

some time now, and his career will soon be a matter of history, and I think the time will come when the people of Western Australia will look upon Governor Weld's term of office as one fraught with events, big with debate and the advancement of the colony. (Hear, hear). I think posterity at any rate will admit that in all his public actions he had the interests of the colony near at heart, and that he succeeded in doing more to further its progress in matters of national interest and importance than any previous Governor entrusted with the administration of the colony's affairs. When he came here he found the good ship "Western Australia" riding "idle as a painted ship upon a painted ocean," in calm and unruffled waters, and, having skilfully piloted her through the narrow and intricate shallows of Representative Government, he now, at the request of the owners of the good ship, is about to launch out into the full tide of Responsible Government. When he has succeeded in crossing the shallows that lead to those unknown waters, and relinquishes the command of the good ship he has so long and so creditably commanded, let us hope that we may have a captain and a crew who will still retain the confidence of her owners, and who will be able to carry her in safety through the many dangers that will undoubtedly be encountered on the passage to that haven of prosperity to which we all look forward. No doubt errors will be committed by those entrusted with the command, but whatever the dangers it may have to steer through in the unknown waters into which we are about to launch, I do hope, I do believe—and I say it from the bottom of my heart—that the good old ship will come out of every danger sound and strong, and in good condition; that it will reflect credit upon her owners and bring to the colonists great and lasting prosperity. (Cheers). Sir, I now formally move for leave to introduce the Bill that stands in my name.

The Bill was read a first time.

ELECTORAL DISTRICTS PLAN.

The COLONIAL SECRETARY (Hon. F. P. Barlee) laid upon the Table of the House a plan showing the boundaries of the proposed electoral districts throughout the colony.

SPANISH RADISH AND SCOTCH THISTLE PREVENTION BILL.

Third Reading.

Mr. CROWTHER moved that the Bill be now read a third time.

The Bill was read a third time and passed.

WINES, BEER, AND SPIRIT SALE ACT, 1872, AMENDMENT BILL.

Recommittal.

Mr. BURT moved that the Bill be recommitted for the purpose of discussing certain new clauses.

In Committee.

New clause—

Mr. BURT moved that the following stand as clause 8:—

This Act may be cited as the Wines, Beer, and Spirit Sale Amendment Act, 1874.

New clause agreed to.

New clause—

Mr. BURT moved that the following stand as clause 9:—

That this Act and the said recited Act shall be read together as one Act.

New clause agreed to.

Bill again reported, with further amendments.

CHARITABLE INSTITUTIONS BILL.

Third Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

The Council adjourned at 8.15 p.m.

LEGISLATIVE COUNCIL,

Wednesday, 5th August, 1874.

Constitution Bill: petition: second reading.—Wines, Beer, and Spirit Sale Act, 1872, Amendment Bill: third reading.

The SPEAKER took the Chair at 6 p.m.

PRAYERS.

CONSTITUTION BILL.

Petition.

Mr. STEERE brought up a petition addressed to the Council, signed by 142 inhabitants of the colony, praying the postponement of the second reading of the Constitution Bill, and moved that the same be read.

Question put and passed.

The petition was read by the Clerk.

Second Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee), in moving the second reading of the Bill to provide a Constitution for Western

Australia, and to grant a Civil List to Her Majesty, said he did not then intend to make any remarks, as he understood that an amendment was about to be proposed, to which, of course, he would be at liberty to address himself.

Mr. STEERE said the hon. gentleman was quite correct in presuming that an amendment would be moved that evening, but before proceeding to deal with that amendment, he would first confine himself to a review of the statement made by the hon. gentleman on the occasion of introducing the Bill in explaining its principles and main provisions. There was in that Bill, he might say, one vital principle, and that was with reference to the form of Upper Chamber proposed to be established under the new Constitution. He was perfectly well aware that there were *pros.* and *cons.*, that might be urged for and against a nominated Upper House, and likewise for and against an Upper Chamber constituted on the elective principle; but having well considered those arguments he, himself, had come to the conclusion that an elected Upper House would best suit the requirements of this colony. The Colonial Secretary had stated that he did not think it would be right to have the two Houses elected by the same persons. He (Mr. Steere) never heard of any part of the world where that was the case. In the other Australian colonies, and in other countries where they had an elected Upper Chamber, the members composing that body were invariably men possessing very high qualifications and were elected by voters also possessing correspondingly high qualifications, so that an Upper House so elected would represent the property, wealth, and intelligence of the country. Surely men of that class, bound to the colony by every conceivable tie, would prove a more effectual check upon hasty or crude legislation than nominees appointed by the Governor of the day—men who are here to-day and away tomorrow, mere birds of passage, who may possess no property whatever, nor any other stake or interest, in the colony. In the event of our having a nominated Upper House at the present period in the history of the colony, on the eve of the departure of our Governor, who, in all probability, would not be here when the Act came into operation, the result would be that his successor, being utterly unacquainted with the most fit and proper persons for nomination to a seat in that House, would place the duty of selection on the shoulders of the hon. gentleman opposite (the Colonial Secretary). And what would be the result? Why, that we should have an Upper House

composed of men bound to carry out the policy of the first Ministry established under the new Constitution.

The COLONIAL SECRETARY (Hon. F. P. Barlee): Question.

Mr. STEERE: The hon. gentleman cried "question," but he was not superior to the feelings and failings of human nature, and it would be but natural to suppose that he would not nominate men who would be likely to be opposed to his policy. If that feeling did not actuate the nomination of members here, it would be different from anywhere else. Men were constantly appointed to seats in such Chambers for political reasons only, and for no other qualification they might possess. In Victoria, where the Upper House was elected by the people, it was one of the most conservative of legislative bodies, and when the Lower House, not so long since, wished to commit a breach of the Constitution, who was it that resisted the attempted innovation? An elected Upper House. Why was it that in that same colony, the Lower House, a democratic Assembly, was so desirous of abolishing the Upper House? Because it was so conservative, and stood in the way of aggressive democratic ascendancy. An elected Upper House, therefore, would prove quite as effectual a check upon the deficiencies of a more democratic Lower Chamber, as a nominated Upper House would prove, if not more so. Then again, in connection with a nominee Council, there was the evil touched upon by the Colonial Secretary, having reference to the power invested in the Governor of creating, in case of emergency, an additional number of nominees, if he should so think fit, in order to carry some pet measure of policy through the House by swamping it. The hon. gentleman had said that this extreme course was not likely to be adopted here, but it had been effectually used elsewhere.

