

"tary of State respecting the Constitution Bill:—

Governor to Secretary of State.

"Perth, 18th April, 1889.

"If you agree add to Act of Parliament clause ensuring validity of regulations mentioned in your despatch 30th July last year, paragraph five, it may facilitate matters.

Secretary of State to Governor.

"London, 23rd April, 1889.

"Referring to your telegram of 18th April, will insert clause.

"It will be seen that Lord Knutsford proposes to obtain parliamentary authority for the Regulations by which it is intended to transfer to the Government and Legislature of the Colony the complete control of Crown lands south of latitude 26.

"Government House, 25th April, 1889."

The House adjourned at five o'clock, p.m.

LEGISLATIVE COUNCIL,

Friday, 26th April, 1889.

Messages (Nos. 18 and 19): Constitution Bill amendments; adjourned debate — Message (No. 15): Transfer of W.A. Timber Company's concessions; adjourned debate—Leave of absence for Mr. Shenton and Mr. Keane—Experimental Farms on Agricultural Areas—Reserves for travelling Stock—Adjournment.

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

PRAYERS.

CONSTITUTION BILL: MESSAGES
Nos. 18 AND 19.

ADJOURNED DEBATE.

THE SPEAKER: The debate was adjourned on the question that in Clause 69 of the Bill the sum of £9,850 be inserted in lieu of £8,400, as the amount of the Civil List.

MR. RASON: I think I am right in stating that we adjourned this debate in order to afford His Excellency further

time to communicate with the Secretary of State, if he deemed it necessary to do so, as regards the control of the lands, so as to avoid what appeared to be something like a deadlock in the final passage of the Constitution Bill. It appears from the Message sent down to the House yesterday that His Excellency has been able to obtain a promise from the Secretary of State, which, in my humble opinion, will go far to remove any difficulty that has hitherto existed, or any doubt which has hitherto existed, as to the intentions of the Secretary of State, as to the validity of the control which it is proposed to give this colony over the Crown lands. We have now what we never have had before, a distinct promise to the effect that provision will be made for obtaining parliamentary authority for the transfer of the control of the lands from the Secretary of State to the Legislature here. Therefore, sir, having now obtained this promise I think it would be unwise on the part of members to fight this question any further. I think it would be advisable probably in the interest of the colony for this House to give way upon the other points with regard to which we have hitherto thought it necessary to fight, pending the satisfactory settlement of this land question. We must all of us be aware that the period of transition, of which we have heard so much in the course of this debate, is a period that is doing the colony a great deal of harm, and we must all feel that the shorter the time that takes place between the present period of stagnation and the introduction of Responsible Government, the better it will be for us all. I do not intend to take up the time of the House at this stage in further discussing these points, especially as I understand that another hon. member intends to speak at considerable length and he has been good enough to favor me with some of his views, which I will now leave for him to explain to the House, as I have no doubt he will do.

SIR T. COCKBURN-CAMPBELL: I understand that the House is now considering His Excellency's Messages 18 and 19, suggesting certain amendments in the Constitution Bill in regard to the lands, the Civil List, and the pensions, but that the question immediately before

us is the amendment respecting the Civil List. In regard to this amendment, I shall not be able to argue what, in my opinion, would be desirable for the House to do, unless I am given a little latitude. I believe other members have referred generally to the three questions, which are intimately connected; and unless I am allowed to refer to the land question I cannot very well deal with the Civil List and the pensions, for, in my opinion, the three should go together—that is to say, if we insist on retaining the 76th Clause as it now stands, with the proviso, I see no earthly reason why we should give way in the case of the Civil List or pensions as desired by the Secretary of State. We might as well hold out upon all three as upon one. On the other hand, if we decide to eliminate the proviso inserted in the 76th Clause it would be absurd for us to risk the measure by sticking to these other little matters—for they are little matters comparatively. It appears to me that the last telegram from the Secretary of State is a sort of ultimatum to us, and I would just like to point out one thing to members: they have spoken about what the House of Commons may do or may not do; but we must remember that we have not yet reached the House of Commons, that what we are endeavoring to do is to reach the House of Commons, and that the Secretary of State has declared in the plainest manner that he cannot bring the bill before the House of Commons this session unless we accept certain amendments which he proposes. We have to deal now not with the House of Commons at all, but with the Secretary of State. I feel this is a most critical juncture—so critical that I have given the matter very serious attention, and, after giving it that attention, my views as to what we should do have, to a certain extent, been modified. I think we have been under certain misapprehensions, which may be removed on further consideration of the subject. I voted with my hon. friend on my left for the proviso in Clause 76, and I thought it was perfectly right we should do so. It would be infinitely preferable if the House could obtain control of the lands exactly in the same way as the other colonies; it would be preferable that is to say, if in the Constitution Bill it were

defined clearly and above-board that we had control of the lands south of a certain latitude; and I thought, myself, there was a chance—just a chance—of our obtaining that, because, if members recollect, the first despatch of the Secretary of State distinctly intimated, though not in so many words, that he would give us power to regulate the management of our lands by Act—distinctly intimated that we should have the same control over them as the other colonies had, by a clause in the Constitution Act itself or in the Enabling Act; and I think it was only right and proper, in the interests of the colony, that we should have endeavored to obtain that power. At the same time, from what knowledge I had of the feeling at Home with regard to this matter, I must say I thought it was very doubtful; and I was not in the least surprised when I found, as we must suppose, that the Cabinet had interfered, and that the Secretary of State was obliged to proceed in a different way. My hon. friend on my left when he was speaking of this, told us that we must not take any notice of what had been said about there being parties against us in the House of Commons, that he did not believe in any such thing, that if we only stuck to our guns manfully we should at last obtain what we wanted. Of course at present it is impossible to say what parties there may be in the House of Commons against us for the question has not yet come before the House of Commons, and until it does, it is impossible to say how the House of Commons may be affected towards us. But this is, I think, patent to us as sensible men and as men of the world who know what is going on in the political world at Home: we may be pretty well certain that the House of Commons will very fairly reflect the views of the more important organs of public opinion. The great journals of England either guide public opinion or else they illustrate public opinion, and it is perfectly certain to my mind that in the House of Commons we shall have to meet exactly the same opposition that has been offered to our demands in the English press. Members must recollect that we are in a very different position from what the other colonies were in when they got Responsible Government

30 years ago. Thirty years ago the Imperial Parliament and the Home Government and the English people did not care in the least about these colonies—nothing at all; these colonies could have had Responsible Government at that time on almost any terms they liked. But it is very different now. Since then English statesmen and English philanthropists, feeling a very anxious interest regarding the congested population of the mother country, are looking in every direction for means of ridding themselves of their surplus population; and this colony is, they imagine, the last available space within their grasp. To illustrate to some extent the very strong feeling that exists in the mother country on this subject I may perhaps be permitted to give members a little of my own experience. When I threw in my lot with the movement for Responsible Government some two or three years ago, I did it in the first instance because I thought it was a political necessity, and also because I thought it very desirable that moderate counsels should prevail; but I very soon found that not only was it a political necessity but also a material necessity that we should take a fuller management of our own affairs; and I determined not to be a mere passive spectator of events but to do all I could to advance the cause; and I thought the only way I could do so, to useful purpose, was to try and bring public opinion to bear, through the press, at Home, against those prejudices which were carrying away the people of England. My first flight was somewhat a high one, and that was the "Times," which had been publishing articles against handing the lands of the colony to such a small number of people. I thought I would contribute some letters to the "Times," dealing with the subject from our own standpoint. So I wrote two articles in the course of 18 months detailing the nature of the negotiations going on, explaining the condition of the country, and the uselessness of the schemes of emigration which they were putting forward, and pointing out what our Australian democracies objected to as regards indiscriminate emigration. They were letters of the same kind as the "Times" receives and publishes from all parts of the world

where anything of interest is going on, and, consequently, such as one might have expected them to publish, coming properly accredited to them. So far from that, they simply declined to publish them, as they did not suit their views. Then I saw an article in "Blackwood," written by a member of Parliament who had been travelling in these colonies,—observations that were on the whole very intelligent and just; but, towards the end of the article, the writer introduced the same extraordinary fallacies about the lands and the opening afforded here for English emigration. I wrote a reply, an article that I took a great deal of pains with, explaining the views of the people of these colonies as regards immigration,—that we had no wish at all to keep our lands to ourselves, that what we objected to in indiscriminate immigration was that the people sent out would not go on the land but congregated in the towns, disturbing the labor markets and necessitating relief works. I also referred to Western Australia, and described the country in its relation to emigration, and gave what I thought would be useful information in an article of that kind. I received a very courteous letter in reply from the editor, speaking very flatteringly of the article, and telling me that if I offered it to an "eclectic" magazine, no doubt it would at once find publication, "but," he added, "I am sorry to tell you it does not at all agree with the principles we have laid down for our guidance in this matter." The article did not deal with principles at all; it was simply a statement of facts. I gave no opinion—nothing but information—but, because the facts it contained did not agree with the preconceived ideas of English doctrinaires on the subject, the editor of "Blackwood" refused it insertion. I then tried another magazine, with exactly the same result. Then I saw an article in the "St. James's Gazette," a most virulent article, an article which written of an individual would have been "a most shocking libel." I wrote a reply to the "Pall Mall Gazette." That was at once inserted, and I received a very handsome cheque to boot; but I feel certain it was only because it was in opposition to the "St. James's Gazette." I tried many other papers, to bring our views, in the interest of Western Australia, before the

English people. But "Truth" was the only paper which I induced to take an intelligent stand in our favor. I furnished Mr. Labouchere with a good deal of information with regard to our colony, and he took it up very smartly, and published some very clever paragraphs, ridiculing the policy of the Government; he, I repeat, was the only editor of all I tried who was willing to do justice to Western Australia. Not only has the press taken this strong stand; I am sorry to say that the Premier himself has done the same thing. I don't know if hon. members saw a speech made by Lord Salisbury not long ago to a deputation that waited upon him to further their views on the question of emigration and colonisation. The Prime Minister said he would be glad to further their views, but that he could not do very much for them, for unfortunately the English Government some years ago had committed the very grave blunder of handing over the lands of Australia to the populations of those colonies when they took Responsible Government, and unfortunately the Governments of the colonies were hostile to immigration. The Prime Minister evidently is imbued with these extraordinary fallacies which seem to animate the whole of the press of England; and I feel perfectly certain from my own little experience that we should find it utterly impossible to obtain control of our Crown lands in the same way as the other colonies did years ago. But if we look at the nature of the control which the Secretary of State now proposes to give us, I think we must acknowledge that he has been our very good friend in this matter. He has found it impossible to give us the control of the lands in the way we desire, and now he is seeking to do so in the only way that he possibly can. If members will look at the 18th and 19th Vic., cap. 56, they will see that the Crown can make regulations for the control and management of the lands in a colony like this, or can delegate the power to do so to one of Her Majesty's Principal Secretaries of State; and what Lord Knutsford proposes is, that he, to whom these Crown powers are delegated, should delegate them again to us. He says he intends to give them in a complete form (without reference to himself as at pre-

