

out delay. I do not think there is any difficulty in allowing these people to administer these oaths. Supposing that there is any virtue in the taking of an oath—which I am not quite prepared to recognise—I think it makes very little difference as to whether the oath is taken before a justice of the peace or his clerk. I think the provision that is made in the Bill is a very useful one, and I ask the House to read the Bill a second time.

Question put and passed.

Bill read a second time.

ADJOURNMENT.

The House adjourned at 6:32 o'clock, p.m., until next day.

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**Legislative Council.**

*Wednesday, 19th August, 1896.*

*Orphanages and Missions: amounts paid to—Crown Suits Bill: President's ruling re— Powers of Attorney Bill: Report of Select Committee—Western Australian Turf Club Bill: second reading; committee—Adoption of Children Bill: third reading—Municipal Institutions Act Amendment Bill: committee—Agricultural Lands Purchase Bill: committee—Construction of bridges over railway line in Perth—Federal Council Reference Bill: first reading—Adjournment.*

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 4:30 o'clock, p.m.

ORPHANAGES AND MISSIONS—  
AMOUNTS PAID TO.

THE HON. R. G. BURGESS asked the Minister of Mines:—

1. What amount was paid annually to the different Orphanages, Native and Half-caste Missions, etc.
2. If the Education department made periodical inspections of the schools in connection with the said institutions.
3. If not, why not.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom) replied, as follows:—

1. None. Being treated hitherto as Assisted schools, the grant ceased at end of 1895.
2. No. It was the practice to do so up to the end of 1895.
3. It is not done now, because the department has no authority to do so.

CROWN SUITS BILL—RULING OF  
PRESIDENT RE.

THE HON. J. W. HACKETT asked the President:—If he had seen some published correspondence between Sir James G. Lee Steere, Speaker of the Legislative Assembly, and Sir Francis T. Palgrave, clerk of the House of Commons, in connection with the action taken by this House in reference to the Crown Suits Bill last session; and if, in consequence, the President had modified the views set out in his ruling relating to the action of the Council above alluded to.

THE PRESIDENT (Hon. Sir G. Shenton) replied, as follows:—

I may state that I have read the published correspondence between the Speaker and Sir Francis T. Palgrave, in reference to the dispute between the two Houses over the Crown Suits Bill. After careful consideration of the said correspondence I see no reason for altering or amending my ruling of November 5, 1894, and on which I based my further ruling of October 3, 1895.

I note the Speaker, in his letter to Sir Francis T. Palgrave, again refers to Standing Order No. 1, but, on the other hand, I maintain this Order can only come into force when the question under dispute is not already provided for. To state the matter shortly, the Crown Suits Bill did not, in my opinion, come under the provisions of Clause 23 of the Amending Constitution Act. Therefore the Council had equal right with the Assembly to amend the Bill in any way they deemed desirable. I think it is to be regretted that the Speaker, when communicating with Sir Francis T. Palgrave, did not send him our Amending Constitution Act, calling his attention to Clause 23, and inform him of the following facts:—

1. That the Crown Suits Bill did not come under the provisions of Clause 23.

2. That, at the time the Bill was introduced, there was no limit to damages which might be given against the Crown.
3. That if the Bill had become law, the amount of damages given to any plaintiff would have to be voted by Parliament.
4. That the Legislative Council is a representative body selected by the people, and their rights and powers are expressly fixed and regulated by the Constitution Act.

As soon as the Votes and Proceedings of the Assembly containing the correspondence between the Speaker and Sir Francis T. Palgrave were printed, I forwarded a copy to Mr. Edwin Gordon Blackmore, the Clerk of Parliament, South Australia (who I think I am quite safe in stating is acknowledged to be one of the highest Constitutional Authorities in Australasia), asking for his opinion. He very kindly has acceded to my request, and I have his consent to make his letter public; I shall avail myself of his courtesy and read it to you:—

July 21, 1896.

