

THE COLONIAL SECRETARY: The Bill would be reprinted as soon as received. The Imperial amendments were an unknown quantity.

Schedule put and passed.

Preamble and title—agreed to.

Bill reported with amendments, and the report adopted.

THIRD READING.

THE COLONIAL SECRETARY: I think it will meet with the views of hon. members, if I move that the third reading—

SEVERAL MEMBERS: Not now.

SEVERAL MEMBERS: Now.

THE PRESIDENT: The Bill cannot go down to the other House to-night, because the Legislative Assembly is not sitting now.

THE COLONIAL SECRETARY: I think time would be gained.

HON. M. L. MOSS: The Standing Orders have been suspended.

THE COLONIAL SECRETARY: I move that the Bill be read a third time. Question put and passed.

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

PAPER PRESENTED.

By the **COLONIAL SECRETARY:** Specimen copy of account books furnished to Roads Boards by the Public Works Department.

Ordered to lie on the table.

ADJOURNMENT.

The House adjourned at 10.40 o'clock until the next Tuesday.

Legislative Assembly,

Thursday, 7th June, 1900.

Question: Mining Classes, to Establish—Question: New Industries, to Encourage—Question: Agricultural Districts, to Bore for Water—Question: Railway Servants and Public Bodies—Question: Holiday, Relief of Making—Question: Road to Lake Way, Repairs—Papers presented—Urgency: Electoral Rolls and Canvassing for Names—Motion: Maudaring Weir, Reports on Concrete—Motion for Papers: Railways and Alleged Frauds—Motion for Papers: Mail Steamers, as to Calling at Fremantle—Urgency: Committee of Inquiry, Robson case, Leave to employ Counsel—Adjournment.

THE SPEAKER took the Chair at 7.30 o'clock, p.m.

PRAYERS.

QUESTION—MINING CLASSES, TO ESTABLISH.

MR. OATS asked the Premier, Whether it is the intention of the Government to place a sum of money on the Estimates for the purpose of establishing mining classes in the different important mining centres.

THE MINISTER of MINES replied that the matter had not been brought under the notice of the Government, nor had it been considered.

QUESTION—NEW INDUSTRIES, TO ENCOURAGE.

MR. QUINLAN asked the Premier, Whether it is the intention of the Government to introduce a Bill during the coming session of Parliament, having for its object the encouragement of new industries.

THE PREMIER replied that the Government had such a Bill under consideration.

QUESTION—AGRICULTURAL DISTRICTS, TO BORE FOR WATER.

MR. QUINLAN asked the Commissioner of Crown Lands, Whether it is his intention to take steps to introduce a measure for boring for water in agricultural districts, as promised some time ago.

THE COMMISSIONER OF CROWN LANDS replied:—Yes; steps are being taken in the direction indicated, and regulations are now under consideration and will shortly be made public.

QUESTION—RAILWAY SERVANTS AND PUBLIC BODIES.

MR. SOLOMON asked the Commissioner of Railways, Whether it is a fact

that, in the new set of regulations about to be introduced in the Railway Department, provision is made preventing employees of that department from holding any position on roads boards, municipal councils, or political bodies.

THE COMMISSIONER OF RAILWAYS replied:—Yes; this has also been the rule in the Public Works Department since 1897, and the same rule applies in the railway services of all the Eastern colonies.

QUESTION—HOLIDAY, RELIEF OF
MAFEKING.

MR. WOOD, without notice, asked the Premier, Whether his promise was carried out, namely to grant a public holiday to all persons in the Government service on full pay, in commemoration of the relief of Mafeking.

THE COMMISSIONER OF RAILWAYS replied: Instructions were issued to the Engineer-in-Chief, to give either a day's pay or a day's holiday to every workman in the Government service; and I may state that if anyone in the Government service who was entitled to the holiday did not get it or did not receive the day's pay, I shall be glad to have such case brought under my notice.

MR. VOSPER: A number of the temporary staff did not get it.

QUESTION—ROAD TO LAKE WAY,
REPAIRS.