sent), and to take steps for obtaining parliamentary sanction to this delegation. The reason for this course is obvious. If we had such a proviso as that introduced by my hon. friend on my left included in a clause of this bill, it would at once rouse parliamentary opposition, but if we eliminate this proviso Lord Knutsford will be able to show that the bill makes no reference to the lands; "but," he will say to Parliament, "I will ask you in the Enabling Act to give these people such powers over the lands as I think I shall be justified in giving them; I have given them no powers as yet, and I shall not give them any that will prove injurious, but simply ask you to enable me to empower them to make such regulations as they may be safely entrusted with." That, I take it is, what the Secretary of State proposes to do; and that is the reason why he wishes to proceed in this way, so as to disarm opposition in Parliament. I had thought from information I had given to me that I should have been able to show that this method of dealing with the land was exactly the same as was carried out in Queensland, but on looking up the matter for myself I found that my information was in error. Queensland did not obtain control in the same way as the other colonies, and not in the same way as Lord Knutsford proposes to give it to us. Most of the other colonies either have a clause giving them land control in the body of their Constitution Acts or else in the Enabling Act; but it was different in Queensland. Queensland was erected into a separate colony under Letters Patent, in which the Queen addresses her "trusty and well-beloved" Sir George Bowen and gives him power to dispose of the Crown lands of the colony in accordance with the laws which might thereafter be framed. That was the way it was arranged in Queensland. But in those Letters Patent Her Majesty expressly refers to the lands as "vested in us"—that is to say, the Crown. I am afraid that members have run away with the idea, as I had when I last addressed the House on this subject, that the Crown lands in these colonies are vested in the Legislatures, whereas it is nothing of the kind. Not in a single colony are the lands vested in the Legislature, it is simply the management or control of the lands that is vested

in the colonial Legislatures; and the lands themselves form no part of the security which these colonies give for their loans. The lands throughout these colonies belong to the Imperial Crown. But the revenues we derive from them are to a certain extent a security for our loans, though the main security is the population settled on the lands. It does not matter in the least to whom the lands belong so far as our borrowing powers are concerned, so long as we have the control of them and the administration of them. It does not matter to us whether they belong to corporations or to syndicates, as so many millions of acres of our lands already do, or whether they belong to private individuals or to the Crown. Our security for borrowing is in our having the Government of the country and the power to impose taxes for revenue purposes. Of course that we should have the control of our Crown lands is a matter of importance, and the only question we have now to consider is whether the control offered to us is sufficient, and, if so, whether we should accept the amendment which the Secretary of State has sent back. With regard to this question, I think we are bound to consider the position of the colony, the state of the colony. There is no doubt, I think, that the colony is languishing; we have been passing through a period of depression. It has been said that the depression has lifted and that we are regaining what we had lost. I am not in a position to say whether it is so or not; but, so far as I can see, there is not much sign of it. Members who are in business know better than I do whether such is the case or not, but my impression is that it is still languishing to a great extent, and that this period of political transition is doing a deal of harm and doing much to promote that languishment. The resources of the colony are immense, no doubt, and every day adds to our knowledge of them. But they remain undeveloped. The Government, no doubt, have done all they can. His Excellency the present Governor, we all know, has done his utmost to meet us in every way to promote the welfare of the colony. But it must be remembered that it is not very much that the Government can do, especially in the present position of

affairs; they are hampered to a very considerable extent. It is also possible that the present Governor may leave us before very long, and if a new Governor comes with no knowledge of the country, how much more difficult will his position be? I look forward with positive dismay to any long continuance of the present state of suspense. I think it possible that circumstances may arise in which it will be an absolute necessity to have a Government on the spot acting with vigor and vitality, and unhampered as our Government is at present; and that unless we have it before long we may find ourselves in a very serious position. In these circumstances I feel compelled to counsel a course of action, in regard to which I dare say I and some of my friends shall be twitted with want of what is called "backbone." I have my own idea of what a backbone should be. I don't believe in that kind of backbone produced by sticking a poker down your spine. I believe in the sort of backbone that Providence has given us, which adapts itself with some elasticity to the changing circumstances of the day; and I think in our present circumstances our wisest course and our best policy is to accept the proposition now before us as regards this land question. With regard to the Civil List, I think nothing at all of that; I certainly should have given way long ago on the Civil List had it not been, as has been said, that an arrangement in the matter had been arrived at among members. With regard to the pensions question, that is now reduced to a mere bagatelle so far as blocking the way to Responsible Government goes. At the same time I must say that I strongly object to this increase of pension—the Attorney General will pardon me; it has nothing to do with him personally;—for when we adopted this form of Government despatches passed between the then Governor of the colony and the Secretary of State expressly intended to protect us against any further pensions of this kind; and it does seem hard upon the colony that we should have to pay what we ought not to be called upon to pay. At the same time I think it would be perfectly absurd to risk Responsible Government for the sake of this £100 a year. As to the much more important

question of eliminating all mention of the land out of the Constitution Bill, I have given sufficient reasons why I think Lord Knutsford wishes to give us the control of the lands in this way; and the only danger, if we accept it, is this: the Secretary of State intends to give us the full control of our lands, and I think a sufficient control, but, of course, the Secretary of State cannot control Parliament, and he has expressly said that anything he may do is subject to modification by Parliament. Of course that is what is sticking in the gizzards of many members, and I don't wonder at it, for it would be most undesirable that we should be obliged to take Responsible Government without the control of our lands. But there are other ways in which we may possibly protect ourselves against that risk. In the first place there is the way that is mooted by some members of sending a delegate to represent us at Home; whether he could do much for us I don't know. There is another method that I shall propose myself, and that is, that while eliminating all mention of the Crown lands from the Constitution Bill, we should send with it a Memorial to the Secretary of State (which I shall give notice of by and bye) one clause of which is to this effect: "It is with great reluctance that your memorialists have given way upon this latter point (that is the question of the lands), the country being entirely with them in their previous action. They have done so only on the understanding and in full confidence that Your Lordship, in procuring the passing of the bill through the Imperial Parliament, will concurrently take such steps as may ensure the carrying out of the proposal contained in your despatch of the 30th July, 1888, in which Your Lordship expresses it as your intention to 'vest in the Legislature of Western Australia the sale, letting, and other disposal of waste lands of the Crown south of latitude 26°.'" There is another method of dealing with this matter, by which we might completely save ourselves from all risk, and that is that we should follow the Governor's advice, which he gave us in his prorogation speech last December, when he expressed an opinion that it might be desirable to introduce a clause in the Constitution Bill provid-

ing that the bill shall not come into operation until this Council had addressed the Governor asking him to proclaim it. That is the course which I understand the hon. member, Mr. Morrison, proposes to ask the House to take. If members object to running any risk it would be competent for them to adopt that precaution. Whatever we do I think it should only be for the gravest reason that we should refuse this, what I may call, ultimatum that the Secretary of State has placed before us. Certain am I of this, that those who have supported us hitherto will not do so any longer, and will be entirely against us in the future, if we prolong the present transition period—if they find that our action to-night brings any mischief to the colony. It may—if we prolong this transition period much longer—it may bring very considerable mischief; and those who have hitherto supported us will turn upon us. Not that I think we should refrain from doing our duty from such a fear; still, as politicians and reasonable men, we ought to look at our actions as they are likely to be looked at in the future, and are likely to affect the future. Members, I think, are well aware that I am perfectly independent in my position and in my action in regard to this bill. I have accepted a nominated seat from the Crown, but, as members are aware, throughout the passage of this bill I have been opposed to the Government on almost every point, and have missed no opportunity of dividing against them, when I had a chance. But on this occasion, when I support the Government, I feel that the course of action which I recommend is one which the House ought to take, for I conceive it is the best we can adopt under the circumstances, and the safest in the interests of Western Australia.

MR. RANDELL: Like the hon. member who has just sat down, I feel that we have arrived at a very important point in the passage of this bill, and I desire to say a few words upon it, not having yet spoken upon this subject. Up to yesterday morning, when the further telegram from the Secretary of State was published, I had determined to give my steady and unflinching support to the proposal to insert this provision about the land in the Constitution Bill, as agreed

to by members on the other side of the House. I felt that they had adopted what, under the circumstances, was the right course to pursue. I may here say that I have watched with a considerable amount of interest, though I have not so far taken any part in the debate, but I have watched, with a great deal of interest and I may say anxiety, the action which members—many of whom will probably by and bye have to take an active part in working the new Constitution and in carrying on the administration of the colony—have taken in connection with this matter, which though it has been stated to be only a matter of sentiment, is, I think, a matter of principle; and I have been very glad to find that all members, not only the elected but also the nominated members, appear determined to carry out their point as a matter of principle. I think it will be admitted that we had no satisfactory or distinct promise or assurance, until we received yesterday's Message, that the Secretary of State would provide by statute that we should have the control of the lands, and therefore I could sympathise with the attitude which members had taken up on this point; and I think that the hon. member for the North deserves the thanks of the House for having introduced a clause in the bill to secure us this complete control of the land. But since the publication of the last telegram from the Secretary of State I feel that the position of affairs has completely, and, I think, satisfactorily changed. I take it that we have now a distinct engagement on the part of the Secretary of State that he will insert in the Enabling Act to be introduced in the House of Commons a clause giving us that full control of the lands that we desire. It will be impossible for him, I take it, to go back from that engagement. Under any circumstances we should have to trust to the good sense and fairness of the House of Commons in dealing with this matter. Although it has been stated that among a considerable and influential portion of the English press there is a strong feeling against the alienation of any more of the lands of the Crown from the control of the Imperial Parliament, and although this feeling is likely to find expression in the House of Commons still we have here a distinct undertaking on the

part of the Secretary of State to put a clause in the Enabling Bill; and it appears to me that whether we have a clause in the Enabling Bill or in this Constitution Bill, we shall have to face this feeling of opposition on the part of a section of the press and the Parliament of the mother country. I think, after all, we may rely upon the sense of justice of the House of Commons. I think we may fairly expect that the House of Commons, with the history of the other colonies before it, will be inclined to deal with this colony in the same spirit, they will not refuse to do us justice, I am sure. Although there may be an effort on the part of a minority to prevent us from obtaining this control of our land that we desire, yet I think that a sense of justice will eventually prevail, and that we shall have that complete control which will be necessary for the proper carrying on of the Government of the colony under this new form of Government. Therefore, I think we may safely now eliminate this portion of Clause 76 from the Constitution Bill. I consider that we have now all the assurance that we require from the Secretary of State, which we had not before in this unmistakable form. I think we may the more safely do so in view of the determined stand which this House has made on the point. I would join here in the tribute paid by the hon. member, Sir Thomas Campbell, to the zealous efforts, the earnest efforts, the untiring efforts I may call them, on the part of His Excellency the Governor in supporting the claims, the just claims and the aspirations of this Council. He has done far more than I think we had any right to, or reason to expect or to require from a Governor administering a colony in the position of this colony as regards the Imperial Government. He might have been contented with representing our views, without enforcing them as he has never lost an opportunity of doing, by his own strenuous appeals and arguments; and I do desire to record my most unqualified sense of the very important part which His Excellency the Governor has played in connection with this constitutional question. I feel sure that, unless His Excellency had co-operated with us as he has done all through, in the most loyal and earn-

est manner, the colony would be a long way off at the present time from the attainment of the object we have in view. I was beginning to think, however, that all our united efforts in the direction of obtaining that control of the lands which we required, without the insertion of a clause in the Constitution Bill itself would have been frustrated, until we received this last telegram from the Secretary of State in response to a further effort on the part of His Excellency, a telegram which as I have already stated must be regarded as almost entirely satisfactory. I think we have now, within our grasp as it were, that which we have been striving after for so long; and I think it would be extremely to be regretted if we were to miss the opportunity now, and to insist any longer in having the control of the lands in a form which we are not likely to get it, rather than receive it in the way the Secretary of State proposes to give it to us. I feel satisfied, myself, that we shall now obtain that which we desire. I said just now that I had listened very attentively and with great interest to the debate that has taken place on this Constitution Bill, and the general impression I have gathered has been a reassuring one. I feel that the destinies of the country are about to be committed into the hands of men who have a full sense of the importance of the change and of the serious responsibilities attached to it. There are, however, some exceptions. My feeling on this subject is not one of unmixed satisfaction. I have heard sentiments uttered from some quarters in this House against which I desire to enter my most earnest protest. The other night the hon. member for Kimberley, in his usual way, referred to this change of Constitution in a manner which I think will not commend itself at any rate to the good judgment of the members of this House nor the country generally. If I understood him rightly, he appeared to regard this question in the same light as the "Peace at any price" party, in England, regarded the war; the hon. member seemed prepared to accept Responsible Government, at any price. He was determined to have Responsible Government so that we may be able to borrow money, and so increase the temporary prosperity of the country. Responsible

Government and borrowed money seemed to be the hon. member's idea of the proposed change. Now, sir, I think that is an idea that is to be most earnestly deprecated. If that is the only object we have in view in getting away from the present system of Government, so that under Responsible Government we may be able to borrow more largely than at present, without any definite scheme before us as to what reproductive public works the money ought to be expended on, it argues a very poor idea in my mind of the true principles that should guide us and a very dangerous idea as to the principles of political economy. I hope the hon. member may be induced in the near future to study those principles a little more assiduously than he appears to have done in the past. I think he will find there will be something more required from our Ministries in the future than a capacity to raise loans. If I thought that members generally shared the hon. member for Kimberley's ideas, or were animated by the same motives, I should regard the change with a feeling of dismay and as likely to be attended with disastrous results to the whole colony. I hope the hon. member will change his views as soon as possible. I will only in conclusion reiterate what I said before, that I hope members generally will be prepared to accept this assurance on the part of the Secretary of State to take the necessary steps to give validity to the desire to have complete control of the lands of the colony in the way he now promises to do, and that we may have this bill sent Home in time to pass through the House of Commons this session.

