

THE MINISTER FOR COUNTRY WATER SUPPLIES: I move an amendment—

That the following new subclause, to stand as Subclause 5, be added:—“(5.) For the purpose of calculating any period of time fixed by section ninety or one hundred and thirty-three of the Transfer of Land Act, 1893, or fixed by statute or otherwise as the period after the expiry of which a writ cannot be enforced against land or any particular piece of land, any period during which such writ has been prevented by this Act from being so enforced shall not be taken into account.”

Unless the new subclause be agreed to, the process to be taken would, under the provisions of the Transfer of Land Act, hold good for a period of four months only. That would not enable the legislation to be effective.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 12 to 19—agreed to.

THE MINISTER FOR COUNTRY WATER SUPPLIES: I shall report progress at this stage, and the sitting can be suspended for half an hour or so, while the point raised by Mr. Nicholson regarding the retrospective application of Clause 7 is considered.

Progress reported.

Sitting suspended from 4.55 to 5.30 p.m.

New Clause:

Hon. J. NICHOLSON: I move—

That the following be inserted to stand as Clause 19:—“No person shall be prevented by this Act from continuing any action or proceeding which he has commenced before the first day of June, 1931.”

In another place the Bill was read a first time on the 9th June. Consequently, to make it clear that the Bill is operative to cases which might have occurred at the time this class of legislation was contemplated, the 1st June will meet the case. Hence the date in the proposed new clause.

THE MINISTER FOR COUNTRY WATER SUPPLIES: Dr. Stow, the Parliamentary Draftsman, agrees that this proposed new clause is quite in order.

New clause put and passed.

Title—agreed to.

Bill reported with amendments, and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

House adjourned at 5.33 p.m.

Legislative Council,

Tuesday, 11th August, 1931.

Obituary: Hon. H. Stewart, M.L.C. PAC 431

The PRESIDENT took the Chair at 4.3 p.m., and read prayers.

OBITUARY—HON. H. STEWART, M.L.C.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter-East) [4.33]: At our last meeting, although we knew that Mr. Stewart was very ill, we believed that surgical skill would restore him to health, and we fondly hoped that he would soon be with us in vigorous health, participating in our discussion. But it was not to be, and to-day we are saddened by his death. The deceased was a very earnest member, and will always be remembered for his devoted service to the cause of the primary producer. Mr. Stewart was elected to the Chamber in 1917 and for 14 years faithfully represented the South East Province. Of a studious nature, he diligently examined all legislative proposals and his scholastic attainments greatly helped him in his membership and endowed him with a wide vision and capacity for depth of inquiry. Those characteristics often enabled him to secure necessary amendment and the House was indebted to him on many occasions for exposing the weaknesses of proposed legislation. The late Mr. Stewart was unswerving in his friendship and his sincerity and honesty were evident in his actions. He possessed a noble character.

acter, and never did anything concerning the rectitude of which he had a doubt. Mr. Stewart had a fine ear for the heart-pulses of others, and that quality endeared him to all members, who sorrow in the knowledge that a man of such lovable traits has passed away. We deeply feel his death, and our hearts go out in profound sympathy to his widow and seven children whose lives have been shaded by the loss of so lofty a soul. I move—

That this House desires to place on record its sincere appreciation of the public services rendered to the State by the late Hon. Hector Stewart, a member for the South-East Province, and to express its deepest sympathy with the widow and family in the irreparable loss they have suffered by his decease; and that the President be requested to forward the foregoing resolution to his widow.

HON. SIR EDWARD WITTENOOM

(North) [4.35]: As one of the senior members of this House, especially in age, I rise to second the motion moved in such eloquent terms by the Leader of the House. I do so with sincere sorrow. Mr. Stewart was a man of high attainments who devoted a great deal of time to his Parliamentary work. He was a man of wide views and liberal ideas, and always regarded subjects from a liberal point of view. Almost, if not quite his last speech was made the other day on the motion I had tabled for suggesting Budget economies. Not only did I listen to it with the greatest attention, but I read it very carefully in "Hansard," and I could not help thinking what a fine statesmanlike speech it was, dealing as it did with so many important matters bearing on the difficult situation in which we find ourselves. I think I am only echoing the views of members generally when I say that one and all deeply deplore his death, and hasten to sympathise with the bereaved and sorrowing family.