MR. RASON, without notice, asked the Premier, Whether his attention has been called to the present deplorable condition of the road between Cue and Lake Way, and the consequent severe check to the mining industry in that district. Also do the Government intend to take any action in the matter?

THE PREMIER replied: I believe a letter was sent to me, and it was referred to the Works Department. I have no doubt the Water Supply and the Roads and Bridges branches of the department have the matter in hand. I do not know, however, what we can do over such an immense line of road. The trouble has come about there through the winter rains being so heavy; but when that country gets dry again, the difficulty now experienced along the road will disappear. I do not think that if the Government

had the means and were to place hundreds, perhaps thousands of men on the road for repairing it, they could do anything effectual to cope with the trouble that has occurred. The excessive rains in that part of the country are the cause; but I hope very shortly that the country up there will be hard again, and the difficulty will then be forgotten in the great advantage that will result to the country from the rains. I will look into the matter again to-morrow.

PAPERS PRESENTED.

By the COMMISSIONER OF RAILWAYS: 1, Specimen of Roads Board Account Forms, etc. 2, Regulations for control of Traffic over Fremantle (Road) Bridge.

Ordered to lie on the table.

URGENCY—ELECTORAL ROLLS AND
CANVASSING FOR NAMES.

MR. VOSPER (North-East Coolgardie): I wish formally to move the adjournment of the House, in order to call attention to a matter of some urgency.

THE SPEAKER: What is it?

MR. VOSPER: It is in connection with the form of claim for registering names on the electoral rolls. An hon. member of this House who is interested in the matter feels himself in a delicate position, because he is likely to again be a candidate for election in that district. The hon. member is informed that a gentleman who has appeared as a candidate for election to represent North Perth in this House has of late been canvassing that district, to get persons to fill up application forms with a view to their names being put on the electoral roll. A friend of the candidate appears to have told him that it was a rather dangerous proceeding, because a number of those so enfranchised might vote against him. The candidate's reply was, as I am informed, that he was accompanied by an astute agent who knew most of the people there, and who took the trouble to "sound" them as to their political views, and if these were found not to be favourable to the particular candidate, then all the papers filled up by persons who did not express themselves as favourable were immediately afterwards destroyed by the person who was canvassing, and were not forwarded to the Electoral Registrar.

THE PREMIER: If the voter would only take the trouble to deliver the paper himself to the Electoral Registrar, he could checkmate that sort of thing.

MR. VOSPER: That is why I call attention to the matter here. Electors are at present willing to trust anyone who will take the trouble to ask them to fill up forms for getting their names placed on the electoral roll.

THE PREMIER: But how are you going to stop persons from doing so?

MR. VOSPER: I do not know how it can be stopped; but the matter being mentioned thus publicly in the House may have the effect of warning the would-be electors that tactics of that kind are being pursued, and may put them on their guard; and I may also inform them that they are entitled to receive a receipt from the Electoral Registrar for every form they send in under the Act. I recognise that the Government cannot prevent the adoption of unscrupulous methods such as I have described; but my object in calling attention to the practice is to warn people who may be applied to by canvassers or agents for placing their names on the electoral roll.

THE PREMIER (Right Hon. Sir J. Forrest): Now that the hon. member has mentioned this matter, I should like to say that in the hon. member's newspaper (*Sunday Times*) there appears an advertisement which has been brought under my notice, informing people that the office of that paper is the only place where electoral registration forms can be obtained. I do not think that is a correct statement to put before the public; but I saw it myself, and therefore I call the hon. member's attention to it. There it is in good type, saying that forms of application can be obtained at the *Sunday Times* office only—"only" being in parenthesis. The attention of the hon. member being now drawn to it, I am sure he will exercise his authority to have that notice altered.