POINT OF ORDER.

MR. HARPER: I rise to a point of order, before we go to a division on this amendment. I happened to be a witness to two hon. members pairing for the remainder of the session, the hon. member for Geraldton and the hon. member for Albany. I understand that the hon. member for Geraldton has gone back home, but the hon. member for Albany is still here. I wish to know whether there is any rule on the subject?

THE SPEAKER: Before I state what the rule, or rather the practice, is, for there is no rule, I must corroborate

what the hon. member for York has stated as to an arrangement having been made between the two hon. members referred to, for I have received a telegram from the hon. member for Geraldton, informing me that he had entered into an arrangement with the hon. member for Albany to pair with him on all questions that came before the House during the remainder of the session. The telegram is as follows: "De Hamel agreed to pair with me on all matters that might turn up this session, and we also agreed to go home." I may state that the hon. member for Geraldton also informed me on taking his departure that he had agreed to pair with the hon. member during the rest of the session. As to the rule, there is no rule to compel members to observe such an agreement, but there is an honorable understanding always existing on the subject, when members have agreed to pair for any time, whether it be for a day or a month, or for a session. When such an agreement is come to, it is a matter of honorable understanding between the parties that it will be observed. But there is no rule to compel them to adhere to their agreement, or anything beyond their own sense of honor to guide them.

MR. DE HAMEL: I desire to reply to what has been stated in this way: the agreement between the hon. member for Geraldton and myself was to pair on a matter that was then about to come before the House, in reference to the Petition of Messrs. Harper & Hackett; the hon. member was determined to give a vote on one side and I on the other, and that was the understanding on which we were going to pair; and had there been a necessity for it we were going to give in our names at the table as having paired for the rest of the session. That division, however, took place the night before we separated; and no other question was discussed between us. The question of the Petition was the only question that either I, or I believe he had in view, as to which we were going to pair.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I can corroborate what the hon. member for Albany says. When he was leaving he said to me he would return if anything of importance happened to require his presence.

THE SPEAKER: Of course I cannot rule in the matter. Hon. members must do as they please in the matter.

The committee divided on the amendment, with the following result:

Ayes 15

Noes 6

Majority for ... 9

| AYES. | NOES. |
|-------------------------------------|----------------------|
| Sir T. C. Campbell, Bart. | Mr. Burt |
| Mr. Congdon | Mr. Loton |
| Hon. J. Forrest | Mr. Pearse |
| Mr. A. Forrest | Mr. Richardson |
| Mr. Marmion | Mr. Sholl |
| Mr. Morrison | Mr. Harper (Teller.) |
| Mr. Parker | |
| Mr. Paterson | |
| Mr. Randell | |
| Mr. Rason | |
| Mr. Scott | |
| Mr. Venn | |
| Hon. C. N. Warton | |
| Hon. J. A. Wright | |
| Hon. Sir M. Fraser, <i>z.c.m.s.</i> | |
| (Teller.) | |

Clause 76*—Operation of the Act deferred until certain Acts repealed, "and the entire management and control of the waste lands belonging to the Crown Southward of the tropic of Capricorn, and of the proceeds thereof, including all royalties, mines, and minerals, shall have been vested in the Legislature of the said colony; subject, however, to all contracts, promises, or engagements made by or on behalf of Her Majesty with respect to any land situate within the said divisions, in all cases where such contracts, promises, or engagements shall have been lawfully made before the time at which this Act shall take effect within the said colony."

Question put—That all the words in inverted commas (as above) be omitted.

MR. MARMION: I think the events of the last few days have shown the wisdom of the action taken by some members some days ago, when it was agreed to adjourn, in order possibly that some new light might be thrown upon the situation. There is no doubt in my mind that the telegram sent by the Governor to the Secretary of State and Lord Knutsford's reply will have convinced those hon. members who were wavering, and those who had decided to take up a certain line of action, that it would be well now to reconsider our position. I believe the majority of members will be inclined to accept this last

* *Vide* Message No. 19 (p. 337 ante), Amendment (2).

telegram of the Secretary of State as a satisfactory one. I suppose there will still be some members who will perhaps be, I may say, obstinate enough to persist in the course they have laid out for themselves in this matter. It is well-known that no one is more strongly averse to our taking over the management of our own affairs, without at the same time having full control of our lands, than myself; but I recognise the line that divides independence and what may be called obstinacy. I realise the responsibility that is cast upon us in this matter, as the representatives of the people of the colony, who are anxious to see an end of the present disastrous period of uncertainty and delay; and I am prepared, since the receipt of this last telegram from the Secretary of State, to give up that position I have hitherto taken on this point, believing that in doing so I am acting in the best interest of the colony, and that we have now an assurance on the part of the Secretary of State that he intends to obtain for us that control over our lands which we desire. I consider that we have now a pledge on the part of Lord Knutsford that he will introduce into an Act of Parliament a clause to that effect. At all events if we do not get all we require, our position will be very much improved under Responsible Government for fighting for our rights. We shall do so with a greater amount of prestige, and we shall be able to bring a great deal more influence to bear upon the Imperial Government than we can now. I also am one of those who are prepared to place confidence in the good sense of the House of Commons, and in the spirit of justice which generally characterises the actions of that great assembly of Imperial statesmen. I feel sure that the House of Commons will be true to its traditions in dealing with this colony, as it showed itself when dealing with the sister colonies of Australia. I feel sure if they did not do so we should, in a very short time after we got Responsible Government, and with the co-operation of the other colonies, be able to force the hands of the British Government to give us what we want. With full confidence in the future and in the course I am about to adopt in the interest of the colony, it is that I am about to vote in

the way which I am going to vote this evening.

MR. A. FORREST: I rise feeling myself very small after the lecture, or I may call it insult, of the hon. member, Mr. Randell. I am very glad indeed to think that the hon. member does not represent any constituency in this colony: he has been placed in this House by the Governor, and so I say he does not represent any district or anyone in this House, unless it is himself. I should like to go a little further, seeing that he accuses me of wishing for Responsible Government so that a loan should follow. When I said that, I believe I said what most members on the elected side of the House, and I believe the members of the Government, desire to see, and that is the progress of the colony, for we all know that the colony cannot make much progress without public works. I did not mean to say that we ought to have public works just for the sake of spending money. I did not mean to say that that would be a good thing for the colony. I meant that public money should be spent on reproductive works for the benefit of the whole colony and the people in it. At the last session of Council I recollect Mr. Randell spoke not only in this House, but also voted in this House, for the spending of large sums of money for opening up the bar of the river at Fremantle. He was at that time, and, I believe, is still largely interested in the opening up of the bar of the river; he has almost the entire trade of that river.

MR. RANDELL: No, no.

MR. A. FORREST: He would be prepared to vote for large sums of money to improve the navigation of the bar, though he is as fully aware as I am that it is only pitching the money into the sea, for we have had it on the very highest authority that anything spent there is so much waste. I should be very sorry indeed if members on this side of the House had the same narrow views as the hon. member, Mr. Randell. My views, sir, are known not only in this House but also outside, and I hope they are liberal views. I am not a bird of passage. I am not a man of straw. I have a large interest in this colony; and I say I have the interest of the colony at heart more than the hon. mem-

ber, Mr. Randell, has. I am not one who is inclined to waste the public money. I am not a spendthrift myself, nor a man who likes to see money thrown about for nothing. One would think, after hearing the hon. member's speech to-night, that I took no interest in the colony at all. One would think that I had no stake in it. I am surprised at him. He represents no one in the House but himself; he represents no district and I am surprised at him, that he should get up in his place and give a lecture on what he calls political economy. I tell him I don't want his lecture. I do not want to follow his advice. I am perfectly independent of him; I can stand on my own ground. I want to have nothing to do with anyone of such narrow views. I will now leave this unpleasant subject, and proceed with the bill. I am prepared as the hon. member for Fremantle said he was, to agree to this amendment. I also agree that the Governor has done a great deal in helping on this question. I think every credit is due to him for the very able manner he has advocated it altogether. I say this not in any way but in a proper feeling. I give the Governor every credit for the manner he has brought forward this Constitution Bill and helped us to get what we want. I think it behoves every member now to do all he can to have the bill passed by the House of Commons, this session, so that we may have no more delays. Those who are in business, and who know the state the colony is in, know it is impossible to go on as we have been going on for the last twelve months. The hon. member Mr. Randell, perhaps, is not behind the scenes, like some members are; he is not in touch with the financial institutions of the colony; he is not aware of what is going on. The hon. member says I do not understand political economy, that I don't understand finance. I believe I know a great deal more about finance than he does. I believe I have more finance in the top of my little finger than he has in his whole body.

MR. RANDELL: The hon. member has a better opinion of himself than the House has.

MR. A. FORREST: I stand here without fear of contradiction, and say I know more about finance, I have more

finance in my little finger than he has in his whole body. I don't think I will detain the House any more. I got up in the first place to make a personal reply, and in the next place to support the amendment.

MR. SCOTT: I shall support the amendment. I shall do so because of the telegram that has been brought on the scene since we last met and considered this question. This telegram appears to me to have changed the aspect of affairs altogether. I agree with the hon. member for Kimberley and the hon. member, Mr. Randell, that we may with feelings of assurance accept this telegram, and agree now to pass this clause without this proviso. So far as the Civil List is concerned, I think that is a very small matter compared with the absolute necessity of having the control of the lands in our own hands. I really do not think we should be justified in accepting Responsible Government at all unless we had this assurance, a real and substantial assurance that we shall have our lands virtually vested in us, virtually given over to us, in the same way as the other colonies had.

MR. PARKER: I can hardly, myself, join with hon. members in looking upon this telegram as being so entirely satisfactory. Let us see what we have been contending for. All we have been contending for is this: we say, in effect, 'You, Lord Knutsford, have promised us the sole control of our lands South of parallel 26°; we believe that you will do your utmost to carry out that promise, but, in order to make that promise perfectly certain, or at any rate that we do not get Responsible Government without the sole control of the land, we insert a provision in our Constitution Bill, not that the land shall be vested in the Legislature,' as the hon. baronet seems to think,—

SIR T. COCKBURN-CAMPBELL: I did not imagine it.