MY DEAR MR. PRESIDENT,

I am honoured with your letter of July 10th, covering the Votes and Proceedings of the Legislative Assembly of Western Australia, 7th July, 1896, which contain an entry of Mr. Speaker's letter to the Clerk of the House of Commons, and of Sir F. Palgrave's reply thereto, in the matter of an amendment of the Legislative Council to the Crown Suits Bill. Some months ago I was indebted to Mr. Speaker for a copy of this letter and the reply. As you invite my comments, I have thought it may be more convenient to you to submit them separately, leaving it entirely to your own discretion to make whatever use you desire of the communication. The issue involved being nothing less than the legislative powers of the two Houses, and the distribution respectively of those powers, I think it will be better to discuss the general issue rather than that which is the immediate cause of the correspondence. With reference to the latter, it is superfluous to say that a dictum of Sir F. Palgrave must be final. But I may add that no one conversant with the practice of the Commons House could have come to a different conclusion, or could deny that the ruling in the matter of the Crown Suits Bill is exactly such as the Speaker in the Imperial Parliament would have given. But it must be obvious that no contribution towards a solution of the constitutional question is provided. In his guarded and limited reply Sir F. Palgrave passes no opinion on the real question at issue, viz., whether in a specific case a colonial Speaker has decided correctly. That question,

indeed, has never been submitted to him, nor has he anticipated it and furnished a reply. It is one which requires a reference to the Constitution Act and the Standing Orders of the House to settle. To apply what he has said to the immediate question, as though in *pari materia*, is to beg the question and something more. It is to ignore the fact that the colonial Parliament is the creation of a statute, exercising powers and functions set out by, and subject to, the provisions of the Constitution Act, and to assume that it is constitutionally identical with a body so different in its origin, nature, growth, and development as the Imperial Parliament.

I am, &c.,

EDWIN GORDON BLACKMORE,  
Clerk of the Parliaments, South Australia.

PARLIAMENT OF WESTERN AUSTRALIA.

As the House of Commons maintains that it is beyond the legislative capacity of the House of Lords to amend a money Bill sent up from the Commons, it is contended that:—The Legislative Council is incapable of amending a money Bill sent up from the Legislative Assembly. The foundation of this argument is Standing Order No. 1 of the Assembly—“Usages of the House of Commons to be observed unless other provision is made.—In all cases not provided for hereinafter, or by sessional or other orders, resort shall be had to rules, forms, and practice of the House of Commons of the Imperial Parliament of Great Britain and Ireland, which shall be followed as far as they can be applied to the proceedings of this House.” It is a statutory obligation upon both Houses to adopt standing rules and orders for the conduct of business in the exercise of the powers and functions vested in them by the Constitution Act, Section 34. These orders are of the nature of by-laws to be made within the powers of the Constitution Act. They cannot change the Act which created the two Houses. The authority of each House in the way of making standing orders is subordinate to, and dependent upon, the Constitution Act. If a Standing Order is within the Act, it is valid and constitutional. If it is not within the Act, if it enlarges the powers and functions conferred by the Act, or takes from them, it is *ultra vires*, and therefore invalid and unconstitutional. The application of Standing Order No. 1 in the sense contended for restricts the legislative capacity of the Council. The Constitution Act established the Council and Assembly as legislative bodies to make laws for the peace, order, and good government of the colony, with powers and functions *ad hoc*, subject to the provisions of the Act.

CONSTITUTION ACT PREAMBLE, SECTION 1.

Nowhere does the Act differentiate between the legislative capacities of the two Houses, Save that: Bills of Appropriation and Taxation must originate in the Assembly and be recommended by the Governor. With this reservation the Constitution Act establishes co-ordinate Houses. If the Constitution Act did not enact this reservation, no Standing Order

could effect it. If, therefore, Standing Order No. 1 operates to take away from the Council a power which is of the very essence of legislative power, viz., that of amendment, and which is not taken away by the Act (as it is in the case of the Victorian Constitution by express enactment) the Order is to that extent *ultra vires*. But this application of the Standing Order is erroneous. It fails to discriminate and to take cognisance of the qualification expressed in it, viz., that of applicability. The resolution of the Commons and the acquiescence of the Lords are, after all, a constitutional convention of the Imperial Parliament, and the Standing Order is not adequate to impose this upon a colonial legislature.

