. member must have lost his senses! If I were going to the Governor to ask him to dissolve Parliament to-morrow, I tell the hon. member I would not ask any directions from him in regard to the matter. Do not run away with the idea that there is any federation in this motion: it is only a party move to have another field-night, in order that the hon. member may say something unpleasant against the Government, and especially about the so-called breach of faith of the Premier.

MR. LEAKE: You have been highly complimentary, I notice.

THE PREMIER: I hope I have not been offensive. I must speak strongly when I have a case in hand, and I am not one of those who mince matters when I have anything to deal with. I have shown to-night the position that federation is in, and that the fact of the door being locked is due to the hon. member having arranged with two other members

representing the goldfields, which are said to be clamouring for federation, and are supposed to be ready for separation. The hon. member has said he is going to help them to get separation, notwithstanding that he arranged with those two members, which was a wrong thing in itself, to use their influence with members in another place for the purpose of shutting the door against federation, in order to get a political cry which has served him so well that he does not want to lose it. In fact, he would rather lose federation and embrace separation, than lose the cry by which he hopes to hoist himself into power. He will embrace federation, or separation, or any other 'ation, to gain his object. He told us the other evening that he meant to become a rebel, and I think the sooner he becomes an open rebel the better, and then we shall know what the hon. member really is. He will go for separation.

MR. LEAKE: We will have a try at that.

THE PREMIER: Yes; he will go for separation, and if that does not come about, he will go for some other 'ation. He has blocked the federation movement: it cannot go on now unless by some efforts of mine, unless by what I may be able to do in the other colonies. He has blocked it as far as this colony is concerned, and it cannot go on any further as far as this Parliament is concerned. He knows that; and I say that being so, there will be what the member for Sussex calls a "slump" in the federation movement for a little while, and the hon. member says we are to have separation. So we are to have my honourable friend leading that movement, or perhaps some other 'ation; and we will hear, as we have often heard during the last few months, of the hon. member misrepresenting his old and his well-tried friends.

SEVERAL MEMBERS: Divide! Divide! Divide!

Question put, and negatived on the voices.

MR. LEAKE called for a division, which was taken with the following result:—

Ayes ...	...	...	9
Noes ...	...	...	22
—			
Majority against ...	...	...	13

AYES.
Mr. Conolly
Mr. Holmes
Mr. Illingworth
Mr. Kingsmill
Mr. Lenke
Mr. Solomon
Mr. Wallace
Mr. Wilson
Mr. James (Teller).

NOES.
Mr. Connor
Mr. Doherty
Sir John Forrest
Mr. A. Forrest
Mr. Hall
Mr. Harper
Mr. Higham
Mr. Hubble
Mr. Lefroy
Mr. Locke
Mr. Monger
Mr. Moorhead
Mr. Moran
Mr. Pennefather
Mr. Phillips
Mr. Piesse
Mr. Quinlan
Mr. Sholl
Mr. Throssell
Hon B. W. Venn
Mr. Wood
Mr. Bason (Teller).

Question thus negatived.

COMPANIES ACT AMENDMENT BILL.

LEGISLATIVE COUNCIL'S AMENDMENTS.

Schedule of ten amendments made by the Legislative Council considered.

IN COMMITTEE.

THE ATTORNEY GENERAL said he had compared the amendments made by the Council with the Bill as it left this House, and the amendments appeared to have for their object the safeguarding of the attorney who might represent a foreign company in this colony, so that the attorney should not be liable for penalties under the Bill. The amendments would not, in any way, prejudice the principles of the Bill; therefore he strongly recommended hon. members to accept the amendments. He moved that the amendments be agreed to.

MR. MORAN: It was a great pleasure to know that this Bill was reinstated in another place, for it would have been a calamity to have allowed the Bill to lapse; and he now publicly expressed his gratitude, especially to the leader for the Government in another place, and those who supported him, for the reinstatement of this Bill. If, through any misfortune at the present time, Western Australia should federate, it would be impossible to pass in any Australian colony a law governing companies; for as the Federal Parliament would have control over company law, therefore it would then be impossible for us, in the teeth of South Australia and other places, to obtain such legislation as this. The other House had shown common sense and loyalty to Western Australia in reinstating this measure, and we owed a debt of gratitude to the Attorney General,

who had taken great interest in the Bill. The amendments by another place were not vital in regard to the best principles of the measure. We were entitled to legislation enabling us to obtain some of the benefits derived from our own mines.

MR. MOORHEAD: The Attorney General had said the object of the amendments was to protect an attorney from being rendered liable for any fine inflicted for an infringement of this Bill; but supposing a company had no assets which could be levied upon, and the attorney was thus protected from liability, how were penalties to be enforced?

THE ATTORNEY GENERAL: Under such circumstances, the penalties could not be enforced. By these amendments, an attorney for a company was absolutely protected from any penalty under the Bill. In other respects the Bill was as it left this House. Once a company was in default, it could not carry on its business, and whatever property it possessed was liable to be levied upon for the amount of the penalty imposed. Had these amendments not been made, an attorney would have been liable, and he could afterwards recover against the company; but now the liability was direct on the company, and the attorney was protected. Hon. members must recollect that an attorney here was only an agent; and from this point of view there was a great deal in favour of the amendments. If these were not now accepted by this House, the Bill would be lost.

Question put and passed, and the amendments agreed to.

Resolution reported, and the report adopted.

ADJOURNMENT.

PROROGATION ARRANGEMENTS.

THE PREMIER: As the business of both Houses had now, he was glad to say, been practically completed, His Excellency the Governor would be pleased to prorogue Parliament at noon to-morrow. He begged to move, therefore, that the House at its rising do adjourn until half-past 11 o'clock to-morrow, which would give a little time for preliminary business before hon. members were summoned to the Legislative Council.

Question put and passed.

The House adjourned at thirteen minutes past 11 until the next forenoon.

Legislative Council,

Saturday, 16th December, 1899.

Complimentary Remarks, close of Session—Prorogation, Assent to Bills.

THE PRESIDENT took the Chair at 11:30 o'clock, a.m.

PRAYERS.

COMPLIMENTARY REMARKS, CLOSE OF SESSION.

HON. F. M. STONE: By leave of the House, I would like to say a few words before we disperse. On behalf of hon. members I desire to thank the Colonial Secretary for the great courtesy, consideration, and kindness with which he has treated us throughout this session, and during the time he has occupied the position of representative of the Government in this House. Although I have, perhaps more than any other member in the House, opposed the hon. gentleman in relation to many motions which have come before us, still I have often done it with the greatest regret. The hon. gentleman has frequently disarmed much opposition that I would have shown towards measures, and I think that to the way he has treated us and the consideration he has displayed is due the fact that often measures have been passed to which otherwise greater opposition would have been forthcoming. On behalf of hon. members I wish to tender our heartiest thanks to the Colonial Secretary.

HON. W. T. LOTON: I second the vote of thanks.

THE PRESIDENT: I am sure, as President of the Council, I can bear my testimony to the able manner in which