MR. VOSPER (in reply): That has been a subject of dispute between myself and the Inspector of Electoral Rolls. The advertisement which the Premier refers to says that forms for electoral registration can be obtained at the editorial office only; the object being that the business manager shall not be worried with appli-

cations. Seeing that the Inspector of Parliamentary Rolls has made this mistake, I have already taken the trouble to amend that advertisement, so that it will no longer appear in the form mentioned. The advertisement now reads that voters may obtain claim forms at this office and also at the office of the registrar of the district and elsewhere; the Government thus getting an advertisement free of charge.

Motion put and negatived.

MOTION—MUNDARING WEIR, REPORTS ON CONCRETE.

On motion by **MR. ILLINGWORTH**, ordered that the Departmental Reports (for April and May, 1900) of the Resident Engineer, concerning the cost of concrete and cement used at Mundaring, be laid upon the table of the House.

MOTION FOR PAPERS—RAILWAYS AND ALLEGED FRAUDS.

MR. GREGORY (North Coolgardie) moved:

That all papers in connection with the alleged frauds on the Railway Department, by the Perth Ice Company, be laid upon the table of the House.

I asked certain questions here last evening in connection with this matter; and, owing to the statement that appeared in a newspaper on the goldfields, it is only right that members of this House should have the fullest information possible placed before them. Charges of the most extraordinary nature have been made, that certain members of this House are shareholders of a company which has been deliberately robbing the Railway Department during some years. It is only right that when charges of corruption are made against the Government the fullest information should be given to this House. The motion may be premature, however, for as the Minister has informed us he is making inquiries, it might be wrong for me to urge that all the papers relating to the matter should be laid on the table at present. If the Commissioner of Railways will assure me that at the earliest available moment the papers will be laid on the table, I shall be satisfied with that assurance, and will withdraw the motion; but I do think all the information possible which can be supplied to members of this

House should be placed before them, as the custodians of the people's purse. I feel sure, at the same time, that if anything wrong has occurred in connection with the Ice Company, neither the shareholders nor the Government have been accessories to the wrong. The allegations seem to indicate that the manager of that company and certain officials of the Railway Department have acted in collusion, and have robbed the department to a great extent.

THE COMMISSIONER OF RAILWAYS (Hon. F. H. Piesse): The allegations which have been published in a newspaper in relation to this matter appear to me to put the worst side of it. As I stated in reply to the hon. member last evening, the department is only too anxious to furnish to this House all the information which can be obtained in regard to the matter. But the inquiry being *sub judice*, if we were to place the papers on the table now, the effect might be to defeat the ends which we hope to attain in making such an inquiry as will enable us to sheet home the blame, and to punish those, if any, who have dealt fraudulently with the department, and bring them to justice. We have nothing to hide, but are trying to do our duty. In carrying out the inquiry rigidly, we must be careful at the same time, for if we were to give the information now it might interfere with the investigation that is going on. It has been stated that a newspaper first drew the attention of the department to this alleged fraud; but I would like to mention that nearly three weeks before the publication of that statement in a newspaper, the department had already information which enabled an inquiry to be commenced.

MR. GREGORY: Have you not previously condoned an offence?

THE COMMISSIONER OF RAILWAYS: The first we heard of the matter was about three weeks before the charges appeared in that newspaper; and steps were taken at once to send several officers to the goldfields and to different parts of the country to make inquiries; and I may say every assistance has been afforded to the department by the directors of the company. There is nothing withheld by them; they are only too anxious to help us to clear up this

matter; and I hope that when the report is given and the papers are laid on the table of this House, it will be seen that the department has done its duty, and that the directors have done their duty in assisting the department.

MR. VOSPER (North-East Coolgardie): With reference to the questions which were put by the hon. member last evening, and I am told they were put without notice, I do not see any mention of the questions or the reply in the Minutes of Votes and Proceedings.

THE SPEAKER: Questions that are asked without notice do not appear in the Minutes as having been asked. According to parliamentary practice, questions asked without notice are not recorded in the Minutes.

THE COMMISSIONER OF RAILWAYS: If the mover will accept my assurance and withdraw the motion, I will promise that as soon as the papers are ready I shall be glad to present them to this House.