The COLONIAL SECRETARY (Hon. F. P. Barlee): Name.

Mr. STEERE said that he (Mr. Steere) believed it had occurred elsewhere. It had occurred, for all practical purposes, in the Imperial Parliament itself, in passing the Reform Bill, when the Prime Minister of the day had permission in his pocket to appoint an additional number of peers, and the exceptional course already alluded to would have been resorted to on that occasion had the Minister chosen to exercise the power with which he was invested. The hon. gentleman, as another argument in favor of a nominated Upper House, said it was desirable

that we should copy the political institutions of the Mother Country as far as possible, and alluded to the formation of the House of Lords as a precedent in favor of a nominated Upper Chamber. It was simply ridiculous to compare the Legislative Council of this colony, which would represent no great principle, with the House of Lords with its traditional privileges and its historic place in the State. Moreover, the feelings and political proclivities of the lower orders in England were of a highly conservative nature, and they, as the middle classes, manifested every respect and esteem towards the aristocracy, or upper classes. Here it was very different; here we were more on a footing of equality; here there were no traditional class distinctions; and our Upper House would not be looked up to with the reverential respect with which the lower orders regard the House of Lords in England. He did not think that this vital principle of the Bill before the House had been sufficiently considered by hon. members, and certainly not by the public outside, and he believed that if further time were given to the Council and to the country to consider the question in all its phases, there would be a large majority in favor of an elected and not a nominated Upper House. The Colonial Secretary, when introducing the Bill, had made almost an appeal to hon. members to be unanimous in agreeing to its principles: but, assuredly, the hon. gentleman could scarcely have been serious when he made such an appeal. On the matter of such grave importance as a change in the Constitution, and the particular form which that change should assume, it was unreasonable to expect anything like entire unanimity of opinion; indeed, for himself, he would be sorry to see the Bill carried unanimously through its various stages. The hon. gentleman had further stated that in the event of the consideration of the Bill being postponed the inevitable result would be a stoppage of all public works in contemplation, and the consequent retardation of the progress of the colony. Now, he (Mr. Steere) could see no ground for such an assertion at all, nor did he see in what other way a delay of a few months would be prejudicial or detrimental to the interests of the colony. He was, at any rate, quite sure that no difficulties or inconvenience resulted from the postponement of the consideration of the Constitution Acts adopted in the other Australian colonies, though more or less delay characterized the progress of the Bills through their various stages. There were other minor and less vital matters involved in the Bill to which he was opposed, and which he would strongly contest in Committee. There was also the

clause and the schedule relating to the Civil List, and the compensation for officers liable to loss of office on political grounds. He thought that the various sums inserted in the schedule must have taken every hon. member, so they did himself, by surprise; for they were very far in excess of what the officers mentioned respectively were entitled to under the Superannuation Act here in force, or under the Imperial Statute. Nor could he see any justice in the relative amount of the allowances. One could not fail to be struck with the fact that the Treasurer, after 25 years' service, was to receive only £23 a year more than the Attorney General, who had only been here a period of 18 months. He did not make this comparison invidiously or out of any personal feeling towards either of those two gentlemen, for they were both great friends of his, and he had equal respect for the one as the other; but he did think it was not doing equal justice between man and man the manner in which the schedule of pensions had been framed. In Committee, he would also move that the clause of the Bill which provided that these several sums should be paid out of the general revenue be struck out; for he would like to know how that was going to be done without increased taxation, and he did not think the colony should be called upon to bear increased taxation for the purpose of paying bonuses to retiring officers, especially when such allowances were far in excess of what they were entitled to. He was quite aware that some extra expense was involved in the contemplated change, and that some provision should be made in the shape of pensions and compensation for loss of office, but certainly not to the extent provided for in the Bill. In addition to these retiring allowances and bonuses, it must be borne in mind there would be heads of departments receiving, no doubt, very handsome salaries to be provided for, and expenses connected with the Upper House, and other incidental expenses not alluded to in the Bill. All this would have to be borne in mind, and be provided for, in addition to the sums included in the schedules appended in the measure then before the House. With regard to the amendment he was about to propose, he wished it to be distinctly understood that he did not move it with the view of shelving the question under consideration; nor had he changed his opinion as to the advisability of establishing Responsible Government. He was one of the few who had always been in favor of that system; he had been one of those who had advocated and assisted in the introduction of a Representative Government as a stepping-stone to a system of responsibility; and he would be one of the

last persons in the world now to shelve the question of the adoption of that system. But he did feel that the Bill was being pushed forward, he might almost say, in an indecent manner, which might prove extremely injurious to the interests of the colony. Although he had been sent into that Council by his constituents to vote in favor of Responsible Government—and he was in favor of Responsible Government—still he had not been sent there to vote for Responsible Government at any price; and he considered that the colony would be paying much too great a price for the boon if it accepted it only on the conditions provided for in the Bill before the House. He, at any rate, would not venture to give his vote for Responsible Government at that price, without an affirmative expression of opinion on the part of his constituents. And this was his object in moving the amendment he was about to propose, so that the country might be afforded an opportunity of considering the provisions of the Bill and expressing a deliberate opinion thereon. He repeated, the Bill was being hurried forward with almost indecent haste, very different to the manner in which the question of constitutional change was treated by the Legislatures of the other Australian colonies. In New South Wales, Mr. Wentworth, in November, 1852, when the Constitution Bill was under discussion, moved, in the then Legislative Council of that colony, that in consideration of the thinness of the House and the advanced period of the session the second reading of the Bill be postponed until the following session; and the motion was agreed to unanimously. On the 2nd September, 1853, 10 months afterwards, the Bill was read a second time, and after a long debate it was agreed to postpone its further consideration until December, in order to give time for an expression of public opinion relative to its provisions. So much for the course adopted in New South Wales. In South Australia, a *précis* of the proposed Constitution Bill was published on the 20th June, 1856; and on the 15th July it was introduced into the Council. On the 26th July it was read a first time, and it passed through its second reading on the 10th August, but continued in Committee until 29th September. He would ask hon. members to contrast the course pursued by those two colonies with reference to a change of Constitution with the course proposed to be adopted here. In Victoria, again, the Constitution Bill of that colony was introduced in September, 1858, and did not pass through its various stages until March, 1864. He now thought he had made out a very good case to show why the consideration of the Bill before the House should be postponed. He maintained that the constituencies