HON. J. M. DREW (Central) [4.37]: I desire to add my voice to the expressions of regret that have fallen from the Leader of the House and Sir Edward Wittenoom in the death of Mr. Stewart. It is hard to realise that he is no more. A fortnight ago to-day he was here taking a very prominent and intelligent part in matters of legislation. At that time no one could have dreamt that the end for him was so near. There was no outward appearance of ill-health, and yet within a

few days he had to enter hospital. We in this Chamber shall miss him. No member examined Bills with such scrupulous care as he did, and he was always ready to give the House the benefit of his views—views founded on sound judgment and mature experience. In the discussions he was never offensive, but maintained his self-control in the most trying circumstances. Mr. Stewart was a champion of the cause of agriculture, and endeavoured to relieve the farmers from legislative burdens that oppress them. Yet his outlook was never narrow; it was invariably all-embracing. I recall with gratitude that, when I was Leader of the House, he treated me with all possible courtesy. I regret that he has been called away comparatively early in life, and I join with other speakers in expressing sympathy with his widow and relatives.

HON. J. CORNELL (South) [4.40]: As a member for an adjoining Province, I wish to add my regrets to those expressed by the Leader of the House, Sir Edward Wittenoom and Mr. Drew. Whilst I was at the war in 1917 Mr. Stewart was first returned to this House, and on two subsequent occasions he was re-elected simultaneously with myself. During that long period I formed a very close personal friendship with him. He was a type of man that the House and country can ill-afford to lose. It may not be amiss for me to mention that I have been in this House a little over 19 years, and during that time 19 members have died, so to speak, in harness. Of all the Provinces, South-East has been the most unfortunate, having sustained five of the 19 losses. Such facts remind us that in the midst of life we are in death. I think that when the community calmly reflect on the position, they will realise that the life of a member of Parliament is not without sacrifice. I join in extending my condolences to the widow and family in the loss of a loving husband and fond father.

HON. E. H. H. HALL (Central) [4.42]: As a new member of the House, but as one who occupied a seat alongside our departed friend, I wish to pay my tribute of respect. On occasions of this kind words are apt to fall from us that might be termed extravagant, but having known Mr. Stewart as we knew him, and having observed his close attention to duty, and the courteous and

fearless manner in which he maintained his principles, surely every member can have nothing but admiration for his memory and feel impelled to emulate as far as possible the good example he set. His close knowledge of the two great primary industries mining and wool, justify the remark that the State can ill-afford to lose a man of his qualifications. By his death this Chamber, from a debating point of view, will be the poorer. I add my tribute to the references made to the passing of Mr. Stewart and support the expression of condolence to his family.

HON. F. W. ALLSOP (North-East) [5.45]: I desire to express my regret at the loss of Mr. Stewart. My friendship with the late gentleman dates back many years; I knew him as a University student in Melbourne 35 years ago. He was then intending to follow a mining career. He became a mining engineer, and visited various parts of the world. During all the time I knew him he was a conscientious, capable, and splendid man, and won the respect and esteem of all who met him.

HON. E. ROSE (South-West) [4.46]: I wish to join with other members in expressing deep regret at the loss of our colleague. His province and mine link, and I had the opportunity of meeting him on many occasions. At all those meetings, as well as when we sat together in this Chamber, I invariably found him a most conscientious, straightforward and honourable man. Not only did he carry out his duties in the House with great ability, but as a farmer in the Wagin district he was always highly respected. He was a man who always tried to do his best, not only for himself but for all concerned, a man who gave advice when asked, and who was always looked upon with the greatest respect. On behalf of my colleagues in the representation of the South-West Province as well as on my own behalf I desire to join in extending to the widow and family of the late Mr. Stewart the sincerest condolences in his death at such an early age.

THE PRESIDENT [4.47]: In putting the motion I wish to say that I, too, join in the expression of sorrow at the loss of a colleague with whom I have been associated for the last 14 years. Mr. Stewart's death

came to us with unexpected suddenness. To me he always seemed to have abundant physical as well as mental vigour. He led an active life, and it is only two or three sittings ago that he was amongst us showing an intelligent interest in the work of the House. The late Mr. Stewart was, as Mr. Hall has pointed out, undoubtedly a useful member, more especially by reason of his extensive knowledge of the mining and agricultural industries, a member whom the House and the country can ill-afford to lose. His family have the consolation of knowing that he has left behind him a reputation for transparent honesty of purpose, together with conscientiousness and patient industry in the discharge of his public duties. To his sorrowing wife and family we extend our heartfelt sympathy.

Question passed, members standing.

The **MINISTER FOR COUNTRY WATER SUPPLIES**: Out of respect for the memory of the deceased gentleman, I move—

That the House do now adjourn.

Question passed.

House adjourned at 4.50 p.m.

Legislative Assembly,

Tuesday, 11th August, 1931.

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The **SPEAKER** took the Chair at 4.30 p.m., and read prayers.