MR. GREGORY (in reply): My only desire at present is to give publicity to the matter. The allegations being of so serious a character, it is necessary that hon. members should have the papers before them. I understand that the company referred to committed an offence of the same nature some time ago, that the offence was condoned, and that a second offence was committed; therefore we are anxious to see the papers. On the assurance given by the Minister, I beg to withdraw the motion.

Motion by leave withdrawn.

MOTION FOR PAPERS--MAIL STEAMERS AS TO CALLING AT FREMANTLE.

MR. SOLOMON (South Fremantle) moved:

That all correspondence in connection with mail steamers calling at Fremantle, between the Premiers of the other colonies and the Government of this colony, be laid on the table of the House.

I understand there will be no opposition to the motion. I would like to say that people generally are anxious to know from what cause the mail steamers are not about to call at Fremantle. Some time ago it was stated that even at this date the mail steamers would call at Fremantle; consequently people are anxious to know whether it is the fault of the

Governments of the Eastern colonies or the fault of this Government that the mail steamers are not calling at Fremantle.

THE PREMIER (Right Hon. Sir J. Forrest): I do not suppose many people in this colony think it is the fault of this Government that the mail steamers have not come to Fremantle, seeing that we have been working very hard to get the harbour finished, and also striving our best to induce the companies to send the mail steamers here. When we thought we had succeeded, further difficulties arose. The Premiers of the Eastern colonies, especially the Premier of Victoria and to some extent the Premier of New South Wales, seem to wish for delay; the reason no doubt being, especially in regard to Victoria, that the shipping companies hailing from Melbourne and Sydney think that the calling of the ocean mail steamers at Fremantle will interfere with the interests of their trade, by taking from the coasting steamers a good deal of their passenger traffic. That is about the reason, as far as I can see. In fact, they make no secret of it. Representatives of shipping companies in those colonies have told me they will do their best to prevent the ocean mail steamers coming to Fremantle, because it will interfere with their trading interests. The Government of Victoria seem to have listened to those interested persons; the result being that every difficulty is placed in the way of the terms of the existing contract being complied with. It will repay hon. members to study this matter, when they get the papers before them, because members will see that a complete change of front has taken place on the part of people in the Eastern colonies as to the calling of mail steamers at Fremantle. The Postal Conference passed resolutions that in the new postal contract Fremantle should be made a port of call so soon as the harbour was ready; and I may inform hon. members that in the contract prior to this one, the mail companies had an option, without any restriction and without asking anyone's leave, to come to Fremantle or Albany, whichever they liked.

MR. ILLINGWORTH: When did that contract run out?

THE PREMIER: Four or five years ago. When the new contract was made,

I used my influence to have power reserved to the Postmaster General in London, to give a direction that as soon as Fremantle was in a condition to be made a port of call, the mail steamers should be compelled to call at Fremantle. The other colonies supported me in that; and when the last meeting of the Postal Conference was held in Sydney, a telegram was sent to the Imperial Government asking for some alterations in the contract; but the Imperial Government would not agree to some of the alterations, and as a last appeal the contracting colonies said, "We will accept the contract, as we cannot do without your assistance in the matter, but we want you to put in certain clauses." One of the clauses, I may explain to the House, was that the companies should be compelled to call at Fremantle so soon as the harbour at Fremantle was completed and ready. The Imperial Government, being careful in the interests of the mail companies, did not wish to compel them to call at Fremantle unless the companies were willing to do so. I suppose the mail companies had informed the Imperial Government that it would cause delay to call at Fremantle, that there would not be enough trade, and so on; but notwithstanding that the Australian colonies concerned in making the new contract induced the British Government to put in a provision that the Postmaster General should have the right, when the harbour at Fremantle was ready, to direct that the mail steamers must call at Fremantle, thus keeping the power in the hands of the Imperial Government to direct the companies to call when the harbour was ready, yet see what happened as time went on! The trade of this colony increased; an immense trade sprang up between Western Australia and the Eastern colonies; the shipowners in those colonies found that they were making large profits from the trade with Western Australia; and so they began to see that it would not suit the shipowners of Melbourne and Sydney, especially of Melbourne, for the mail steamers to call at Fremantle. By this time the mail companies were willing to call at Fremantle, on account of the increase in our trade, and the Imperial Government were willing to direct them to call; yet the very people in the