The House of Lords has never surrendered the right of altering a Bill, even though it touch a matter of finance.

#### CUSTOMS AND INLAND REVENUE BILL, 1861.—

SPEECH OF THE CHANCELLOR OF THE EXCHEQUER, MR. GLADSTONE.

"I think that the House of Lords is right, and wise in avoiding any formal surrender of the power even of amendment, in cases where it might think it advisable even to amend a Bill relating to finance."

In 1850 the Privy Council Committee, in its report on the establishment of a representative legislature at the Cape of Good Hope, which was approved by the Queen in Council, recommended that as the Legislative Council was to be elective, it should amend Money Bills sent up from the Assembly. Further, the Standing Order which is relied upon to restrict the capacity of the Council is equally a standing order of that body "binding and of force." The true construction undoubtedly is that it concerns the methods of business in Parliament, the mechanism, so to speak, of legislation, the *modus operandi*. It does not touch powers which are proper subjects for the Act of Constitution.

#### QUEENSLAND CASE.

But the decision of the Privy Council in the case submitted by the Queensland Parliament is relied upon to prove the contention put forward. Here, as in that presented to the Clerk of the House of Commons, the real question was omitted, and one proposed which found its answer in "The Queensland Constitution Act." Two questions were referred:—

- (1.) "Whether the Constitution Act of 1867 confers on the Legislative Council powers co-ordinate with those of the Legislative Assembly in the amendment of all Bills, including Money Bills?"
- (2.) "Whether the claims of the Legislative Assembly, as set forth in their Message of November 12th, are well founded?"

A simple monosyllabic answer was given in each case. To No. 1, "No;" to No. 2, "Yes." If the Act gave certain recited powers, it could only do so by express enactment. It did not in this sense, and in the way specified, confer

the powers. But neither did it, as the Victorian Act did, take away the power of amending Money Bills. Had this question been put—viz., Does the Constitution Act take away from the Council the power of amending Money Bills?—the Privy Council must have given the same answer as to No. 1, viz., "No." With regard to No. 2, the claims of the Legislative Assembly were that the two Chambers correspond to the Lords and Commons; that the House of Lords does not amend the Appropriation Bill; that the Assembly maintained the position taken by the Commons in the resolution of July 3, 1678. To say that the claim is well founded does not go the length required. It is not conclusive that the correspondence of the Council and Assembly of Queensland to the Lords and Commons is so complete that their legislative relations are identical. It is a fair conclusion that the test of the powers of the two Houses, and their legislative relations, must be the Act which created them; that, save in the matter of Appropriation and Tax Bills, no distribution of legislative powers is ordained; that no forced analogy, or Standing Order, acting by reference, can override, enlarge, or restrict the *lex scripta* of the Constitution, that what the Constitution Act has not taken away remains.

(Signed)

EDWIN GORDON BLACKMORE,

Clerk of the Parliaments, South Australia.

THE HON. J. W. HACKETT: I have to move that the important ruling which you, sir, have just given, and the documents you have read, be entered upon the Minutes of this House.

Question—put and passed.

#### POWERS OF ATTORNEY BILL.

THE HON. S. H. PARKER brought up the report of the Select Committee on this Bill and moved it be received.

Question—put and passed.