MR. PARKER: 'Not that the land shall be vested in the Legislature, but that this bill shall not become law until you, Lord Knutsford, do carry out your promise, and give us the entire management of our lands, or of that portion of them which we seek to have the management of. We believe that you will do everything in your power to give us this power, but we know there may be a

difficulty about it in the House of Commons, so we want to provide for it in our Constitution Bill.' That is the position we have taken up. My contention is that the Secretary of State has no power to delegate to us the power that Her Majesty has delegated to him over the lands, as one of Her Principal Secretaries of State, and that it will be absolutely necessary to have parliamentary authority to do so: Lord Knutsford has apparently recognised that he will have to bring the matter before Parliament, and he promises to do so. At the same time he asks us to strike out of our bill this provision that the bill shall not become law until he carries out his promise. I see no more reason why we should strike it out now, than a fortnight ago; we are in exactly the same position as we were in a fortnight ago. The Secretary of State has simply emphasised his promise to place a provision in an Act of Parliament, but he gives us no assurance that it will be agreed to, and we may have to take Responsible Government without the land just the same, if we strike this proviso out of our own bill. I have said that I have great faith in the Secretary of State; I was the first person, I think, to say so; I said so when we were discussing this land question on the second reading of the bill. I then pointed out that we were placing great confidence in the Secretary of State, and that I thought we were perfectly safe in doing so. I am not going to oppose this amendment if it is the general wish of the House that it should be accepted; but I do not think it would be at all unwise to add a clause such as that suggested by the hon. member, Mr. Morrison, deferring the coming into operation of the Act until this House addresses the Governor on the subject, and we are sure about our position as to the lands. I ask members to imagine the position we shall be in if this bill became the law of the colony and we had no control over the lands. The Imperial Parliament may refuse to give us the control of the lands, and what would be our position then, having eliminated this proviso from the bill? Our last state would be worse than the first.

MR. BURT: I think I may be allowed to say a few words on this question before a vote is taken, and I hope I shall

not be considered too pig-headed, if I am not able to change my mind with the same facility as some hon. members. When I am convinced I am always ready to change my mind, but unless I am convinced to the contrary I am not in the habit of changing my mind every day in the week. Our position to-night, I think, is in no way altered by this telegram. Very few members who have spoken have taken the trouble to quote it at all, and see what it says. Taking a broad view of the speech of the hon. member, Sir Thomas Campbell, I do not think the hon. baronet has been influenced by this telegram; certainly not by the telegram only. The hon. baronet has come to the conclusion that the attempt which he joined in (as he put it) to induce the Secretary of State to give us what we asked for in Clause 76 was made under a misapprehension; that we all made a mistake, and that the Secretary of State is really the best friend we have got. I take it, therefore, that the hon. baronet stands on some other ground than this telegram which seems to have influenced some members. The hon. baronet, from his point of view, has some ground for asking us to reverse our decision; but other members who base their change of front on this telegram have no such ground, and it appears to me that they have jumped at a conclusion which the telegram hardly warrants them in doing. Their action seems to me unintelligible. Members must bear in mind that the opinion of the English press, which has been referred to, is directed, not against giving us the control of the lands south of any particular latitude; the press at Home know nothing of any such proposition. What the press have been directing their objections to is the question of the colony having the full control of the whole of the lands of the colony, from the extreme North to the extreme South, and not of a portion of it. We have nothing whatever to guide us to the conclusion which some members have jumped at, that the people in England, and the House of Commons reflecting the opinion of the people, are not willing to allow this colony to have the control of the land south of a certain parallel of latitude. For all we know, when the Secretary of State explains this bill in the House of Com-

mons, and points out that all we ask for is to control the lands south of Latitude 26°, no one can say that the House of Commons will offer any objection, and will not jump at it as a very modest and moderate and reasonable demand, and consider that they are giving us Responsible Government on very good terms indeed. They will say, "Why, these people only ask to have the control of the land as far as Latitude 26°, whereas we thought they wanted to get the whole of the lands of the colony; give them Responsible Government by all means." I say none of us know but that this will be readily accepted; and it is for that reason—that we are in the dark as to the real intentions of the Secretary of State and of the House of Commons—that I do not see any reason why we should go back on this point from the position we have taken up already. The hon. member, Sir Thomas Campbell, said there was not a single instance of the other colonies having had their lands vested in the Legislature of the colony. Neither do we ask for it. As the hon. member for Sussex pointed out, we do not ask for that in this clause at all. The Secretary of State may have been misled on that point, for we find the Governor, in the first long telegram that he sent, telling the Secretary of State: "Act not to come into force until lands south of tropic vested in Legislature." We do not ask for that. His Excellency, probably, did not well weigh his words. They are, technically, strictly, incorrect. The bill does not profess to ask that the land shall be vested in the Legislature, but simply the control and management of the land. When members had this proviso of mine placed before them, they had precisely the same terms used as were used by the Secretary of State when he proposed to do this by means of a Regulation. The hon. member pointed out that it was very doubtful whether the Secretary of State had that power, and so it is. We did not divide upon the question of whether he had the power or not, but whether it was sufficient, supposing he did have the power. Now the question raised is an entirely different one. It is said now, because he has the power, which we said before was insufficient, that that should suffice for us. I cannot see the force of the argu-

ment. I do not see that the position is altered in any way. If the hon. member, Sir Thomas Campbell, says he sees reason why he should go back from his former position for the reasons he has given—which is not this telegram at all—I can understand his doing so; but I cannot see the argument that this telegram has at all altered our position, in any way whatever. We have been treated now to four telegrams on this question, and I would refer to them very shortly. In his first telegram Lord Knutsford said he must adhere to his previous decision. That was in reply to the Governor's telegram that we wanted the lands vested in us—which was incorrect. The next telegram that we have is that of the 13th of April, in answer to a telegram from the Governor asking whether we should have control of the lands south of Latitude 26°. The Secretary of State's reply was: "My intention is as stated, but cannot undertake Imperial Parliament will not make some modifications." He then evidently intended to insert some clause in the bill, as he intends now; therefore, I would ask, in what different position are we now that we were not in on the 13th of April? The position is in no way altered. Then we have another telegram, dated the 16th, which is not material; it simply asks the Governor not to prorogue till the points at issue have been settled as required—he does not say required by whom. Then we come to this last telegram, which some members consider of such importance. In this telegram the Secretary of State says: "Referring to your telegram of 18th April, will insert clause." Let us see what the telegram was which he referred to. The Governor's telegram of the 18th was as follows: "If you agree add to Act of Parliament clause ensuring validity of regulations mentioned in your despatch 30th July last year, paragraph 5, it may facilitate matters." The Secretary of State of course replied that he intended doing so. Can we suppose for a moment that he ever intended to make regulations without giving them validity? Did anyone in this House suppose that? That was not our objection to proceeding by regulation. The argument was this: a regulation may be revoked at any time; the boundary may be shifted at any time further south, and we shall not know

where we are. That was the objection to its being done by regulation, and so this proviso was put in. What would be the result of striking out this proviso? We shall have passed a Constitution Act, that Act will go to the House of Commons, and it will become law, and we shall enter upon Responsible Government without the control of the lands being vested in us in any way. On the other hand, if we leave the proviso in the bill, and the House of Commons refused to pass it, we would simply say, we don't want Responsible Government, until we get the control of the land. If the House of Commons will not pass this clause, because we say the Act shall not come into operation until the control of the land is vested in us, what reason is there to suppose for a moment that they will be hoodwinked by the Secretary of State who proposes—so it is said—to leave this out of the bill, and to deceive the House of Commons with another clause, in the Enabling Bill, which will have the same effect? That is the argument on the other side. If not, what is the objection to leave this proviso in the bill? I really cannot see any distinction between the two things, only that one is open and above-board, while the other is not. We are not asking to have the lands vested in us, but simply be like the other colonies and have the management of our lands vested in us. If members are going to strike this proviso out of the 76th Clause, it will be absolutely necessary, I submit, to introduce a clause as suggested, providing that the Act shall not come into operation until the Legislative Council addresses the Governor, asking him to proclaim it, whereas now the Governor will be bound to proclaim it within three months after it receives the Royal assent, whether it gives us the control of our lands or not. Surely members are not going to take Responsible Government without that control? That is a position that has been taken up right through this debate.

MR. MARMION: We don't intend to do so.

MR. BURT: You can't help yourselves. Does any member think that, because there may be no reference in this bill to the lands, that no questions will be asked in the House of Commons as to what is going to be done about the

lands? Does any member run away with that idea? If so, I am sorry for him. I say it would be positively dangerous to send this bill Home without inserting such a clause as that suggested by the hon. member, Mr. Morrison, if we strike out this proviso. I will say no more about it. With regard to the other amendments, as has been said, it would be absurd to risk Responsible Government for the sake of £100 a year. Most decidedly it would; and that being so, does any member imagine for a moment that the Secretary of State would refuse to give it to us for the sake of this £100 a year? Of course, if members think they did wrong before, let them go back; but to say that this is going to jeopardise the granting of Responsible Government is ridiculous. These other amendments being small matters in the eyes of some members, and being money matters, are apparently to be thrown over, because they are small matters and money matters—but I think, having been agreed to, they ought to be adhered to, for that very reason, that they are small matters. What I object to is this: the Secretary of State has not yet got the bill before him, and we do not know yet what he may object to. In the telegram sent Home by the Governor all the amendments were lumped together, and the Secretary of State seems to have dealt with them in the lump. We have no assurance, at all, that if we agree to this amendment the Secretary of State may not pitch them aside as of no importance in his eyes, and that his opposition will be directed to some other point altogether, which in our eyes has been looked upon as of no value. We may have the bill sent back about something else altogether, and we should be sorry then that we had yielded on this point. The Secretary of State, I say, has not got our bill before him, and we do not know what may appear of importance in his eyes. We may have this bill before us again next session, not because of these amendments but of some other matters that we lay no stress on at all. Even the Pensions schedule may come back because we altered it in other respects than reducing the pension of the Attorney General. The Governor only mentions the Attorney General's pension in his telegram, and the Secretary of

State may think all the others have been agreed to as put down in the bill. We have no assurance, for instance, that he will not object to the pension of the Colonial Treasurer being cut down. Had the bill been before the Secretary of State, instead of these fragmentary telegrams, he would have been in a better position to tell us what he really objects to. As it is we are proceeding in a great measure in the dark, we may be making a great fuss over matters which he will take no exception to, and find him objecting to other amendments altogether.