Eastern colonies who had previously been urging that this condition should be put into the contract for giving to the Postmaster General in London the power of requiring the mail companies to call at Fremantle, turned round and said, "We do not want them to call at Fremantle." So hon. members will see this has been a topsy-turvy business; for notwithstanding that in accordance with the contract the mail companies have promised and undertaken to deliver the mails at Adelaide within contract time, in the event of their calling at Fremantle, still those persons in the Eastern colonies say, "No; we will not give our consent." They say that notwithstanding the condition in the contract that the mails must be delivered at Adelaide within so many hours from the starting point, yet they know that the companies have been landing the mails inside the contract time by making quicker runs recently, and they want the companies to keep running the mails as quickly as they have recently been doing, although the conditions of the contract do not require this quicker time, but only specify within so many hours from the starting point. In fact, those people in the Eastern colonies keep putting more difficulties in the way of the steamers calling at Fremantle. They ask now for a conference of Postmasters General to be held in Sydney, the Postmasters being Ministers of the several colonies; and they ask this notwithstanding that the Conference of Premiers held in January last at Melbourne discussed this mail question among other matters, and came to the conclusion, unanimously, that they would not agree to the period of transit mentioned in the contract being exceeded. The "period of transit" not only means what it implies, but in the contract definitions the period of transit is defined as meaning the time, so many hours, between Brindisi and Adelaide or between Naples and Adelaide.

MR. ILLINGWORTH: If the mail companies keep within the time, nothing can hinder them from calling at Fremantle.

THE PREMIER: They can be hindered, because they cannot come to Fremantle unless they get a direction from the Imperial Postmaster General as provided in the contract; and he hesitates to give that direction, because the Government of

Victoria in a telegram say that while the Government do not object to the steamers calling at Fremantle, still the mercantile community of the Eastern colonies—which I think is not accurate—resent it, that they do not want it, notwithstanding that the Chamber of Commerce in Sydney expressed an opinion a short time ago in favour of the mail steamers calling at Fremantle; although the Chamber of Commerce in Melbourne expressed an opinion against it. Mr. Malcolm McEachern, one of the Melbourne shipowners, has told me that he was opposed to the steamers coming to Fremantle because they would interfere with the shipping interests of the coast. The people of Victoria do not want the steamers to come to Fremantle because they know that the travelling public would rather travel in a good P. and O. steamer than travel in some of those "dug-outs." The Premier of Victoria has telegraphed to me to-day, saying he has cabled through the Government to the Secretary of State in London asking him to defer the matter until the Postmasters General meet shortly in Sydney to discuss the matter. But what is there to discuss? A contract has been entered into, on the strength of which we have built a harbour at Fremantle; and the Conference of Premiers at Melbourne in January last decided that they would not agree to any extra time being allowed to the mail companies. The companies then said, "We will do it within the time;" and the mail companies asked the Government of Western Australia whether, if those companies were fined for being behind time on any occasion, the Government here would pay the amount of the fine. I replied "Yes;" and I may tell the House that I do not think the fine would amount to more than £24 or £30 at the outside for a delay of as much as 24 hours. I look on this as one of the most unfederal acts ever attempted in Australia. After all these years, after we have fought against many difficulties and hindrances, after we have fought against the difficulty of making a harbour on the coast at Fremantle, it never entered into our minds that when the harbour was finished and ready for the mail steamers, the terms of that contract put in at the request, in fact on the appeal, of the other colonies, and after those colonies had signed their