#### WESTERN AUSTRALIAN TURF CLUB ACT REPEAL BILL.

##### SECOND READING.

THE HON. S. H. PARKER: Hon. members are aware that when this Bill was introduced it was referred to a select committee. That committee has now reported that the preamble has been proved, or, in other words, that it is desirable to repeal the Western Australian Turf Club Act. Hon. members are no doubt aware that "The Western Australian Turf Club Act" of 1892 was a private Act, and it was brought in in consequence of the reconstruction of the Western Australian Turf Club for the

purpose of having its lands vested in the chairman for the time being in trust for the club. At that time the lands were leasehold, and were vested in three trustees, of whom I had the honour to be one. The land was leased by the Government for 999 years, and the effect of the statute was to vest it in the committee of the club upon the trusts mentioned in the lease which was granted by the Government. Now the Government propose to grant the fee simple to the club, and it is intended to borrow £8,000 or £10,000 for the purpose of improving the running ground, and to give better accommodation to the public. So long, however, as this Act stands, it is impossible to borrow the money on the lands, because they are vested for certain purposes. In order to do away with these trusts it is necessary to repeal the present statute, and then the Club will be left in the same position as it was before the passing of the Act. I now move that the Bill be read a second time.

Question—put and passed.

#### IN COMMITTEE:

This Bill was then considered in committee, agreed to without amendment, reported, and the report adopted.

#### ADOPTION OF CHILDREN BILL.

##### THIRD READING.

This Bill was read a third time and passed.

#### MUNICIPAL INSTITUTIONS ACT AMENDMENT BILL.

##### IN COMMITTEE.

Clause 4—Vehicles to have weight painted on conspicuous parts:

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): I have looked into the amendment which has been given notice of by the Hon. Mr. Crowder, and I think I can meet what he wishes by striking out the first three lines of the clause and inserting the following:—“After a weighbridge has been erected in any municipality, and ten clear days’ notice of such erection shall have been given in the *Government Gazette*, and in one newspaper circulating in the district, every vehicle carrying, or constructed to carry, goods or merchandise of any kind

whatever in actual use in any public place within such municipality shall.” I move this.

THE HON. F. T. CROWDER: I may say that this amendment will meet my view.

Amendment—put and passed.

Clause, as amended, agreed to.

New clause:

THE HON. F. T. CROWDER: I move that the following new clause be added to the Bill to stand as No. 7:—“If on goods being weighed by officers, as mentioned in clause 6, the carrier of same be found not to have infringed the law, then the officer who ordered the weighing shall pay the expenses of same.” Rules will be drawn up whereby a person who wishes to weigh a load will have to pay 1s. 6d. or 2s. for the privilege, and it will be very hard upon a man who has his proper load to be ordered by an officer to have it weighed, and then, even if the weight be found correct, to have to pay for the weighing. Of course if he had infringed the law by having short weight, he should be made to pay, but if not I fail to see why he should be penalised simply because some officious officer chooses to order him to weigh. I may say that in South Australia before I left a similar provision to this prevailed.

THE MINISTER FOR MINES (Hon. E. H. Wittenoom): Although I was ready to support the other amendment which the hon. member gave notice of, I think it hardly wise to make the Bill a dead letter by adopting this one. It is in the public interest that proper loads should be carried, and if we are going to make officials pay for the weighing if they make a mistake, I am afraid they will be disinclined to take the responsibility of doing their duty. Therefore, in the interests of the Bill, I think we may as well leave this proposed clause out.

THE HON. S. J. HAYNES: I trust the amendment will be inserted, otherwise officious officers may cause a great deal of annoyance and expense to those carrying loads. If an officer ordered a load to be weighed, and it was found that the Act had not been broken, there would surely be some way of getting the amount paid for weighing refunded to him.

Amendment—put and negatived.

Bill reported, and report adopted.

AGRICULTURAL LANDS PURCHASE  
BILL.

IN COMMITTEE :

Clause 3—agreed to.