MR. RICHARDSON: When this telegram came first before us I did not understand it, but I was assured by everyone it fully met all we wanted, and would meet the difficulty we were laboring under, and that we now had all we had been contending for. It was only when I came to hunt up the other despatches and to consider the whole matter that I imagined that at last I did understand it. It appears to me that there is a great deal of truth in what the hon. member for the North says, that the Secretary of State is not seized of all the facts of the case, and does not know the exact position of affairs, or what we are asking him for. We know that His Excellency has telegraphed what amendments we have made in the bill, but we know that a telegram is very liable to be misunderstood, and I think we shall find that the Secretary of State has been under a misapprehension as to some of these amendments. His Excellency, we know, has done it all in good faith; but as has been pointed out by the hon. member for the North, His Excellency made a mistake in informing Lord Knutsford that one of the amendments we had made was one vesting the land of the colony in the Legislature, whereas we only vested the control of the land; the clause simply provides the very thing that the Secretary of State says he will try and get for us, by sneaking it through the House of Commons instead of having it done openly in this bill. I think it is paying a very poor compliment to the intelligence of the House of Commons, if we think they are going to be hoodwinked in this way. If the House of Commons refuses to pass this Constitution Bill, with these few words in it, I don't see how they are going to swallow this other clause of the

Secretary of State's which he says he will put in another Act. The whole of this discussion arose out of the paragraph in Lord Knutsford's despatch of the 30th July, where he says: "With this view I propose to leave in force the Act 18 and 19 Vic., cap. 56, and to make new regulations under that Act, which, after preserving all leases and rights which have been duly granted or created, would vest in the Legislature of Western Australia the sole letting and other disposal of waste lands of the Crown south of Latitude 26°." It was in reference to that that His Excellency telegraphed to Lord Knutsford, saying: "If you agree to add to Act of Parliament clause ensuring validity of regulations mentioned in your despatch 30th July, last year, it may facilitate matters." The Secretary of State replies that he will do so: "Will insert clause," he says. But the mere fact of his saying that will not give us this control.

MR. MARMION: Neither would it in the bill.

MR. RICHARDSON: Of course not: it has to pass the House of Commons. It appears to me it is a distinction without a difference. Members run away with the idea, and I believe the Secretary of State has it, too, that he dare not face the House of Commons with any clause to give us the control of the land in too apparent a way, and that the only hope he has of getting us this control is to slip it in, in the Enabling Act, which would virtually accomplish the same object. I cannot help thinking, if this bill itself were in the hands of the Secretary of State, instead of a telegram which we can see has plainly misinformed him, we should find no more difficulty in passing this 76th Clause through than do it in the way he proposes himself. There is this to be said: if this bill goes before the House of Commons and it contains no provision giving us control of the lands, it will probably pass, as a matter of course; but then comes this question, how are we going to obtain that control? It is said it will be done in the Enabling Act. But the House of Commons may not choose to pass that Act, as it is introduced, and we shall be in that stranded position of having Responsible Government without the control of the lands of

the colony. I think it is absolutely necessary we should put in some clause deferring the coming into operation of the Act until we address the Governor on the subject. We should then have an opportunity of considering whether we should accept it or not. I hardly think that the change that has come over the minds of members is due to this telegram; it appears to me that members have got into that frame of mind that they prefer to have Responsible Government almost at any cost and upon any condition; that they are tired of fighting the matter, and simply take shelter behind this telegram. I must say that when I was told that this would put an end to all our difficulties I felt inclined to go with the stream; but when I came to look deeper into the matter, and to see what it really amounts to, I do not see that we are in a different position at all by it. I can hardly think that, giving due credit to the astuteness of Imperial legislators, we shall find that they are ready to swallow this pill, gild it how we may, unless they would be prepared to swallow our own pill.

SIR T. COCKBURN-CAMPBELL: I only rise to point out again that we are not dealing with the House of Commons at all, at present, but with the Secretary of State. It is of no consequence what members may think the House of Commons may do, or may be willing to do. That really has nothing to do with the matter. The question now is, are we prepared to take such action as will enable Lord Knutsford to bring the matter before the House of Commons this session? Lord Knutsford states most emphatically that unless we do certain things he will not bring the bill before the House of Commons this session.

MR. BURT: He has never said so.

SIR T. COCKBURN-CAMPBELL: Most distinctly.

MR. BURT: Will the hon. member point it out where he has said so?

SIR T. COCKBURN-CAMPBELL: In so many words he has as much as said so. He asked the Governor not to prorogue the House till the matter is settled, in order that he may be able to introduce the bill in the Imperial Parliament this session. It is perfectly clear what he means,—that he has made up his mind on this point, and the other points men-

tioned. In another fortnight it will be too late for the bill to be introduced into the Imperial Parliament. What we have to consider now is, not what the Imperial Parliament might do if it had all this information and this bill before it, or what conclusion Lord Knutsford might come to if he had the bill before him, but what conclusion Lord Knutsford will come to as to introducing the bill this session, or indefinitely postponing its introduction. The hon. and learned member for the North spoke of control of the land by regulation not being sufficient, and said that was what we had gone on previously. That was not the ground on which I went. So long as he delegates to us the power that he now possesses over the lands that would satisfy me. It is ridiculous to talk about such a power once given being revoked, when we shall have all the other colonies with us. No Secretary of State would ever dare do it. The only question that members can at present go upon at all is the possible risk that we may get Responsible Government without this control; the House of Commons may possibly refuse to pass that little clause which Lord Knutsford proposes to introduce. But if we accept the proposition that the hon. member, Mr. Morrison, is going to introduce, that is, do what the Governor suggested last year, postpone the coming into operation of the bill until this House has an opportunity of addressing His Excellency on the subject,—if we do that, we shall be perfectly safe.

MR. VENN: I think the House is very much indebted to the hon. and learned member for the North for the action he took in trying to get us that control of the land that we wish. No one, in my opinion, inside the House or outside of it can possibly regret the action taken by the House on the hon. member's suggestion the other evening, when we inserted that proviso in our Constitution Bill. It will be a memorable incident in the political history of this colony and I take it that this House on that occasion rose very much in the estimation of the outside public. I believe it will also have risen in the estimation of Lord Knutsford, himself, in consequence of the firm but at the same time modest manner in which it dealt with the subject. I cannot say that when the hon. member first

introduced it as part of this bill, I was in accord with it, inasmuch as I had, myself, previously intended to have introduced a resolution to the same effect, but not in the bill. But, after hearing the arguments, I thought the object in view would be better gained in the way that the hon. member suggested. From that moment to this I have gone with the majority in adhering to the decision we then arrived at. Before I proceed any further I desire here to express my strong sense of gratitude due to His Excellency the Governor on the part of this House and of the colony for the manner in which he has advocated our claims and conducted the whole of these negotiations with the Home Government, from first to last. I know, myself, from what I personally heard when in England that we shall have to thank His Excellency for a great deal of any success that may attend our efforts in this direction. I was not long in England before I ascertained, as a matter of fact, what a strenuous friend we had in this matter in Governor Broome. I think His Excellency's action all through the piece has shown us that. Coming back to the question now before us, I have had the pleasure of reading the Memorial which the hon. member, Sir Thomas Campbell, intends to move at the termination of this discussion, and I may say that I am very much in accord with it, in the main. With regard to the particular amendment now before us, I do not think that we can strengthen our position by holding out any longer. The hon. and learned member for the North has not shown us that we would do so; but rather taunted us with changing our opinions very easily, and ridiculed us for doing so, in view of this telegram. So far as I am concerned, I think that instead of strengthening our position, in holding out after receiving that telegram, I think we should weaken our position, and postpone the introduction of Responsible Government for a considerable period. It is not a question, at the present moment, of what the House of Commons will do, or not do. I am quite in accord with the hon. baronet on that point; our present object should be to see that this bill is sent Home in time to be dealt with by the House of Commons this session. It is clear to us that unless we agree to these

amendments, and the bill is sent Home soon, it will never reach the House of Commons this session. I think we shall be acting in the best interests of the colony if we now, after taking the strong stand that we have done on this point, agree to be guided by Lord Knutsford, and rely upon his assurance now given us. The hon. member for the Vasse has drawn a picture of the position we shall be in if this bill becomes law without our having control of the lands. For my own part I cannot view that position with any degree of anxiety or alarm, for, as has been said by the Commissioner of Crown Lands, some few evenings ago, every step that we take in this direction is a step in the right direction; and even if we do have Responsible Government for a short time without this full control of our lands, we shall decidedly be in a stronger position to fight for our rights than we are in now. I think it will strike the Secretary of State in this light: if the House of Commons agrees to give these people Responsible Government, and the Constitution Bill is passed, it would be a most extraordinary proceeding then for the House of Commons to refuse a self-governing colony the right to dispose of its lands in the way it thought best in the interest of the country, in the same way as the other self-governing colonies do. Further, by agreeing to this amendment, after taking the stand that we have done, we shall show that we are placing our trust entirely in the good faith of the Secretary of State, and his ability to do what he has promised to do for us. I shall have much pleasure in supporting the amendment, and I feel that I can do so without incurring any charge of inconsistency, for, when the question was before the House the other day, I abstained from speaking very strongly on the subject, as I had a very strong sense of the integrity of Lord Knutsford's intentions and of his desire to carry out his wishes towards us. I therefore thought it would be better not to say anything that I might afterwards have to unsay.

MR. MORRISON: I cannot say that I see any particular reason to change the opinion I formed the other day on this subject. I am not looking at what may take place in the House of Commons or in England; I am looking nearer

home; I am thinking of what the effect will be here if this question is kept in abeyance much longer. On the other hand I am thinking what the result would be if we were to take Responsible Government without the lands. Our position then would be worse than now. I think that when we get Responsible Government, one of our first ideas, as some hon. members have said, will be to inaugurate public works, and I would ask, if we have no lands where will our security come from when we go into the money market, as we shall have to do, to raise a loan? How can we go into the money market, when our security is in another person's hands? I give Lord Knutsford credit for every desire to see us put right, but we must look at it in a business light, and deal with it in a business way. I think we should not take an incomplete Constitution, or a Constitution we cannot do any good with for the colony. I am in favor of giving Lord Knutsford time to carry out his intentions, as he promises; but I think, if we do strike out this proviso, we ought to see that we have some guarantee that the bill does not come into force without our having the lands of the colony with it, up to a certain boundary at any rate. Therefore I intend presently to propose an amendment, or rather a new clause or resolution, that the bill shall not come into operation until we memorialise the Governor asking him to proclaim it. It is perfectly absurd to go into Responsible Government blindfolded. Without our lands we should simply have Responsible Government in name only: we should be like a bubble floating about the political world, without weight or substance, and which the first breath of adversity would burst. I do not believe in half-and-half measures; I want to see the colony get a proper Constitution when we do get it, a Constitution that we can do something with. As to this telegram, I see nothing very reassuring about it. I think that in interpreting it the wish has been father to the thought with some members. It is very easy for the Secretary of State to say that he will insert a clause, and I believe he intends to do so; but inserting a clause and keeping it in when you do insert it are two different things. We have inserted a clause in this bill, but now, it appears, we are told

to take it out again. It may be so with the Secretary of State's clause, in the House of Commons. This is not a question of obstinacy at all, but a question of business, and a question of whether we ought to accept Responsible Government, without the proper means of working it.

MR. DE HAMEL: I desire to say a few words on this subject. One of the strong points urged upon us before was that the Secretary of State had no power under the 18th and 19th Vic. to delegate to this House the power to control the land by a regulation, and we were in the dark as to how he proposed to do so; and, for our own protection, we were asked to insert this proviso in the bill. I must say that I, myself, never had the slightest doubt but what the Secretary of State would fulfil his pledges and promises, which appeared to me to be so binding and strong that they would be equally as binding upon his successors as upon himself, if the Government at Home were to change. I say I had every confidence in the Secretary of State carrying out his pledges although it was not very clear at the time how he proposed to do so. But in this last telegram we have a very important statement, for he tells us how he proposes to do it. As to our not being in a worse position after having Responsible Government without the control of the lands than we are at present, I would refer the hon. member who said so to the address presented by this House on the 6th of April, last year, to the Governor, in which the House urged the Governor to point out to the Secretary of State the extreme importance attaching to an early settlement of this question; showing how desirous members were then to obtain Responsible Government at any price, apparently. The Governor, having received that address, wrote to the Secretary of State, on the 28th of May, as follows: "I would urge that every step be taken to secure the earliest settlement of this matter, so all-important to Western Australia. Politics and public affairs here have been almost brought to a standstill by the impending change of Constitution, and the welfare of the colony imperatively requires that the bill should go before the Legislative Council at the earliest practicable date." Now we have the cup at our lips,

and we know that by agreeing to this amendment we may get Responsible Government without further delay; and shall we now cast the cup from our lips because it is not exactly to our liking? Shall we kick the ball from under our feet now that we have got it there? Shall we let the colony continue in its present condition of stagnation? Is there not stronger reason to urge an early settlement of this question now even than there was this time last year, when the House addressed the Governor in those terms? I think no member, having the true interest of the colony at heart, can refuse to support, and strongly support, this amendment which the Governor, acting for Lord Knutsford in this matter, has put forward.