names to the contract in 1897, the contract being approved in Executive Council by the several Governments, thus becoming a State paper—we did not expect that fresh difficulties would be put in the way of the mail steamers calling at Fremantle. When I have been able to say we do not ask for any extra time, but that the companies are willing to abide by the contract time, and when the Secretary of State in London says to the Governments in the Eastern colonies, "The mail companies being willing to run the mails within the contract time, say you have no objection," in these circumstances I have not been able to get the Government of Victoria or the Government of New South Wales to agree. In fact, they object to it. The Government of Queensland have acted generously throughout, for they said that so long as the mails came within contract time they were willing to say no more about the matter. The Government of Victoria stated that they could not go to the extent of saying that if the mail companies complied with the contract the mail steamers could call at Fremantle. The South Australian Government have never raised any objection, because a little delay does not affect them, as they have generally several days in which to answer the mail after it gets in; so that the Government of South Australia would not be hostile.

MR. ILLINGWORTH: Queensland is in the worst position of them all.

THE PREMIER: If Queensland is in the worst position, the Government there have been all the more generous in dealing with the matter. I have tried my best, as hon. members will see from the correspondence; and if there is one thing that would make the people of this colony unwilling to enter into federation with the Eastern colonies, it is the unfederal treatment we have received over this question of the mail steamers calling at Fremantle. I am glad the member for South Fremantle has asked for the papers: I thought of laying them on the table myself, but they are not quite complete yet, and I shall try to get them in print and placed on the table, perhaps early next week.

MR. MONGER (York): After the explanation by the Premier, the thanks of the anti-federalists are due to the hon. member who has moved for these

papers, for having brought forward this interesting matter. I hope many other members sitting on the Opposition side of the House have similar motions to bring forward, and ask for the support of members on the Government side; and if their motions are of a nature similar to this one, I think I can offer to federalists on that side a hearty assurance of our absolute concurrence with them. I only hope there will be many more of the same kind of motions. I congratulate the member for South Fremantle on his motion, and I thank the Premier for his very nice and able reply.

MR. ILLINGWORTH (Central Murchison): If the Premier goes to the Federal Parliament, which I hope he will, and if he delivers the same speech in that Federal Parliament as he has delivered here to-night, the whole mail question will be settled.

THE PREMIER: I have delivered it already, in Sydney.

Question put and passed.

URGENCY—COMMITTEE OF INQUIRY, ROBSON CASE.

LEAVE TO EMPLOY COUNSEL.

MR. ILLINGWORTH (Central Murchison): As a matter of urgency, I ask leave to move:—

That leave be granted to the hon. member for Geraldton to appear by counsel, and conduct examination of witnesses before the Select Committee now sitting to inquire into certain statements made by him.

THE SPEAKER: Notice has not been given of this; but if the House chooses to give leave, I will not interpose any objection.

THE PREMIER: I may have something to say about it.

THE SPEAKER: Under the circumstances it is an urgent matter, and I think the House ought to decide what should be done. If there is no objection, I take it that the House does give leave.

THE PREMIER (Right Hon. Sir J. Forrest): I certainly do not intend to oppose the motion; but I hope this matter is not going to be prolonged by the speeches of counsel. The member for Geraldton (Mr. Robson) has made certain charges which he had in his mind on such and such a day. We thought that, as he could make those charges on that day, he could go before the com-

mittee and give his reasons for the faith that was in him at that time, without the assistance of counsel. It seems to me the desire now is to manufacture some evidence, and go about to find it. The evidence must have been in the hon. member's possession when he made the statements. I do not care, personally, whether evidence is manufactured or not; whether they go into the highways and byways of the country to find it. The hon. member (Mr. Robson) made the statements in February last, and he must have had the matter in his mind then. Surely he has enough ability to state what are the grounds of his charges, without asking for the assistance of counsel before the Select Committee.

MR. ILLINGWORTH: What do you mean by "manufacturing evidence"?

THE PREMIER: Going and trying to find it; raking it up, and seeing where it can be found throughout the country. I should like, when the hon. member does go before the Committee—and I shall be there also as a witness—that he will be able to say clearly, like a man, what he had in his mind in February last when he made these charges, and not have to get counsel to try and make up something. We know what counsel do: they try to examine and cross-examine, quibble and take time. What we want is straightforward business in this matter. We want the hon. member to be able to say: "This was in my mind in February, when I made these statements." After all, this is not an inquiry into everything the Government have done in the way of administration, but this is an inquiry into some corrupt practices alleged against the Government. It is no use asking me about some contract I may have made at some time, unless with the view of proving there was some corruption, some wrong-doing in connection with it. I say the hon. member, in asking for the assistance of counsel, is leading us to suppose that we were accusing him of something.