had not had any opportunity of considering its provisions—even in Perth few had had an opportunity of even glancing at it; and the country at large was entirely ignorant of its provisions. Even hon. members themselves had not had an opportunity afforded them to arrive at an intelligent understanding thereof, and it would, therefore, be absurd on their part to go into Committee on the Bill. He would therefore move—That in consideration of the absence of three elected members, and the advanced period of the session; and in order to give time for an expression of public opinion relative to the provisions of the Constitution Bill, the consideration of the second reading thereof be postponed for four months.

Mr. PADBURY seconded the amendment. From what he could learn, the postponement of the Bill would not make one bit of difference with regard to the time when it would come into operation. With reference to the constitution of the Upper House, he himself, so long as we got proper men in, did not care whether they were nominated or elected. The main thing he objected to in the Bill was that Civil List, which he considered was out of all proportion. For instance, he considered it out of all proportion that the Colonial Secretary should be pensioned off at his full salary, £800 a year, after 20 years in the Colonial Service, which he entered at £400, gradually creeping up to his present salary; while on the other hand, the Treasurer, who had served the colony over a quarter of a century, and who had never had much increase of salary, was to be pensioned off with £366 13s. 4d. The Commissioner of Crown Lands, after about two years' service, was to get £400 a year retiring allowance, and the Attorney General, who had only been here about 18 months, was to receive £333 6s. 8d. a year, pension. He would ask, was that fair or equitable? With regard to the Colonial Secretary, he did not begrudge him one penny he received in the shape of salary; he had worked hard for it, and he (Mr. Padbury) was for paying well those who worked well, be they public or private servants. Should he (the Colonial Secretary) continue here under the new Constitution, and become Premier, he (Mr. Padbury) would not even object to his receiving an additional £200 a year, as proposed in schedule B to be given to any officer acting as Premier, in addition to the salary of his office. But he (Mr. Padbury) did object most emphatically to his (the Colonial Secretary) being pensioned off at £800 a year. Then, again, it was proposed to give an increase of £250 a year to the Chief Justice. Why was this? So long as the present Chief Justice was in the colony, he (Mr. Padbury) hoped he would always be at the head of the law—he had ever entertained that opinion of

His Honor, and he expressed it there openly; still, he should not be inclined to give him an extra £250 a year as proposed in the Civil List appended to the Bill. Then there was a string of additional expenses to be provided for out of the general revenue. It must be borne in mind that our revenue was something like india-rubber; it might stretch within a certain limit, but it would not stand any additional tension. He questioned if it would bear any further strain, unless we had a considerable accretion of population. He objected to the Bill because of the Civil List, and on that account he had seconded the amendment.

Mr. BICKLEY said that when the resolution of the hon. member for Greenough relating to the desirability of establishing Responsible Government was unanimously agreed to, it was a perfectly understood thing that a Bill to carry out that object should be introduced as early as possible, so that the measure might be transmitted Home for Her Majesty's approval, and, if assented to, might come into operation under the auspices of a Governor who was thoroughly conversant with the working of such a Constitution, and that His Excellency might be assisted by the colonial experience and tact of the present Colonial Secretary in initiating the scheme. Unless the contemplated Constitution were inaugurated under such auspices, he thought it would prove anything but a benefit, for he was still of opinion that the colony at present did not possess that number of men, qualified by intelligence, ability, leisure, and inclination, to carry on such a Constitution as was here contemplated, without such aid.

The COLONIAL SECRETARY (Hon. F. P. Barlee) then rose and said—It is not my intention now to enter into all the arguments and all the fallacies—for many of them are fallacies—brought forward by the hon. member for Wellington with reference to the Bill before the House; nor do I intend to combat the arguments of the hon. member for the Swan—and every one of them could be combated in such a way as would not fail to bring the hon. member into accord with the framers of the Bill. All those matters of detail to which the hon. member alluded will have to be discussed in a Committee of the whole House, when there will be ample time for every member to express an opinion on every point—as I conceive every hon. member is bound to do. Therefore, what I have to say will be confined to the amendment that has been introduced by the hon. member for Wellington; introduced, I must say, to my exceeding surprise, that he, of all hon. members, should have introduced it, and

introduced it in the way he has done. There is an old Latin quotation, with which the hon. member is no doubt familiar, *Quem Deus vult perdere prius dementat*. Were I not so thoroughly well acquainted with the hon. member as not to be the least surprised at anything he may say, or anything he may do, I should really feel that he had come to the House afflicted with some species of mental mania; for, of all the inconsistencies that ever came before this House, his conduct and his speech in connection with this Bill are the most inconsistent. It is not my habit to come forward at any time to make charges against any hon. member, unless I am prepared to substantiate them, and I think I can, in this instance, very clearly and very unmistakeably demonstrate the inconsistencies of the hon. member for Wellington. Who, of all others, may I ask, in this colony, has been the avowed advocate of Responsible Government? I reply,—the hon. member for Wellington. Who came down to this session almost pledged by his constituents to support the proposal for the introduction of that form of Government? The hon. member for Wellington. There is no mistake about him representing the views of his constituents when he supports such a proposal. Yet I would ask hon. members to consider what has been his action with regard to the matter under consideration in this House? I will describe it to you from beginning to end, and if I am wrong let him contradict me, if he can. Who was the first member who this session tabled a motion relative to Responsible Government, and who knew very shortly afterwards that his motion would not be accepted, but who, rather than risk the chance of introducing Responsible Government, rather than postpone its introduction, subsequently came to the House and expressed his willingness to adopt what he called a friendly amendment, though the amendment placed him in a far less prominent position in relation to Responsible Government; who, I ask, rather than shelve the question of Responsible Government upon which he had set his heart, came into the House and supported an amendment on his own resolution? Who, again, but the hon. member for Wellington. Let me go a little farther, and ask how he introduced his resolution. Did he come forward as one might expect an hon. gentleman in this House who is an ambitious aspirant to take the lead in political life? Did he come forward and make such a statement as would reasonably have been expected from a man ambitious to be the representative of the colonists in bringing forward the most momentous of all momentous questions that ever occupied the attention of the House; a