Clause 4—Governor may appoint Land Purchase Board :

**THE HON. F. M. STONE :** In proposing the amendment which stands in my name, I wish it to be understood that I do not intend in any way to impugn the honesty of this Government. In fact, I have so much confidence in them that I am willing to give them the power to appoint the members of this Board for five years. What I wish to prevent, however, is this Government going out and a new one coming in which will at once get rid of the Board and appoint another. If a Government can remove a Board just when it thinks fit, it means that the Board can be worked for political purposes. If my amendment is passed, the Board will remain in office five years unless removed by Parliament, and in this way it will be entirely independent of the Government. I think the amendment is all the more necessary because the Minister has given notice of his intention to move a clause which provides that the acceptance of a position on the Board is not to be deemed an office of profit under the Crown. That means that members of Parliament may be nominated, and to my mind it is essentially necessary that they should be made independent of the Government of the day.

**THE HON. C. E. DEMPSTER :** What is to be done if the Board proves to be undesirable ?

**THE HON. F. M. STONE :** It can be removed by Parliament.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom) :** Whilst thanking the hon. member for the great confidence he seems to have in the Government, I cannot so appreciate his remarks as to agree with the amendment. If we were to agree to it I feel sure it would render the work of the Board most difficult. I do not think any Government would be likely to appoint a Board that would be so corrupt and bad as the hon. member seems to suggest. I do not think, even if we tried, we could get eleven people to unite in being as bad and corrupt as he seems to suggest. We should have to get the Governor, the members of the Exe-

cutive, and the five members of the Board all to put their heads together for corrupt purposes, and I do not think this could ever occur. The hon. member says he has confidence in the Government. We may take it, therefore, that the best men that can be obtained will be appointed, and no Government would seek to turn any member of the Board out if he were doing his duty. No Government dare do it. If a Government did so there would be a resolution submitted to Parliament at once. The hon. member said it would not be desirable to appoint members of Parliament.

**THE HON. F. M. STONE :** I did not say so. I said the fact that it was intended to appoint members of Parliament was all the more reason for the amendment, because members of Parliament should be independent of the Government.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom) :** The object of the clause I intend to propose is to prevent the Government being curtailed in their choice of members, so that they may avail themselves of the most experienced men they can get. Then, under the hon. member's amendment, there is no provision for removing a man if he becomes bankrupt or a lunatic; such a person would still be a member of the Board until Parliament met and removed him, whereas, under the clause, as it stands, the Government could deal with the matter.

**THE HON. S. H. PARKER :** I am sure we all desire to see the Board independent of the Government. The hon. member has pointed out that if we had corrupt Government they might appoint persons who are also corrupt; but he has failed to recognise that a corrupt Government can only exist so long as we have a corrupt Assembly, and if we have a corrupt House there is no limit to anything that may be done. Then, it is said that it may be desirable, perhaps, to appoint members of the Legislature to the Board; but it seems to me that such an amendment as has been given notice of by the Hon. the Minister for Mines is really an amendment of the Constitution Act, which provides that no member of either House shall accept an office of profit under the Crown without his seat thereby becoming vacant. I doubt

whether, under these circumstances, we can, by this Bill, virtually repeal the provision of the Constitution Act.

**THE HON. C. E. DEMPSTER:** I shall not vote for the amendment, for I think it will open the door to more evils than the clause as it stands. I think it is preferable that the responsibility of appointing the Board should be cast upon the Government rather than upon Parliament.

**THE HON. C. A. PIESSE:** I should like hon. members to remember that the Bill limits the Government to an expenditure of £200,000. Possibly the whole of the money, if any good is to come from the Bill, will be spent within 18 months; and I fail to see, therefore, how there can be any chance of getting in a corrupt Board, if hon. members have confidence in the present Government.

**THE HON. A. B. KIDSON:** I shall have much pleasure in supporting the amendment. I cannot see why the Government should be anxious to retain the power of moving persons from the Board when they deem fit. What is the object of it? It is said that the Government can be depended upon to place men of the utmost integrity on the Board. Having done so, I cannot see why they should wish to remove them.