MR. LOTON: The one main issue to my mind, is this: are we prepared to accept Responsible Government for this colony without the control of the lands south of a certain latitude? That is all we ask for; but we make this very mild stipulation, that until we do get the land we don't care for the other. The telegram now before us does not put the matter in any different position that I can see. It simply amounts to this: the Secretary of State may do all he can to carry out all his promises; but Parliament may not allow him to do so, and he will only be able to carry the bill through as it is now, if we strike out this proviso. Where shall we be then? We shall have a Constitution known as Responsible Government, but a Constitution in name only. It would not be Responsible Government as granted to all the other colonies of Australia, to Canada, and to the other British dependencies who have had constitutional government granted to them. Those colonies have the control of their lands, and if we accept the responsibilities of self-government, we ought to be placed on the same footing. That has been our idea all along in dealing with this question of Responsible Government. It never entered our heads to take on ourselves the burdens of that form of Government, and the expense of that form of Government, with no lands to control and to make use of as other colonies have done and are doing. I see nothing in this telegram that gives any stronger guarantee that we shall have what we want than we have had all along.

The hon. member, Mr. Morrison, proposes to do this in some other way, so that we may be able to put off the adoption of Responsible Government, if we find hereafter that we have not got what we want. But why can't we do that now? That is all we are proposing to do in this Clause 76. Speaking for myself, and as the representative of a constituency in this House, I am not prepared to accept Responsible Government without at the same time having the full control of our lands south of a certain parallel of latitude.

MR. HARPER: I have listened carefully to all the arguments on this subject, and it appears to me that the ultimatum that has been forwarded to us by the Secretary of State has been based on an erroneous basis, on erroneous information; therefore, his ultimatum is not one that might have been offered to us if he had been seized of the true facts of the case. It appears to me that if the Governor had said to Lord Knutsford that the House had agreed to the bill with a proviso that it should only come into force when the Secretary of State's conditions became law, the Secretary of State could not have taken any objection to it; and that being so, I cannot see why this House should go back from the position already taken up, and reverse the decision it arrived at a few days ago, simply because the Secretary of State has received an erroneous impression from a telegram sent to him. It appears to me that we would be taking a very undignified course if we did so, and, therefore, I am going to adhere to my former decision.

MR. PEARSE: I have always been under the impression that if we took upon ourselves the management of our own affairs we should have the control of our lands; and I think the House acted very wisely in taking the stand that it did on this question the other day, with the information we then had before us. But since the receipt of this telegram from the Secretary of State, I think a new light has been thrown on the subject; and being now of opinion that the Secretary of State will do for us what we wanted done in another way, and that we shall get what we want and probably get it sooner, I intend to support the amendment. In doing so I feel that I am

acting in the best interest of the country. There can be no doubt that the time has arrived when this question should be settled, and the colony have a fresh start. We have been agitating long enough; it is time now we went to work; and I believe we are more likely to do so if we agree to the amendment than if we persist in our own way, for no purpose.

MR. SHOLL: I never did feel very strong on this matter, and I am certainly going to vote for the amendment. I feel stronger, I must own, on the question of the Civil List; and it was simply in order to strengthen the majority on this point that I voted as I did, though I thought it would be better to have the lands vested in the Legislature. At the same time it was more as a compromise that I agreed to stick out for this clause, with the majority. When I say that I feel stronger on the question of the Civil List, I bear in mind that it means an annual increased expense and a charge on the revenue, which I think is a point we should not forget in taking upon ourselves these increased responsibilities of self-government: whereas, as to the land, I really thought very little of the particular way we were going to get the control of it, for I felt sure we would get it in one form or the other; and sooner than jeopardise the whole bill I prefer to give way, so that we may have this change as soon as possible. We know that the administration of the Government of the colony at present is very unsatisfactory even to those who are charged with it; and no doubt the Government feel their position and that their hands are tied: they cannot strike out any line of policy for themselves as things are now, and they must feel that they are hampered from doing any good for the colony, being in a minority in the House, and also hampered by the Secretary of State. As to the lands, we know that we have virtually had the control of them for years past under the present form of Government; we have given millions of acres of them away, and the Home Government have not objected to this being done; and it is not likely that they are going to do so when we get Responsible Government. We must also bear this in mind: we are not in the position of buyer and seller in dealing with the Imperial Government in this matter; we

are not in a position of persons making a bargain, and in a position to demand our own terms. We are asking for what the Home Government really do not care to see us get, and what a large section of the English people are opposed to. We are in the position of a person who is asking a boon, and we must not expect to get all we want on our own terms. The Home Government is in a much stronger position than we are, and can afford to wait. If I thought we were going to be hampered in raising loans for public works, or in carrying on the Government in any way, I would not agree to this amendment. But I do not think that we shall be so. I think that under Responsible Government we shall be in a much better position to fight for our rights than as a Crown colony asking for a concession. For these reasons, if a majority had voted against the Civil List I should have stuck to my colors; but, as the Civil List, I understand, is going to be altered, I shall not hold out any longer on this point, which, as I said, is to my mind one of less importance; and I shall vote now as I think right.

MR. CONGDON: I have from the first had every faith in the loyalty and good intentions of the Secretary of State towards this colony in regard to this question, and I believe his intention is that the land of the colony and its revenues shall be dealt with by the Government of the colony and the Legislature. It is, therefore, my intention certainly to support the amendment of the Government in this matter. I made up my mind from the first to do all I could to hasten the advent of Responsible Government, so that an end may be put to the present state of stagnation and uncertainty, and I think we shall best do so by making this bill as nearly as we possibly can a bill that will command the cordial approval of Her Majesty's Secretary of State; for I feel that without that support it certainly is not likely to reach the House of Commons this session. What some hon. members are driving at is, I think, somewhat difficult to follow; and I am afraid that, as regards the hon. and learned member for the North, that hon. member certainly would not regret if the result was the rejection of the bill. The hon. member seems anxious to show such

obstinate—I hope he will pardon me—such obstinate or determined opposition to this amendment that the result may be the rejection of the bill by the Secretary of State. We hear on every side expressions of confidence in the Secretary of State, and the only doubt hitherto has been that he might not give us this power in a way that would make it valid; but we now have all doubt on that point removed by this telegram. I firmly believe that the Secretary of State will do all that is fair and just for us in this matter, and in that assurance I shall certainly support the amendment.

Question put, — That the words be omitted.

The Council divided, as follows:

Ayes 15

Noes 6

Majority for ... 9

| AYES. | NOES. |
|-----------------------------------|--------------------|
| Sir T. C. Campbell, Bart. | Mr. Harper |
| Mr. Congdon | Mr. Loton |
| Hon. J. Forrest | Mr. Morrison |
| Mr. A. Forrest | Mr. Parker |
| Mr. Marmion | Mr. Richardson |
| Mr. Paterson | Mr. Burt (Teller.) |
| Mr. Pearce | |
| Mr. Randell | |
| Mr. Hasou | |
| Mr. Scott | |
| Mr. Sholl | |
| Mr. Venn | |
| Hon. C. N. Warton | |
| Hon. J. A. Wright | |
| Hon. Sir M. Fraser, <i>s.c.o.</i> | |
| (Teller.) | |

Schedule B.—Civil List:

Amendment agreed to.

Schedule D.—Pensions:

Amendment agreed to.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that the amendments proposed in His Excellency's Message No. 18 to the Aborigines Bill be agreed to.

Question put and passed.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that an humble address be presented to His Excellency the Governor, informing His Excellency that the House had agreed to the amendments suggested in the Constitution and Aborigines Bills by Messages 18 and 19.

Agreed to.

TRANSFER OF W.A. TIMBER CO.'S CONCESSIONS: REPORT OF SELECT COMMITTEE.

ADJOURNED DEBATE.

POINT OF ORDER.

MR. SHOLL: I wish to ask Your Honor's ruling as to whether this debate is not out of order. According to our Standing Order (98a), "Any proposal laid upon the table for the construction of any railway or tramway, either by the Government or by any private persons, shall be accompanied by a general plan of the proposed route." The plan laid on the table in this case does not show the proposed route, but another route. The original route has been abandoned for another one, by the select committee; and we are discussing that other route.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): The hon. member is rather late with his objection. He ought to have raised his point of order before. We have been discussing this proposal for some time; this is an adjourned debate.

THE SPEAKER: The hon. member is quite in order. But I do not think there has been an evasion of the standing order he refers to, though I must say I think the standing order is very imperfect, and that a good deal more information is required for the guidance of the House when considering a question of this kind. All the standing order provides is that a general plan of the proposed route, showing roughly its direction, shall be laid on the table. In this case the route has been altered by the select committee; and of course the committee have a perfect right to do that. So far as I can see, the standing order has been complied with,—a general plan of the proposed route was laid on the table; but the route has been altered by a committee of the House. At the same time, I must say that I think the standing order is in itself insufficient, and that it ought to be accompanied by some further information.

MR. SHOLL: Then, according to Your Honor's ruling, a plan of a railway to the moon may be laid on the table, and a select committee may change the direction and run it to the lower regions; and the House must be satisfied.

DEBATE RESUMED.

MR. PARKER said: When this debate was adjourned an amendment had been moved in sub-section 1, limiting the area of selection to 20 miles from the railway, and within the Sussex district. I have since seen the representative of the syndicate, Mr. Gordon, and he informs me that he is willing to agree to a compromise of 30 miles; and I understand this will be agreeable to the mover of the amendment. Therefore, if the amendment is withdrawn I shall move that the whole of the subsection be struck out with the view of moving some other amendments, with regard to the right of selection. I may say that a plan has been prepared in the Surveyor General's office showing the land that will be included within this 30-mile area. I also propose to embody in this amendment a condition to this effect: that no area shall be reserved or set apart for the purpose of selection by the company, pending the time when their right of selection accrues. The whole of the land will lie open for selection and disposal under the Land Regulations; so that there will be no locking up of large areas of land, as in the case of the Great Southern railway. The company will only be able to select their lands when the time comes for their doing so and subject to any prior selections that may have been made. I may say that I have shown these amendments to the Commissioner of Crown Lands, and that he is perfectly satisfied with them. I therefore trust that after this explanation His Honor the Speaker will not object to withdraw his amendment. I may say that Mr. Gordon accedes to this as a compromise, and that he is not prepared to accept the 20 mile limit.

THE HON. SIR J. G. LEE STEERE said the hon. member for Sussex had shown him the amendments he proposed to move; and, looking at the fact that the company were not prepared to accept what he, himself, proposed yesterday, but were willing to accept this other compromise, he would with leave of the House withdraw his amendment, in favor of that of the hon. member for Sussex. But I think I ought to say that in my opinion we have been dealing too liberally in the past with these rights of selection. I understand these gentle-

men simply asked for the right over 40 miles because we had given a similar right to another syndicate, the Hordern syndicate. But he would remind the committee that all Mr. Hordern asked at first was a right of selection within an area of 20 miles on each side of his line, and in blocks of 6,000 acres. The Legislature thought the blocks were too small, and it was agreed that the blocks should be in 12,000 acres; and in consideration of that, as such large blocks would necessarily contain some bad as well as good land, it was agreed that the right of selection should extend for 40 miles on each side of the line. But that was a very different state of things from persons coming forward now and saying, "You gave other people this right of selection, and you ought to let us have the same right," when they only proposed to take up their land in comparatively small blocks. As we might have other applications of this kind at some future time, he thought it was only right that he should call attention to this fact, which seemed to have escaped the recollection of some hon. members. Although he still thought that 20 miles was a sufficient area of selection, he did not wish to see the proposal drop through altogether, which he thought would be a bad thing for the colony. Therefore, he was prepared to withdraw his amendment in favor of that which the hon. member for Sussex had prepared.