question which involved issues of the most vital importance; a question which had for its ultimate object the placing in the hands of the colonists the entire management and the sole responsibility of their own public affairs? I confess I do not think he did. I confess, when I heard his statement on that occasion I was disappointed. I never felt more humiliated in my life; it was impossible to say how humiliated I felt. I came to the House on that occasion thinking that I should that evening have an intellectual treat. I expected, at all events, that from the lips of the hon. member I should have heard some good, sound, and substantial reasons why it was advisable and expedient that the colony should assume the sole responsibility of the administration of its own affairs. I expected to hear—and I think it was due to those hon. members who were confessedly ignorant of the principles of Responsible Government that they should have had plainly put before them what were the real principles of Responsible Government. I expected some allusion would have been made to the constitutional changes through which the sister colonies had gone, and that some lesson would have been drawn from the examples they had afforded us. I expected some reference to the condition of those colonies when they first accepted the responsibility of self-Government, and the results which that step produced upon those colonies. I anticipated that he would at least have drawn some comparison between the existing condition of this colony and the state in which those colonies were in when they first entered upon the change we have now in contemplation, so that hon. members might have been in a position to judge for themselves whether, or not, in the face of the examples set before us by other colonies, it would be advisable and expedient for us to follow in their footsteps. I thought he would have told the House what were the advantages we might reasonably hope to receive if we accepted Responsible Government, and I thought he would have had sufficient honesty to state what were the drawbacks to that form of Government that might and possibly may result. Did anything of the kind occur? Were those expectations realized? I can only say for myself that when I heard the hon. member's speech on the occasion I felt bitterly disappointed. I felt humiliated, to think that a question of such momentous interest, of such vast importance, should have been dealt with as it was by one who aspired to be one of the leading men of this colony in political life, one who aspired to be the future political leader of a party. I felt when I listened to the utterance

of the hon. gentleman that if his speech on such an occasion was a criterion of what might be expected from a leader in political life in this colony that then indeed the colony was unfit to assume the responsibilities of self-Government. These were the feelings that animated me, when I heard the hon. member's speech; I noted carefully what he said at the time, and read it carefully afterwards, and I repeat, I felt humiliated. The thought passed through my mind at the time, that I could have gone to the Government School and picked out a boy who would have put the whole question of Responsible Government, with its evils, and its benefits, its drawbacks, and its advantages, with much more force, and with a much more distinct idea of the object to which we desire to attain, than the hon. member did. The hon. member for Greenough when, at a later stage in the debate, he rose to address the House, alluded to the "exhaustive" speech of the hon. member on his right; but I fancied I noticed a twinkle in his eye that led me to believe his words almost belied his thoughts. Sir, notwithstanding that "exhaustive" speech, the amendment of the hon. member for Greenough was carried with almost entire unanimity—the only dissentient voice being that of the hon. member for Perth (Mr. Birch), and I honor the hon. member for Perth for being bold enough to stand up in this place alone, to express the opinion he tells us he has arrived at, in opposition to the united opinion of the whole House, and I should have been glad to see the same manly, honest course adopted by the hon. member for Wellington. The amendment, which affirmed the desirability and expediency of establishing that form of Government known as Responsible Government, was all but unanimously adopted, and it was accompanied by a request that His Excellency would be pleased to introduce such a Bill for that purpose as he could recommend for the assent of Her Majesty. That request of the House was without delay complied with. His Excellency, in his anxiety to further the wishes of the Council, caused a Bill to be prepared and to be introduced into the House; and in introducing that Bill to the House I took the somewhat unusual course of explaining the principles of the Bill on its introduction. And why did I take this course? Because I had been pressed to bring the Bill forward as speedily as possible; I had been asked several times when it would be ready. Who was it that pressed, and pressed very strongly on me and the Government to introduce the Bill at as early a date as possible? The hon. member for Wellington. Who talked so much about getting the business of the session concluded as

early as possible, and expressed such an earnest desire to return home to look after his business; who, but the hon. member for Wellington? And who is it tonight that talks about the indecent haste with which the Bill is being pushed forward? Who is responsible for that haste but the hon. member himself? Who has pressed the matter on; who has urged on me in this House and outside the House to bring forward the measure; who has asked me over and over again, "When are you going to be ready with that Bill?" The hon. member for Wellington. I doubt if ever a Bill of such magnitude and importance was ever prepared in so short a time, and this was done at the urgent request of the hon. member for Wellington, who assumes to himself the position of leader of the elected members of this House, but who is *not* the leader of the elected members of this House; who is a leader without a following; and who now comes forward because it suits his own purpose to seek the postponement of the consideration of the Bill, who now says that the Government is in fault in pushing forward the Bill with indecent haste, forsooth! Let us take the next step in the proceedings taken by the hon. member. I, as the exponent of the Government in this House, brought in the Bill in due course, and with the view of expediting the business of the session and thereby to carry out the wishes of the hon. member, adopted the unusual course of entering into a somewhat elaborate statement of the principles of the Bill on the occasion of introducing it. Had I not done so, I should have been accused of wasting the time of hon. members, and having done so in order to meet the wishes of the hon. member for Wellington, the hon. member for Wellington now turns round and charges the Government with pushing forward the Bill with indecent haste. But I know the hon. member so well, that I need not be surprised at this; I have known him sufficiently long to know that whatever line the Government may adopt that line is wrong. If it tries to fulfil the wishes of the House, it is wrong; and when it does not fulfil those wishes it is of course wrong. The reason the hon. member urges for delay is that representatives may have an opportunity of consulting their constituents with regard to the Bill. Would hon. members have affirmed the resolution praying for the introduction of such a Bill if they were not perfectly sure that their constituencies were in favor of the contemplated change? I am bound to believe that every elected member of this House expressed the opinion of his constituents when he affirmed that resolution, and the Government was likewise bound to believe so. Yet we are now asked to postpone the consideration of