**THE MINISTER FOR MINES:** Suppose we make a mistake?

**THE HON. A. B. KIDSON:** Then the Government can bring the matter before Parliament, and get any members removed who may turn out to be undesirable. I might draw the Hon. Mr. Stone's attention to the fact that he makes no provision for the re-appointment of any person to the Board. I think some words will be found necessary to enable a re-appointment to be made. The Hon. Mr. Piesse has referred to £200,000 being a small sum. It may be to him, but to me it is a very large sum. At any rate, whether it is a large sum or a small one does not affect the question, because it is only a matter of degree as to what price a man will become corrupt for. I should like to know what is the price of the present Government? £200,000 may not be sufficient for the present Government, but another Government may come in who will consider the sum quite large enough for them.

**THE HON. H. J. SAUNDERS:** The other day I opposed this Bill because I thought it was not necessary at the present time, but I must say that I prefer the clause as it stands, to the amendment which has been proposed. The hon. member says that we may get a corrupt Government who may remove the Board for no good cause, but at the same time he expresses his confidence in the present Government. Now, what he wants to do by the amendment, it seems to me, is to make the appointment of the Board certain for five years, that is until another Government comes in. This will give them the very opportunity they require if they have any ideas of being corrupt, for the term of the Board will have expired, and it will devolve upon them to appoint the new Board.

**THE HON. H. BRIGGS:** I must say that I do not like this word corrupt being bandied about. There is no necessity for it and it is not fair to the present Government. I think we ought to trust the Government, and I feel sure they will not remove a Board, or any member of it, so long as the duties are being carried out conscientiously and properly.

Amendment—put and negatived.

Clause agreed to.

Clause 5—Lands may be surrendered in terms of this Act:

**THE HON. F. M. STONE:** If hon. members will look at this clause they will see that the Government may get an offer of some land. The offer is then to be referred to the Board, and enquiries have to be made as to whether the land is suitable, as to whether the price asked is a fair one or not, and all this will necessarily take time. While enquiries are being made some private person may come along and offer a higher price.

**THE HON. R. G. BURGESS:** Quite right too.

**THE HON. F. M. STONE:** The hon. member says "quite right," and that emphasises the point I wish to make, because it will bring the Government into land jobbing. These private offers will be a means of increasing the price of the land to the Government, and will result in increased prices to those who afterwards wish to avail themselves of it and settle upon it. The object of this bill is to enable the Government to acquire lands for the purpose of inducing settlement,

and they should, therefore, endeavour to get them at as low a price as possible, and hence any offer which is made should be a binding one for a certain time and such as any private individual would require if the lands were offered to him. I therefore move that the following words be inserted after the word "offer" in the fourth line:—"and such offer shall be binding on the owner if the decision of the Minister to purchase the land shall be notified to such owner by letter posted within one month of the date of the receipt of the offer by the Minister."

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** I would like to point out that if any person made an offer to the Government the first thing that would be done would be to acknowledge its receipt and to state that the offer was considered open for a certain time, but in order to make the matter perfectly clear I shall have much pleasure in accepting the amendment.

**THE HON. C. A. PIESSE:** I think this amendment is a grave reflection on the Board. Surely no board would consider an offer unless it were a definite one.

**THE HON. R. G. BURGESS:** I think the amendment is an absurd one. I should say let the people who put the land under offer fix their own terms.

**THE HON. A. B. KIDSON:** I do not agree with the hon. member, for I think the amendment is a very salutary one and will meet the circumstances of the case.

**THE HON. C. E. DEMPSTER:** We may take it, I think, that in the early days the settlers did not select the worst of the land; in fact, we know that what was then taken up was better than any we have open to selection at the present time. As a cultivator myself I know that one acre of good land is worth ten acres of bad land, and I think the Government should have the widest latitude in endeavouring to procure, for the purposes of settlement, the best land possible.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** The matter is, I think, already dealt with in the Bill, but this amendment makes it more definite. It is necessary that some little time should be allowed to the Government, considering all that has to be done, to

make enquiries, and I think that no one will say that a month is too long a time to enable everything to be done which the Act provides for.