MR. ILLINGWORTH: I rise to a point of order. The subject of this inquiry is before a Select Committee. Is it in order to make a speech on the question that is at present before the Committee?

THE SPEAKER: I do not think the hon. member is out of order.

THE PREMIER: Anyone would think we were accusing the member for Geraldton, and were accusing hon. members opposite. We are doing nothing of the sort. We do not want counsel, either to prosecute or defend. I do not want any counsel there: I am a counsel in myself, and when I go before the Committee as a witness, I shall be there to defend myself. That is what the hon. member ought to do: he ought to be there to make his charges. We would expect something more than that from him, if these things were so deep-seated in his mind, and he had kept them in his pigeon-holes, as he said. It seems to me that he wants to delay until we prorogue. We are not going to prorogue until these things are threshed out. I am disgusted at some of the tactics pursued in this matter.

MR. ROBSON (Geraldton): I had not intended to speak to this motion, as I thought that probably it would be passed without any debate. I am gratified that the Premier has made the few remarks he has, for they afford me an opportunity of stating my reasons in asking for the assistance of counsel. I do not know yet that I may use counsel, and I merely want to know that I can have the assistance of counsel if I require it. True, I made the statements in January or February last; true, also, I attended here in my place last week to answer any charges that might be brought against me.

THE PREMIER: Charges brought against you! We are not making charges.

MR. ROBSON: I am not trying to delay the proceedings, as the Premier has suggested; and I do not wish that the session should be prorogued, but I wish the Committee to go on with the inquiry to the bitter end, whatever that result may be. The reason I have asked for the assistance of counsel is that we know how a clever barrister, sitting as chairman of the Committee, may raise points of law and so forth. Whom do we find the Government put up, to raise this question of privilege against me—one of the leading lights of the bar in Western Australia! Why did not the Premier himself, or the Attorney General, raise the question in this House?

THE ATTORNEY GENERAL: How could I, when I was one of those attacked by the hon. member?

MR. ROBSON: If you are attacked, why do you not defend yourself? The able barrister who brought this matter into the House is now the chairman of this Committee, and when I asked him myself if I could have the assistance of counsel, he could not tell me, and he held the matter over. I am prepared to deal with facts before business men, and before an impartial tribunal, as the House considers this Committee to be, and as I hope the result will show the Committee to be; but feeling that there is in the chair one of the ablest supporters of the Government and one of the leading lights of the bar, I ask for the assistance of counsel to defend myself.

MR. HARPER (Beverly): I regret that the chairman of the Select Committee is not present, but as a member of that committee I understand that the procedure which the House of Commons uses provides two or three directions. I wish to impress on the House that it is desirable to give to this Select Committee the control of its deliberations, for it appears to me that if the House grants to the hon. member the right to call in counsel, the effect may be that the counsel so engaged may from time to time prolong the proceedings, and may do it for an indefinite time. What I wish the House to do, if it sees fit, is to give the Committee the power either to accept or reject the services of counsel, according to the matters that come before it. It must be quite evident there are many things over which counsel might waste time, and which the Select Committee would consider absolutely frivolous. For the House to tie the hands of the committee by imposing counsel on the committee, when it knows that this course would be absolutely used to waste time, would be derogatory to the position of the Select Committee.