the Bill until hon. members have an opportunity of consulting with their constituents with respect of it. If the hon. member who asks for this was competent to come down to this House and to move a resolution praying that a Bill to establish Responsible Government be introduced without delay, surely his constituents can trust him with the mere details of the Bill, unless he and other hon. members are sent to this House as mere delegates, and not representatives. And he asks the House tonight, very much as if he were the leader of the House, or as if his voice alone could postpone the matter, that the progress of the Bill be delayed until he has an opportunity of consulting his constituents. I apprehend that this House would not have unanimously asked for a Bill to establish Responsible Government, otherwise than under the belief that the people wanted such a change. The question is therefore forced upon me,—what is the cause of this very sudden change of opinion in the mind of the moving spirit in the matter, one who has done all within his power to get such a Bill introduced? I will tell the House what I conceive to be the cause of that sudden change. I need hardly say I have had no communication with the hon. member with regard to this subject, and therefore I cannot, of course, speak with authority, but I can make a very shrewd guess, and I don't think he will contradict me when I say that the cause of all this sudden change in the hon. member's mind, the cause of all his inconsistencies in connection with the Bill, is the mere fact that there are certain features in the Bill that do not suit his own views on the matter. There is the Constitution of the Upper House, the Civil List, and the retiring allowances to officers, which do not agree with his ideas on the subject. It does not suit him that these should be affirmed by the House. Such being the case, what was the manly, the straightforward, the honorable course open for him to adopt? It was this; to come into this House and let the Bill he had asked for go into Committee, to be discussed clause by clause, and if his arguments in opposition to any provision of the Bill were worthy of attention, I should have been glad to alter the Bill, in accordance with his views. But it did not suit him to do this, believing as he did that his position in this House, and his views on the subject under consideration, are not such as would enable him to carry his objections to the Bill. Therefore, although, I have no doubt, it is sorely against his will that the measure should be postponed, he assumes the necessity of consulting the outside public on the matter. And how does he go about it? He first of all calls a

meeting of the elected members of this House, at which meeting I assume he did not get sufficient encouragement to lead him to hope for success in his views, and so he next goes about Perth, and does his best to get up a public meeting to consider this question of postponement, and he goes there himself applauding motions opposed to a resolution of this House, a resolution which he himself affirmed. Was this a manly, straightforward and honorable course to pursue? Although it is sorely against his wish that this question of Responsible Government should be postponed, he yet feels bound to sacrifice his feelings and asks the House to stultify itself in the hope that by-and-by he may see the Bill carried, by means of outside agitation, in such a form as he thinks best. When I compare the hon. member's conduct in relation to the Bill with the open, manly, and straightforward conduct of the hon. member for Perth, a very grave contrast indeed is presented. So much for the proceedings of the hon. member for Wellington, and I leave the House to judge of those proceedings. Now, Sir, it is right that on behalf of the Government I should state what action I shall take in the matter. I shall altogether decline to accept the amendment of the hon. member, believing as I do that he does not by any means represent the opinions of the majority of the members of this House. I altogether decline to accept him as the exponent of the views of the Council in a matter of this kind. I cannot accept him as the leader of any party, for I have seen over and over again that whenever he attempts to lead it generally results in his having no follower at all. I decline altogether to upset the unanimous decision of this House on the mere *ipse dixit* of one member, or on the resolutions passed at a meeting hurriedly convened in the manner I have said; and I shall, therefore, divide the House on the matter, and by that division I shall be guided as to the future action of the Government. But there is yet another duty for me to discharge, for I think it is right that I should state to the House what will be the result of the delay asked for in connection with this Bill. In many cases the result may be disastrous. I use a strong word, which I do not as a rule do, in this House, unless I mean it, and I repeat that I believe the delay in many instances may be disastrous, and I hope hon. members will consider this before they by their vote tonight reverse a vote they unanimously affirmed a few nights ago. But before I state what this result will be I would say to hon. members that if they did vote for the introduction of the measure before calculating the results, if they did take the improper course of speaking for their constituents without an idea what the views of

their constituents on so important a question were, if they now find they were too hasty in voting, if they are prepared now to reverse their votes, if they are prepared to occupy the unhappy position they will occupy in this and in the neighboring colonies,—for a mail has left since the vote was given—if they do think their constituents should be consulted, then I say the best course is at once to say so, no matter what the results of delay may be. What, then will be the results of the proposed delay? It was suggested by the hon. member for Wellington that it would be wise to postpone the consideration of the Estimates until the question of Responsible Government had been affirmed or negatived, and I think there was very good ground for adopting that course. In the first place, then the Estimates must stand over until the fate of this Bill is decided. One of the arguments used by the same hon. member in favor of the immediate introduction of Responsible Government, was that it would be very desirable that such a question should be initiated under the auspices of His Excellency the present Governor, who is thoroughly conversant with the working of constitutional Government. When the resolution affirming the desirability of the immediate introduction of this Bill, for that very reason, was adopted, there was no idea in the minds of the members of this Council that His Excellency would not be here to see the proposed new form of Government initiated. A Bill, however, having been introduced at the unanimous request of the House, it is essential now, that, before His Excellency's successor arrives, the affirmation or rejection of the Bill be decided, and that the decision must not be postponed. It would be utterly improper, indeed His Excellency would not be justified in allowing a matter of this grave importance to be left in an unsettled state when his successor assumed the administration of affairs, so that he should find the colony on his arrival in a state of political chaos. I would ask hon. members if they really have given this phase of the question the consideration it is entitled to. With regard to the delay in dealing with the Estimates, it is within the knowledge of every hon. member that by the adoption of the report of a select committee and the affirmation of a subsequent resolution, it was decided that an immediate supply of labor be procured from the Mother Country and elsewhere, that, in fact, a scheme of immigration should without delay be initiated, and the Government was requested to take certain steps for the furtherance of that object. The Government in their anxiety to carry out the wishes of the House have taken those steps, and nominations are flocking in by numbers. But no immigration scheme can

be carried out until the sum necessary for that purpose is voted by the House. Then, again, I would ask, is it the wish of hon. members that the introduction of Torrens's Land Act should be postponed? I need hardly say that the buildings necessary for the transaction of business connected with that Act cannot be proceeded with until the necessary sum is voted by the House for that purpose, which sum is included in the Estimates. Have hon. members really thought of these things? If not, I would entreat them to do so before they vote for the amendment before the House. If, after hearing what I have said, they are satisfied that they affirmed the resolution praying for the introduction of the Bill with the full consent of their constituents, then they are justified in proceeding with it. On the other hand, if on consideration of their vote on that occasion they doubt whether they were acting in accordance with the views and the wishes of their constituencies, then by all means let the question of Responsible Government go to the country, with the full knowledge, however, on the part of hon. members, of the consequences of the delay. As I have already said with the view of obtaining the opinion of the House, I shall divide it on the amendment of the hon. member, and by the result of that division the future action of the Government in the matter will be guided.