Amendment—put and passed.

Clause, as amended, agreed to.

Clause 6 agreed to.

Clause 7—Governor may purchase lands:

**THE HON. F. M. STONE:** I move to strike out the words "It appears from the report of." This will make it more definite, because instead of the clause reading "If it shall appear from the report of the Board," it will read "If the Board shall report."

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** I think it is wise in a matter of this kind to follow the provisions of similar Acts in the other colonies which has been in operation for some time. The Queensland Bill has been working for two years, and it contains exactly similar words to those which appear in this clause. I hope, therefore, the hon. member will give way.

**THE HON. F. M. STONE:** I cannot give way because similar words are in the Queensland Act. The objection I have to the clause as it stands is that it gives the Government power to go into matters that are referred to the Board. I want to make the report of the Board binding upon the Government. If it is not to be binding, then I cannot see what is the use of the Board at all.

**THE HON. C. A. PIESSE:** It seems to me that a certain amount of discretion ought to be left to the Government so that they may see that the report is a reasonable and a good one.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** I may point out that if the amendment is carried it will upset the whole Bill. The safeguard in this Bill is that the Government can do nothing, except at a price recommended by the Board, and on the other hand the Board can do nothing unless the Government support them. The hon. Mr. Stone wants to say it shall not be so. We want to have one a safeguard against the other.

**THE HON. F. M. STONE:** The Minister for Mines does not quite understand what I intend. My object is that the Board shall make a definite report.

Amendment—put and negatived.

Clause 8 agreed to.

Clause 9—Minister may improve lands purchased under Act:

**THE HON. S. J. HAYNES:** I move that this clause be struck out. It provides that the Ministry may clear, fence, and drain land. By the Bill the Government propose to buy land for cash, and sell it on 20 years' terms. Surely that is sufficient inducement for anyone who requires land to take it up. If the Government are going to clear, fence, and drain land, they might just as well go a little further and undertake to plough it, and pay the wages of the labourers required. If 20 years' terms are not sufficient without anything else, we shall get a class of adventurers and pauper agriculturists settling upon the land and this we do not want.

**THE HON. F. T. CROWDER:** I have much pleasure in supporting this amendment. As the clause stands it means that land may be purchased, and if a buyer does not come along quickly enough, the Government may proceed to farm it, by putting in apple trees, or sowing wheat, or anything else they choose. The Government, by this Bill, propose to spend £200,000 on purchase of the land, but under this clause they may spend another quarter of a million or any other sum in farming. I think the clause is altogether too dangerous, especially in view of the Agricultural Bank Act.

Question, that the clause be struck out, put.

The committee divided with the following result:—

Ayes ... ..	8
Noes ... ..	7

Majority for ... 1

AYES.	NOES.
The Hon. H. Briggs	The Hon. J. W. Hackett
The Hon. R. G. Burgess	The Hon. E. McLarty
The Hon. F. T. Crowder	The Hon. S. H. Parker
The Hon. C. E. Dompstar	The Hon. C. A. Piesse
The Hon. A. B. Kidson	The Hon. H. J. Saunders
The Hon. J. E. Richardson	The Hon. W. Spencer
The Hon. F. M. Stone	The Hon. E. H. Wittenoom
The Hon. S. J. Haynes (Teller).	(Teller).

Clause struck out.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** I move that progress be reported.

Motion—put and passed.

Progress reported.

#### ERECTION OF BRIDGES OVER RAILWAY IN PERTH.

Consideration of the following measure from the Legislative Assembly:—

“That, in the opinion of this House, “the time has arrived when one or “more bridges for vehicular traffic “over the railway lines must be substituted for the level crossings at “William Street and Melbourne “Road, in the City of Perth; and “that, as the subject is a very large “and most important one, involving “the consideration of a number of “possible alternatives, and the effect “which same would have on existing “interests, it is desirable that it “should be referred to a Joint Select “Committee of both Houses of Parliament.”