MR. VENN said he had supported His Honor the Speaker yesterday when he proposed his amendment limiting the area of selection to twenty miles; and, if the hon. gentleman had adhered to his amendment, he should still have supported him, because he thought that within this twenty mile belt the company would have had some of the best land in the colony. As a member of the Agricultural Commission who had taken evidence in this district, he might say that it was stated to the Commission that forty bushels to the acre of wheat had been grown within this area. Another reason why he should have preferred to restrict the selection to twenty miles of the railway was because he thought it desirable that settlement should take place in as close contiguity to a railway line as possible. But he was moved to agree to the withdrawal of

the amendment, seeing that it might have the effect of putting an end to the negotiation altogether, and also seeing that sooner or later there will be another line of railway from Bunbury to Bridgetown.

Amendment, with leave, withdrawn.

MR. PARKER then moved that sub-section 1 be struck out.

Agreed to.

MR. PARKER thereupon moved that the following sub-section be inserted in lieu of the one struck out:

"1. The lands to be granted to the Contractors as a subsidy shall be selected within 12 months of the completion of the said railway to the Lower Blackwood Bridge, subject to the following conditions:

1. The said lands shall be selected within an area bounded on two sides by lines drawn on each side of and parallel to the Railway from Lockeville to the said Bridge at a distance not exceeding 30 miles therefrom, and on the northward by the sea coast at high water mark, and on the south by an east and west line through the said terminus at the Lower Blackwood Bridge.
2. The said lands or any portion thereof may also be selected within the block of land of 10 miles square at the end of the line over which the Contractors are to have the exclusive right to cut timber.
3. The said lands shall not be selected within any declared or supposed goldfield nor within any area set apart for mining or mineral purposes nor within an agricultural area, unless subject to all the conditions and regulations applicable to land within such area.
4. Such of the said lands as may be selected outside an Agricultural Area shall be selected subject to the conditions contained in the 54th Clause of the Land Regulations.
5. No town or suburban land shall be selected.
6. The said lands shall be selected in blocks of not less than 2,000 acres and in the manner and

shape prescribed by the Land Regulations, and shall be granted in fee subject to all the reservations and conditions prescribed by the said Regulations.

7. No area shall be reserved or set apart for the purposes of the said selections, and until selection shall be actually made by the Contractors the whole of the said areas within which selection may be made shall be open for sale and disposal under the said Regulations."

MR. DE HAMEL moved, as an amendment, that sub-section 4 be omitted, and the following inserted in lieu of it: "No Crown grant shall be issued in respect of the said subsidy lands unless and until the said contractors shall—in lieu of the conditions contained in the 54th Clause of the Land Regulations—have cleared, fenced, and cultivated one-sixth of such lands." The great object of his amendment was to ensure the cultivation of the land. This railway subsidy was practically a timber concession, and very little else. The contractors would be denuding the land of its timber, and doing little else with it, unless we provided that they should make some other use of it that would be of some real benefit to the colony. The terms he proposed were the same as the House had adopted in the case of the Messrs. Millar, and he thought there could be no objection to them in this other case.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the effect of the amendment would be this—probably the hon. member had not had time to put it forward very clearly—but the effect would be this, that the company would be able to hold their lands for the next century without doing anything to them; and, by and bye, in the far future perhaps, when the land had become really valuable, through the simple result of "unearned increment," they would be complying with these conditions, and getting the fee simple of the land. In our Land Regulations we had taken care to put some limit on the time within which improvements had to be carried out; and Clause 54 was very clear. Within 3 years the land had to be fenced, and within 7 years 5s. an acre had to be expended upon it in improve-

ments, prescribed improvements which were duly defined. These improvements must be made *bonâ fide* for the purpose of improving the land or increasing its carrying capacity, and consisted of well-sinking, dams, out-buildings, clearing, grubbing, or cultivation. The improvements must be of real value, and increase the usefulness of the land; and all must be done within seven years. So far as he had heard that clause was likely to work well, although there were easier terms under some of the other clauses of the regulations. He did not see why we should want to go outside our own regulations. Why should we seek to impose other conditions on these people because they had capital, and wished to invest it here? As to the Messrs. Millar, it seemed to him that they were prepared to agree to anything, so long as they got what they wanted. They were determined to get their concession, at any cost. But, it appeared to him, that so long as we insisted upon the Land Regulations of the colony being carried out, we had no right to insist upon any more; we ought to be satisfied without going outside those regulations, or we ought to alter the regulations if we did not think they were applicable. He did not think it was right, nor likely to do the colony any good that it should go forth that we were prepared to treat our own people better than outsiders if they came here for our land. Why should we treat these people differently from our own conditional purchasers of land, under this clause?

MR. SHOLL: *Bonâ fide* settlers.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): There is nothing in the clause about *bonâ fide* settlers. These people will have to comply with the regulations like anybody else, and what more do we want? So long as these regulations remained in force we ought to treat everyone alike under them.

MR. LOTON said the circumstances in this case were entirely different from those of the ordinary landholder. In one instance the would-be purchaser could only purchase 5,000 acres; but in the other instance it was proposed to go altogether outside the regulations, and to give these four gentlemen, who constituted this syndicate, at least 50,000

acres of land, whereas under the regulations they could not get more than 20,000 between them. And we were going to give them, apparently, some of the very best land in the colony. He thought the House should take care when it was parting with 50,000 acres of the best agricultural land,—for it would be the best they would be sure to select—the House should take care that this land carried with it very definite conditions as to improvement. This land was not to be paid for in cash; it was a subsidy; and it was well known that this line of railway was to be constructed mainly, if not solely, for the sake of the timber. In any case the land was given as a subsidy, and it was not paid for as other people paid for their land under the regulations in force. Therefore, he trusted that some such conditions as were contemplated in the amendment of the hon. member for Albany would be insisted upon; and he did not see how the contractors could reasonably object to it.

MR. MARMION did not think it was fair to place this project on the same footing as that of Millar Bros.; one was an entirely fresh agreement, whereas this was not. This was simply an effort to substitute fresh conditions for conditions which the Government were anxious to get rid of. This was a transfer of an old concession from a company that had not been compelled to spend a penny in improving their lands. Now, although it was considered the Government were getting a better bargain, it was proposed to insist upon the new company fencing their land and also spending 5s. an acre in improvements. This 5s. an acre on 50,000 acres represented an expenditure of £12,500; and it was said that the cost of clearing would make it a great deal more. Why should we handicap these people in this way? The mere fact of Millar Bros. having agreed to other terms had nothing to do with these people or with this concession. He thought that so long as they complied with all the conditions of the Land Regulations, we could not fairly ask them to do any more. He would insist upon their coming under all the conditions of the 54th Clause, as to forfeiture of the land in default, and every other penalty; but he would not impose any additional con-

ditions. If the company complied with all the conditions of that clause, they would do enough in his opinion to show their *bona fides*. It must be borne in mind that the Government at the same time was getting rid of an agreement that was like a mill-stone round its neck. He thought it would be a mistake to press this amendment unless the idea was to kill the whole scheme. If that was the idea let it be put forward openly.

Mr. SHOLL said the Commissioner of Crown Lands argued that these people should be placed on the same footing as any *bona fide* settler or cultivator; but he did not see it in the same light. These people proposed to run a railway for their own benefit, and for their own benefit only; it was not likely to benefit the country at large in any way that he could see. If the object was to get the Government out of a difficulty, let them say so. Let the Government come forward and say, "We are in a hole, and we want the House to get us out of it;" and we should know then what to do. But the Government had not yet told them that; they had not confessed that their sole object was to get out of this difficulty, and that the House would oblige them by agreeing to the most liberal terms it could. No; they would not own to it. It was absurd to place these people on the same footing as the *bona fide* cultivator. So far as the *bona fide* cultivator was concerned, and we could ensure the land being cultivated, he would not object to give the land away. But all these people wanted was to get the timber; and they would not even have to pay an export duty. The colony would not even benefit in any way, except, perhaps, in the expenditure of a certain amount of money in wages. When they cut all the timber they wanted off the land, they could afford to sell it then at 2s. 6d. per acre, and in this way undersell the Government. They all knew how other concessions had paralysed the land revenue before now.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he was not going to tell the hon. member that the Government were in a hole and could not get out of it except at a great sacrifice. It was absurd to expect the Gov-

ernment to make such a silly confession. But they deemed the present agreement an unsatisfactory one, and one they did not care to have hanging over their heads, an agreement under which these people had the right to select their land in any part of the colony—at the Yilgarn gold-fields if they liked. As for the amendment of the hon. member for Albany, he hoped the hon. member would withdraw it. So long as we had regulations under which our land could be taken up, regulations framed by that House itself, he thought that so long as these people complied with the conditions of those regulations, we could not reasonably expect them to do more.

Mr. RICHARDSON said he had a sort of compromise to propose, if the amendment were withdrawn. He thought there was some force in the observation that, so long as we had regulations governing the alienation of our lands, the conditions of those regulations ought to be sufficient protection against any abuses. But he thought the 46th Regulation would be more suited to the object we had in view than the 54th Clause. The 46th Clause would perhaps require a little modification to meet the position of this company as a company; but he thought the improvements required under that clause were of a character that would be more beneficial to the colony to have carried out than the improvements under the 54th Clause. The 46th Clause provides that within six months the holder of the land shall commence to reside on it—that would not be necessary in the case of these people—and that during the term of his license he shall fence it; afterwards he had to expend in improvements an amount equal to the full purchase money, or in other words, 10s. an acre. This would mean that the company would have to spend 10s. an acre instead of 5s., in improvements. He thought there was no hardship in requiring them to do that, for they would not be spending it on other people's land but upon their own. The land would be worth 10s. an acre more for them, when they did these improvements. He could not agree with the doctrine of the Commissioner of Crown Lands that these people were in the same position as the *bona fide* settler, who paid his purchase money into the Treasury. No doubt

they had to build a railway for this land, but it was built for their own convenience, and for their own particular use and benefit.

MR. DE HAMEL's amendment was, with leave, withdrawn.

MR. RICHARDSON thereupon moved an amendment,—that in sub-section 4, the words "54th Clause" be struck out, and the words "46th Clause, without residence" be inserted in lieu thereof.

MR. PARKER said the select committee had interviewed the parties concerned in this agreement, and agreed with them as to the conditions of the 54th Clause, which was the clause agreed upon between the Government and them; and if it was now proposed to depart from that understanding and to bring them under some other clause, it would be better to report progress, so that we could ascertain whether the parties would consent to this departure. There was a great difference in paying 10s. an acre in 20 years—which was the position of the ordinary purchaser—and the position of this company, who had to complete their railway in 4 years, and to select their land within 2 years, and carry out these improvements. It was all very well to say that they were improving their own lands; but it was not everybody who had the money available for improving their lands, at once. We had already got these people to consent to extend their line to Busselton, although it would be of no use at all to them, and it was now proposed to impose further conditions, which, he should say, they were not at all likely to agree to.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said the effect of the 46th Clause would be that the company would have five years to fence their land, without doing anything else to it, and fifteen years more within which to do the necessary improvements. According to that, they could leave the whole of their lands idle and unimproved for years to come. For four years they need not touch it, so long as they fenced it during the fifth year. He really thought the conditions of the 54th Clause were far better conditions for the colony.