Mr. DEMPSTER said he considered he would be acting the part of a coward if he did not give expression to his views on the question at issue, and did not defend the hon. member for Wellington from the accusations brought against him by the Colonial Secretary. He believed that in all his actions the hon. member for Wellington was actuated by honesty of purpose, and that with regard to the question before the House he had acted in a manly, straightforward, and unflinching manner. (Hear, hear.) He (Mr. Dempster) failed to see any reason for the postponement of the consideration of the Estimates in Committee, and he looked upon the Colonial Secretary's remarks as something like a threat, made with the object of coercing the House to support his own views.

The ACTING ATTORNEY GENERAL (Hon. G. W. Leake) said he would vote for the second reading, and expressed himself in favor of an Upper Chamber nominated by the Governor of the day, who would, of course, be supported by the advice of his constitutional advisers, so that every step taken by the Governor would be done in the light of day, would form a topic of public discussion; would, in fact, form the basis upon which a Ministry should stand or fall. A House so nominated, composed as it would be of men

who represented personal merit, tried wisdom, political experience, and the wealth and intelligence of the country, would act as an efficient check upon the faults and shortcomings of a democratic Assembly. The question of whether we should have a nominated or an elective Upper House, was, however, a question of detail to be considered in Committee, and was not affected by the second reading of the Bill. He could not see for one single moment why hon. members could not bring their intellect to bear upon this and other questions of detail involved in the Bill, without consulting their constituents. He deprecated the invidious comparisons, and the personalities indulged in by some hon. members with regard to the retiring allowances of officials provided for in the Bill. He thought it was most invidious to pit the claim of a non-political officer like the Treasurer against the claims of an officer holding the position the Colonial Secretary did. Let hon. members bear in mind the distinction between those two officials. The Colonial Secretary under our present Constitution—which has hitherto worked very well—is the exponent of the principles not merely of the Governor, but of the Government, in all those measures that have to be introduced and discussed in this House. He believed—he had not been in office long enough to taste the sweets thereof—that political life was by no means a bed of roses. Some very agreeable things had been said on both sides of the House that evening; but he thought everyone must admit not only that the Colonial Secretary's was not merely an important office, but that the duties of that office had been performed by the present occupant with fairness, temper, and discretion, and that he had exhibited that skill in conducting the political business of the Government of which he was the mouthpiece and the leader in that House that should entitle him to something more than the consideration of whether or not he should be turned adrift as a man who had received his pay and did little work for it, (Cries of No, no), or as if he were a subordinate member of the Government with no political responsibilities, with no policy to support, nothing to look after but the mere routine and details of his office, such as the docketing of letters. In return for the control and management of the Crown lands which would be ours under the system of Government now in contemplation, he did think that out of the revenue accruing from those lands we should grant to Her Majesty a Civil List and thereby do justice to those officers who were liable to loss of office upon political grounds under the proposed new Constitution.

Mr. BIRCH said that when he stood alone in the breach the other night to defend the colony against rushing headlong into Responsible Government, he was placed in a very singular position; but he now, to his surprise, found that he was not alone, but that other hon. members saw and thought as he had done on that occasion. He wished that the amendment of the hon. member for Wellington, instead of involving a delay of a few weeks only, was an amendment to the effect that the second reading of the Bill should be made an order of the day for that day six months, so that the measure might, for the present, be shelved altogether. He quite concurred in the desirability of consulting public opinion on a question fraught with such momentous importance to the colony as a change of Constitution, and the form of that Constitution, for he did not think that the members of that House represented the general opinion of the colonists on that question. The only constituency where the question had cropped up was at Bunbury, and the electors of Wellington had insisted upon their representative voting for a system of responsibility. But, how was public opinion in that district formed in favor of Responsible Government? By the eloquence of Commodore Stirling, who was entertained at a banquet by the inhabitants, and who, in a post-prandial speech, convinced the electors of Wellington that the time had arrived when this colony should take the management of its affairs into its own hands. But was Commodore Stirling—who was no doubt a very excellent authority on nautical affairs—any authority on constitutional questions, especially in their application to a colony wherein he was a stranger? The opinion of such a man was of no value in a matter like that before the House. He failed to see why it should cause any delay in discussing the Estimates, for, surely, we could not enter upon Responsible Government this year. The Colonial Secretary's remarks on this point, and with regard to the alleged disastrous results consequent upon the stoppage of public works, certainly bore the appearance of a threat, and he (Mr. Birch), for one, did not like anything savoring of coercion. That was not the way to produce unanimity of opinion and unity of action in that House. He still adhered to the belief that the colony was not ripe for assuming a system of self-Government, and thought our existing form would meet our requirements for some years to come. One objection raised against it was that the Council was a mere farce. If so, who was it that made it a farce? Had it proved a farce this session? Had they

not enacted laws and adopted measures beneficial to their scope and national in their importance? Had their proceedings not been marked with a greater degree of unanimity than had characterized the proceedings of any previous session since the introduction of Representative Government? Some of the reasons urged in favor of the contemplated change were that, under a system of self-Government, we should have the entire control of the waste lands of the colony, would be in a position to raise public loans, and would be able to construct railways throughout the length and breadth of the land. Would that be the case? No; certainly not. There would still be a controlling power over the lands of the colony superior to our Parliament; in fact, we should have very little more control over them than at present. Our existing Land Regulations were the most liberal in all the Australian colonies, and, if we had Responsible Government tomorrow, we could not afford to liberalise them. As to public loans, were we not able to raise them now? If any Loan Bill passed by that House was sent Home for approval, and it was shown on reliable data that the public works upon which it was proposed to expend the loan would be reproductive, the Home Government would not refuse to sanction it. Did they imagine that it would be different under Responsible Government? Did they think that the Governor then, any more than now, would agree to a loan unless the work upon which it was proposed to spend it would be reproductive, and that the Parliament could show that the interest upon the loan could be paid out of current revenue? No Governor would be so mad as to sanction a loan on any other ground. With regard to the Civil List proposed, he did not agree with the principle upon which it had been framed. It had not been prepared in accordance with what each official was justly entitled to, nor had the provision made in the colonial regulations with regard to retiring allowances been adhered to.