The Legislative Assembly, in accordance with this resolution, has appointed a committee, consisting of seven members, with power to call for persons and papers: to sit upon those days over which the House is adjourned; and to report upon Tuesday, 1st September, 1896. The Legislative Assembly requests the Legislative Council to appoint a similar committee to join with the committee of the Legislative Assembly for the purpose aforesaid.

**THE MINISTER FOR MINES (Hon. E. H. Wittenoom):** I ask hon. members to take this matter into consideration, and I make the importance of the subject my excuse. Those hon. members who know the city of Perth must be aware of the tremendous amount of traffic at the railway crossings, and it has been a source of considerable anxiety for some time to discover a way by which the safety of the public may be assured, while, at the same time, not impeding the railway work. The Government consider that the matter is more than a departmental one, and have submitted a resolution to the Legislative Assembly asking that body to appoint a committee of seven to confer with a similar committee of this House on the subject. I hope hon. members will fall in with this, especially as any proposals made may interfere with vested interest and a considerable amount of property. I have, therefore, to move, “That in compliance with the request of the Legislative Assembly, a select committee of seven



advisability of erecting bridges over the railway line in William Street and Melbourne Road; with power to call for persons and papers, to confer with the similar committee chosen by the Legislative Assembly, to meet on days on which the Council does not sit, and to report on 1st September. And further, that the first meeting of the committee be held in the Committee Room of the Legislative Assembly on Friday, 21st August, at 12 o'clock."

Question—put and passed.

A ballot having been taken, the Hon. F. T. Crowder, J. W. Hackett, A. B. Kidson, S. H. Parker, H. J. Saunders, and F. M. Stone were elected, in addition to the mover, to serve on such committee.

#### FEDERAL COUNCIL REFERENCE BILL.

This Bill was received from the Legislative Assembly and was read a first time.

#### ADJOURNMENT.

The House at 6:15 o'clock, p.m., adjourned until Thursday, August 20th, at 4:30 o'clock, p.m.

## Legislative Assembly,

Wednesday, 19th August, 1896.

Question: Goldfields regulations and time for disallowance—Fencing Bill: first reading—Excess Bill (financial year 1895-6): first reading—Motion: Board for control and management of water supplies—Motion for Return re Analysis of Butter—Married Women's Property Act Amendment Bill: third reading—Constitution Act Amendment Bill: discussion on report—Statutory Declarations Bill: in committee—Post Office Savings Bank Bill: second reading; in committee—Public Works Bill: second reading moved—Adjournment.

THE SPEAKER took the Chair at 4:30 o'clock, p.m.

#### PRAYERS.

#### QUESTION: GOLDFIELDS REGULATIONS AND TIME FOR DISALLOWANCE.

MR. ILLINGWORTH, without notice, asked the Attorney General why the Regulations for the management of goldfields had not been laid on the table of the House, in accordance with section 99 of the Goldfields Act?

THE SPEAKER said the Regulations had been laid on the table.

MR. ILLINGWORTH said they had not been laid on the table within the 14 days required by the Act.

THE SPEAKER said his attention had been drawn to the matter by the Clerk; and, on inquiry, he found the Regulations had been laid on the table, but could not remember at what time they were placed there.

MR. ILLINGWORTH said they were not on the table within the 14 days required by the Act. It was within the province of Parliament to disallow the Regulations, or any of them, and he wished to ascertain from the Attorney General whether the time for such disallowance had now passed. Some of the Regulations required alteration.

THE ATTORNEY-GENERAL (Hon. S. Burt) said it seemed to him, on reading the section referred to, that it was open to the House, at any time, to disallow the Regulations, or to pass a resolution respecting them. It need not necessarily be done within 14 days. Certainly the Regulations had to be laid on the table within 14 days, and such members be appointed to report upon the