MR. LOTON said that what he should like to see was the clearing and cultivation insisted upon; but if the company were not prepared to go beyond the con-

ditions of this clause, he supposed we should have to be satisfied. There was one consolation, they could not carry away the land.

Amendment negatived.

MR. PARKER said it had been pointed out that this syndicate, although it was granted the exclusive right to cut timber on these lands, only had that right while the land remained unalienated. The moment any portion of it was sold they lost their right to cut any timber on that land. In some of the other timber concessions which had been granted by the Government—notably the Jarrahdale company's concessions and Mr. M. C. Davies's concessions—the absolute right was granted to the whole of the timber for a long term of years. They had an absolute security of tenure in respect of this right to the timber, and no one could deprive them of it by purchasing the land within their reserves. But here, as he had already said, this right was subject to forfeiture as regards any of the land that might happen to be purchased during the continuance of this agreement; and it had been suggested that a rival company, by purchasing blocks out these reserves, might do a great injury to this company, and in fact paralyse their operations. This rival company might buy all the best land for timber, and start in opposition to the present syndicate, and make use of their line to bring the timber away. That would be rather hard lines for this company, apart from the forfeiture of their right to the timber. Therefore, he proposed to move that the following clause be added: "That the contractors shall not be compelled to carry on their railway any timber for export which shall have been cut upon any land purchased out of the timber areas reserved to them." That was only for export; it would not prevent anyone from buying up any of this land for the purpose of doing a local trade; but the company would not be compelled to carry timber for an opposition company, for export. He thought that was only fair and reasonable.

MR. SHOLL said there was this difference between this company and the Jarrahdale company and Mr. M. C. Davies. The Jarrahdale company and Mr. Davies did not get 2,000 acres of land

in fee simple for every mile of railway they built.

MR. A. FORREST said the amendment simply protected the company to this extent, that no opposition company should be allowed to oust them from their land and then compel them to carry the opposition company's timber over their line of railway. Unless we gave them this protection, the whole of these concessions might be rendered useless to them.

MR. MARMION considered the proviso a very reasonable one. There was nothing in it to interfere with the local timber trade; it only protected the company against unfair competition in connection with the export trade.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) agreed that it would be reasonable to afford the company this protection. Without it there was nothing to prevent a rival company starting a saw-mill close to their line, buy up all the best of their timber country, and compel the company to carry the rival company's timber over their line, leaving the present company no timber of their own to carry. That was adding insult to injury. But if this new clause was agreed to, and we gave them this protection, it was only fair, he thought, that there should be some *quid pro quo*. That *quid pro quo*, he thought, might be this: that at the end of a term of years,—say 60 or anything more than 60, if the House liked,—the company should be required to hand over this railway to the Government; he did not mean the rolling stock, of course, but the line itself and the stations on it. He believed from a conversation he had with the representative of the company, that day, that they would be perfectly willing to agree to this. But he would see Mr. Gordon again on the subject. He merely threw out the suggestion.

MR. RANDELL said there was one condition he should like to see attached to all these concessions. It appeared to be the idea that our timber forests were practically inexhaustible, which, of course, was a mistake. There was a limit even to the timber forests of Western Australia. And he thought the time had arrived when we should take some steps for the conservation of our forests as well as for their denudation; and he should like to see some provision made in all these

concessions to ensure the replanting of our forests after they were robbed of their present growth. It was too late to propose anything in that way in the present contract, but he thought it was very desirable that the Government should not lose sight of this subject, which, sooner or later, would become a very serious one.

Additional clause moved by Mr. PARKER—put and passed.

MR. LOTON said he had another small amendment to add, as an instruction to the Government when preparing this contract. He thought it should be provided that in the event of the railway not being commenced and completed within a given time, or in the event of the company ceasing operations, they should forfeit their rights under the contract. He trusted the committee would see the necessity of having a provision of this kind in the contract. He moved that the following sub-section be added: "That in the event of the Contractors failing to commence the line of Railway within 12 calendar months, or to complete the construction of the same within the said term of four years, or should they cease operations for a period of 12 calendar months, the benefit of the contract shall be forfeited."

Agreed to.

On the motion of the Commissioner of Railways progress was then reported, and leave given to sit again.

Agreed to.

Progress reported.

LEAVE OF ABSENCE.

On the motion of Mr. Venn, leave of absence was granted to Mr. SHENTON; and on the motion of Mr. Scott, to Mr. KEANE.

EXPERIMENTAL FARM IN THE YORK DISTRICT.

MR. HARPER: I rise to move the motion standing in my name: "That in the opinion of this House it is desirable that a suitable area of land should be reserved within the Agricultural Area lately surveyed in the York District, for the purposes of an Experimental Farm." I do not think it is necessary for me to say much in support of this motion, beyond urging that a principle which has

been adopted in the neighboring colonies with conspicuous success, is one that it would be well for us to take steps to follow, or to be prepared to follow at some future time. As we hope, in a short time, to see a "bold peasantry" placed on the Agricultural Areas that are being set apart throughout the colony, I think it will be agreed that it would be very desirable to have a reserve declared for the purpose of enabling the Government for the time being to conduct such experiments in agriculture as may be considered advisable, so as to direct the attention of our settlers to such methods and such cultures as they may not be cognisant of, but which would be of very great utility to the country. It is well known to all those connected with agricultural matters that it is very difficult to get the general body of agriculturists to travel out of the beaten track, and try any new experiments, where there is some degree of risk and loss involved; and if the State can undertake these experiments, and demonstrate on the spot the practical results that may attend this or that method, such experiments could not fail to be of great practical value to the country. The resources of the colony would be more rapidly developed than by waiting until such experiments are undertaken by private enterprise. With these few remarks, I leave the resolution to the House.

MR. VENN: I am quite in accord with the resolution so far as it goes; but an idea has struck me, and perhaps the hon. member would not object to amend it, so as not to limit it to the York district. There are other districts in the colony where it might be desirable to establish Experimental Farms, some day,—the Southern districts, for instance; and if the hon. member would not object to amend his motion, it would save another resolution to the same effect being proposed for the Southern districts. It is obvious that the same experiments would not serve the different soils and climatic conditions of the whole colony. I think it is very desirable indeed that the Government should take up this matter, and reserve the necessary lands for these farms, so that they may be available hereafter, whenever the Government is in a position to establish these farms or agricultural colleges, for

the diffusion of agricultural information of a practical character.

MR. HARPER said he had no objection to withdraw his motion in favor of a more comprehensive one, if the House wished.

MR. LOTON: I hope the hon. member will do no such thing. I am in accord, to a certain extent, with the present resolution, but not to its full extent. This question of Experimental Farms, if it is to mean the establishment of a separate establishment in every district of the colony, must mean a large expenditure of public money; and, unless the Legislature is prepared at an early date to vote the necessary funds for having these farms established, I do not see much use in having these reserves set apart at the present time. I think the better way would be to have only one reserve, in the first instance, at any rate, in some locality easily accessible to all this part of the colony, within an easy distance of a railway, so that people interested in such experiments may go and see them for themselves. I am not prepared to say which particular part of the colony would be most suitable for such an experiment; and I daresay it may be desirable hereafter to have a similar farm established in some other parts of the colony. But I think one at a time is quite sufficient. I see no good in setting apart reserves all over the colony unless there is some prospect of their being turned to some use.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser:.) Is the hon. member for Wellington not aware that an area has been set apart for this purpose in his district many years ago? I think it is now some 16 years since a reserve of about 1,400 acres was selected and set apart for an Experimental Farm in the Wellington district. The selection was made by some of the most experienced settlers in the locality, and I understand the spot selected is the best that could be obtained in the district for such a purpose. I am only sorry that we have not been able to do something in the way of utilising it, and having one of these farms or schools established before now, for I believe if we had the means to do so it would be of much practical benefit to the agricultural community. The question, however, like most of these

questions, resolves itself into one of ways and means.

MR. RICHARDSON: I take it that it does not necessarily follow, if we set apart these reserves, that we are going to establish Experimental Farms on them all, at once. But I think it would be a great oversight on our part if we allowed time to go by without making some provision for the future for this purpose. I think it would be necessary to have these reserves in the vicinity of a railway. With reference to the wording of the resolution, I think that is immaterial, so long as the object in view is borne in mind by the Commissioner of Crown Lands and the Government. I hope they will not confine these reserves to very small areas; the blocks of land required for a purpose like this should not be too small; nothing less than 2,000 acres would do, at all events in the Eastern districts; otherwise these farms would lack very many of the essentials of farming, of successful farming, in a colony like ours.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I have no objection to having the land set apart, but I do not see that it would be wise to go to the expense of having these reserves selected, unless we are prepared to do something with them. It would be simply waste of time and money to have them surveyed and then keep them idle for years after. The resolution proposes that the reserve should be within the Agricultural Area recently declared; but I don't know that the land within this area is much better land than is to be found in other parts of the district, and to take 2,000 acres out of that would certainly make a very big hole in it. I think a general resolution on the subject would answer every purpose.

MR. PARKER: I merely wish to remind the House that there will be an immense area of country thrown open presently all the way between Beverley and Albany, and the Government might avail themselves of this opportunity of setting apart some land for this purpose, as they would have a railway running right through it.

MR. HARPER: What we want is to show those people who may be located, perhaps, in parts of the colony where the climatic conditions are not very favorable,

but where the soil is good, how to make good use of it, notwithstanding climatic and other drawbacks. It is where there is a difficulty in the way, and where something more is required than the knowledge which an ordinary farmer can be expected to possess, that these Experimental Farms are of value. It is also very desirable that the spot chosen for such an experiment should be in a locality where settlement is likely to take place; and that was the reason why I suggested that the site should be somewhere within this Agricultural Area. No doubt it would be an advantage to have this farm in the vicinity of a railway; and I presume this is about the nearest piece of land the Government could get to a railway; I believe it is within about 20 miles of the line. I believe if this land were set apart for this purpose, that, with a comparatively small expenditure, something in this direction might be begun on it, which would rapidly enhance the value of the land; and, before we established a farm on it, it might be made to yield some revenue, and the outlay recouped. I think we cannot begin too soon in making preparations for carrying out this very desirable object.

Motion put, and a division called for; the result being:

Ayes 4

Noes 10

Majority against ... 6

| AYES. | NOES. |
|----------------------|------------------------------------|
| Mr. Paterson | Mr. Congdon |
| Mr. Richardson | Mr. De Hamel |
| Mr. Venn | Mr. A. Forrest |
| Mr. Harper (Teller.) | Hon. Sir M. Fraser, <i>ac.c.o.</i> |
| | Mr. Loton |
| | Mr. Marmion |
| | Mr. Sholl |
| | Hon. C. N. Warton |
| | Hon. J. A. Wright |
| | Hon. J. Forrest (Teller.) |

Motion negatived.

RESERVES FOR TRAVELLING STOCK.

MR. PATERSON, in accordance with notice, moved: "That in the opinion of this House it is desirable that additional reserves should be set apart for the use of travelling stock between the Southern Districts and Perth." He thought the motion was one that would commend itself to the House without any amount of advocacy on his part, —to those practically acquainted with

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

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

Resolution put and passed.

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

Agreed to.

The House adjourned at midnight.

LEGISLATIVE COUNCIL.

Monday, 29th April, 1889.

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

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

PRAYERS.

POINT OF ORDER.

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