The SURVEYOR GENERAL (Hon. M. Fraser) reminded the House that when the hon. member for Wellington first introduced the question of Responsible Government he said that, in doing so, he knew he was representing the feelings of his constituents entirely, and he believed he also represented the feelings of the colonists as a community. The only clauses of the Bill that seemed to stagger some hon. members were the clauses and the schedules dealing with the Civil List and retiring allowances, which were matters that must ultimately be decided by the Imperial Government.

Mr. BURT and Sir Thomas COCKBURN-CAMPBELL supported the motion for the second reading.

Mr. HAMERSLEY said it appeared to him that the course the Government was adopting in regard to the Bill, by endeavoring to force the measure as they did, in the absence of two or three members on that (the elected) side of the House, was unfair. They seemed to him to be taking an advantage that they ought not to take. There was not the slightest reason for the charges brought against the hon. member for Wellington by the Colonial Secretary. The action of the Government with regard to the Bill before the House manifested an utter disregard for public opinion.

Mr. MARMION failed to see any ground for appealing to the country. When the people's representatives affirmed the resolution in favor of Responsible Government they must have done so in the belief that they were carrying out the wishes of their constituents. It was incorrect to state that no constituency, but that of Bunbury, had been outspoken on the question of Responsible Government. Had not the Vasse electors released their representative from a pledge to oppose that form of Government, and extracted a promise from him to support its adoption? Had not the hon. member for Swan, when he addressed his constituents, said that Responsible Government had no terrors for him, and were not his remarks received with applause—a sufficient guarantee that the electors endorsed his opinion? At Fremantle, when his hon. colleague and himself addressed their constituents, the former spoke in favor of Responsible Government, and in reply to a question from an elector said he would vote in its favor; and his answer was received with a burst of applause; whereas, his views on the subject, which were opposed to the change, were received with a dead silence, which clearly showed that on that point he and those whom he represented were not in accord. Did not the Press of the colony represent public opinion, and had it not, with one voice, cried out for a change, and admitted that the only change desirable or expedient was the adoption of Responsible Government?

Mr. CROWTHER said—After hearing so many members I almost feel myself to be in the position of a man who has practised a particular song, and arrives at the party to hear someone else singing the last verse; nevertheless, I feel it my duty to say a few words on the matter before the House; and in the first

place it is only fair to the House that I explain how I come to be the seconder of the petition presented by the hon. member for Wellington, asking the second reading of the Bill to be some time hence, and supporting the present reading. Had the hon. member for Perth been in his seat I should not have seconded the receiving the petition; that hon. member not being in the House, I seconded the receiving the petition in order to induce a discussion. Had I been in any doubt as to which way my vote should be given, the attendance of the meeting today would have decided me to act as I am now doing, in support of the second reading. When I saw that one at all events of the most intelligent of the supporters did not agree with the petition; when I saw very few of the conveners on the platform; when I heard one of the gentlemen support the resolution and speak on the subject, and when I heard the same gentleman permitted to support and second an amendment to that same resolution, I came to the conclusion that the promoters of that meeting were not in earnest and cared little about it. In supporting the second reading of the Bill I do not consider the schedule as any part of it. I look upon that as being tacked to the Bill. The main principle of the measure is, how we are to be governed; what kind of Upper House are we to have? Without stating how I may vote when the Bill is in Committee, I may say that from all I have heard as yet, if the question of an elective or nominee Upper House was one of tonight, I should vote for the nominee House. One of the reasons would be that many men in the colony have the requisite brains for making good Legislators, without at the same time possessing the qualification of property, and I think we ought to say—consume their brains and make use of them for the advantage of the country. As to the question of pensions, or rather retiring allowances, I would give to Caesar every cent due, and deal liberally; but no more. To expect the concession of the Home Government without providing a Civil List is like claiming all the marbles and having the first shot each game. Much has been said about the undue haste of the Government bringing in this Bill for a second reading tonight. When the Bill was read a first time, I proposed the second reading for tomorrow; the Hon. the Colonial Secretary proposed that the Bill be proceeded with today, and in this the House agreed. Now surely one day cannot be great cause of complaint. At any rate, let the issue be what it may, I shall certainly object on my part to descent from a representative and be returned a delegate of the people. Nor do I think it is acting in good faith to the Governor in

postponing the second reading of this Bill. Every hon. member knew that a Civil List must be provided for; every member has been anxious that the Bill should be brought on as quickly as possible; and as there is the probability of His Excellency leaving the colony shortly, to defer the second reading would, to use language more popular than polite, be very much like this hon. House giving the Governor a slap in the face, and leaving the affairs of the country in the condition of an Irish stew for his successor. (Laughter.) Members have been accused of voting without due consideration. All I can say is, that if I had any doubts in my mind as to the desirability for the proposed change at the time of voting, it is disappeared now; and I am more than ever convinced that if we mean to progress and to utilize our resources we must have Responsible Government, at almost any cost. I regret that the hon. member for Perth had to rise in explanation of what he considers the motives that actuated Commodore Stirling in making his speech at Bunbury, as I was thinking that if the increased price of land suited the Commodore, I should be perfectly satisfied so far as my land was concerned. The hon. member also stated that the present system is a farce. Now, who makes it a farce? No one in this House, I am sure, would ask for the authority and shirk the responsibility. The hon. member also stated that if this present farce could be made a success we do not require a change. So say I. If an inexpensive, irresponsible form of Government will give us what we ask for, by all means keep as you are; but as it is proved to the contrary, then I say, let us go in for Responsible Government. I regretted to hear the hon. member for the Williams, in speaking of what had fallen from the hon. member on my right (Mr. Steere), say that anything like cowardice or dishonesty had been attributed or implied. I certainly do not agree with him. Every member of this Hon. House must regret that the Hon. the Colonial Secretary should have felt it his duty to say what he has, and with myself I am sure that every hon. member will say that, whatever action may have been taken by the honorable member for Wellington, has been taken with the best of motives; that the spirit displayed at all times by the honorable member has been characterized by a desire to promote the welfare, and prosperity, and advancement of the colony. In conclusion, I shall simply again state, that I shall support the second reading of the Bill now before the House and vote for Responsible Government.

Mr. PEARSE said he believed he would be carrying out the views of his constituents if he

voted for the second reading of the Bill, and he would, therefore, do so.

Mr. STEERE craved the indulgence of the House while he replied to the observations that had fallen from the Hon. the Colonial Secretary. He (Mr. Steere) had often noticed that when that hon. gentleman found that he had only very weak arguments to adduce in support of his views, he generally amused himself by making most unwarrantable personal attacks upon him (Mr. Steere), and he had resorted to his favorite amusement that night. If the hon. gentleman did not actually accuse him of cowardice, he did of dishonesty. Now he (Mr. Steere) thought his character for honesty was quite as good as that of the hon. gentleman himself, and he was quite content to leave it in the hands of the House and of the country to judge between them. He cordially thanked the hon. members who had spoken in his defence; they, at all events, were convinced that in his conduct in relation to the question before the House he had been actuated only by honest motives. The charges levelled against him by the Colonial Secretary would, however, necessitate that, in explanation, he should briefly review the course he had adopted in the matter. Early in the session it was known that the question of Responsible Government would be mooted, and there was a general understanding among hon. members that the sessional business foreshadowed in His Excellency's Speech should be first disposed of before the question of constitutional change should be brought forward. For that reason he had deferred tabling a motion in favor of establishing Responsible Government which he found was the proper course to pursue—until the work of the session was very nearly brought to a close. Shortly after tabling that resolution, he discovered that if he pressed it in its then shape it would not be supported with anything like unanimity; and he therefore gave way to an amicable amendment proposed by the hon. member for Greenough, which he considered a fair compromise for carrying out the object in view. Consequent upon the affirmation of that motion of the hon. member for Greenough, a Bill was introduced by the Government, to provide for the contemplated constitutional change—he did not say that there had been any undue delay in bringing in the Bill—and an unusually long statement was made on the occasion by the Colonial Secretary. The Bill itself had never been placed in the hands of hon. members until that statement was made, and he was in ignorance of its provisions. How, therefore, he would ask, could he possibly have made any objection to its

introduction; nor, indeed, would it have been proper for him to have done so; on the contrary it would have amounted to discourtesy on his part to have offered any opposition to the Bill being introduced. When he read the Bill, after the adjournment of the House, he was fairly astonished at some of its provisions, which he discovered were not in accordance with what he had always led his constituents to believe would be among the results of the adoption of Responsible Government. Especially was this the case with respect to the scale of retiring allowances and pensions, which he had anticipated would have been such as would be in accordance with the provisions of the "Superannuation Act" in force in the colony, and such, *mutatis mutandis*, as would be in accordance with the regulations obtaining in other colonies relating to pensions and retiring allowances. But finding how very different were the provisions of the Bill in this respect, and considering as he did, that the main principle of the Bill was the question of a nominated or an elective Upper House, he thought he had adopted a very proper course in calling a public meeting, and he was very agreeably surprised, bearing in mind the short notice given, and the inconvenient hour at which the meeting was held, to find it so well attended, for certainly nearly every respectable independent person in Perth was present. Nothing, as the hon. member for Swan had said, would be lost by the delay in forwarding the Bill Home for the assent of Her Majesty, for the Imperial Parliament would probably not be in session until February; and he thought that in the meantime its provisions might be beneficially considered by the public whom the Bill most deeply affected. There was another reason for the postponement; namely, the absence of three elected members—a considerable proportion in a small House. But, in the face of the threat—for he considered it in no other light than as a threat—made by the Colonial Secretary to the effect that unless the Bill was disposed of one way or another, the Estimates would not be brought forward and that there would consequently be a stoppage to immigration, a stoppage to harbor works, and other necessary public works, he had, after consulting with his supporters, and so that the interests of the colony should not suffer through his action in the matter, determined upon withdrawing the amendment that stood in his name for the reasons he had given and for no other reason.

The COLONIAL SECRETARY (Hon. F. P. Barlee) objected to the amendment being withdrawn and pressed for a division.

Amendment put, "that the consideration of the second reading of the Bill be postponed

for four months," upon which a division was called for, the result being as follows:—

Ayes 5
Noes 12

Majority against 7

Ayes.	Noes.
Mr. Birch	The Hon. G. W. Leake
Mr. Dempster	The Hon. M. Fraser
Mr. Padbury	Mr. Bickley
Mr. Hamersley	Mr. Glyde
Mr. Steere	Mr. Broadhurst
(Teller.)	Mr. Hart
	Sir Thomas Cockburn-
	Campbell
	Mr. Pearse
	Mr. Marmion
	Mr. Monger
	Mr. Crowther
	The Hon. F. P. Barlee
	(Teller.)

Amendment thus negatived.

The Bill was read a second time.

WINES, BEER, AND SPIRIT SALE ACT, 1872, AMENDMENT BILL.

Third Reading.

The COLONIAL SECRETARY (Hon. F. P. Barlee) moved that the Bill be now read a third time.

The Bill was read a third time and passed.

The Council adjourned at 9.45 p.m.

LEGISLATIVE COUNCIL, Thursday, 6th August, 1874.

Land Registry Offices—Chairman of Committees—Estimates: in committee—Leave of Absence—Prorogation.

The SPEAKER took the Chair at 12 noon.
PRAYERS.

LAND REGISTRY OFFICES.

The COLONIAL SECRETARY (Hon. F. P. Barlee), with leave, without notice, moved that His Excellency the Governor be authorized to expend such sums of money as may be necessary in the construction of such buildings as may be required for carrying on the business connected with the Land Transfer Act.