THE ATTORNEY GENERAL (Hon. R. W. Pannefather): Notwithstanding what the hon. member has said, in my opinion and in that of my colleagues it would be highly indiscreet to refuse this application for the assistance of counsel, for this reason, that it would give the member for Geraldton a grievance. It might be, in the opinion of some persons, handicapping him; and I think, in the interests of the Government and of every member of the House, that the hon.

member should be allowed a qualified freedom to choose his counsel. I am sorry the hon. member alluded to me in this matter. How could I, with any decency, bring forward the question of these charges before the House, when the hon. member had accused me and other members of the Government? What I understand now is that although the hon. member has made charges against members of the House, yet those charges are practically withdrawn now, and the charges are confined practically to members of the Government.

THE PREMIER: On the advice of the member for Albany.

THE ATTORNEY GENERAL: And that being so, I think the application for counsel should be granted.

MR. VOSPER (North-East Coolgardie): I am glad to see the Attorney General has had the sagacity to perceive the point. It would not be only indiscreet, but positively indecent, on the part of the Government to refuse this application for the assistance of counsel. I cannot help feeling that the Premier's speech exhibits somewhat of indecency, in exhibiting a desire to dictate to the member for Geraldton what line of action he should take in conducting his own case.

THE PREMIER: I am going to clear out. I cannot stop and listen to this.

MR. VOSPER: It would savour of indecency for members on the Government side to attempt to interfere with the conduct of the member for Geraldton in managing his case. For this House to refuse him the right to be represented by counsel would be to commit not only a grave breach of privilege, but an injustice.

MR. A. FORREST: No one said anything about refusing.

MR. VOSPER: The Premier also said the object of this motion was to enable members of this (Opposition) side to manufacture evidence. I am sure the right hon. gentleman could not have meant to suggest that we are here to try and dress up a case against the Government.

THE ATTORNEY GENERAL: He did not say that.

MR. VOSPER: He absolutely used the words that we "want to manufacture evidence." I do not think the member

for Geraldton has any such design; and it is a grossly wrong proceeding for the Premier to hurl such a charge against members of this House. There can be no greater breach of privilege than to suggest that certain members of the House intend to rake up evidence, suborn witnesses, and manufacture falsehoods. The chairman of the Select Committee is one of the most expert members of the bar, and he was selected by the Government to bring this question forward, and he has since been appointed chairman of the Select Committee, on account of his legal qualifications. That being so, the member for Geraldton is fully entitled to have legal assistance in combatting the legal ability of the chairman of that Committee. I regret to say that the hon. member, who is the chairman of that Committee, has shown his bias against the member for Geraldton; and in now occupying the position of chairman of the committee of inquiry, he really sits in a triple capacity of judge, counsel, and accuser. At the same time, some members of this House actually rise here to deprecate the action of the member for Geraldton in asking for the assistance of counsel. The member for Beverley (Mr. Harper) argued that this House should empower the Committee to accept or reject the interference of counsel, according to their judgment. This would be an indecent and entirely novel proceeding, never heard of since civilised government began. Even in a court-martial, which is supposed to be the most rapid and extreme form of administering justice, an accused person is not denied assistance in defending himself.

MR. HARPER: If you look at *May*, you will see that you are altogether wrong.

MR. VOSPER: I am not now dealing with strict parliamentary procedure, but with the broad principles of justice. It is all very well to juggle with words, and say the member for Geraldton is not an accused person. He is accused before the Committee on a charge of breach of privilege; therefore he is entitled to the assistance of counsel. We should not allow the Select Committee to exercise an arbitrary power to close his mouth, when they think proper to do so. I shall support the motion, and I hope the sagacious advice of the Attorney General

will be followed, and that no further opposition will be made to the motion.

MR. LEAKE (Albany): I will support the motion. I think it is right, in the circumstances, that the member for Geraldton should have the advice of some one who understands the management of witnesses. It is wrong to say, as the Premier said, that there will be speeches of counsel, and that there will be an attempt to delay or prolong the proceedings. If I know anything of proceedings before a select committee, there will be no speeches of counsel. The duty of counsel will be simply to assist in the examination of witnesses; and who can better do that than a person who has had experience in that direction? So far from delaying or prolonging the proceedings, I firmly believe that if counsel is employed the proceedings will be shortened.

MR. A. FORREST: Who will pay the fees?

MR. LEAKE: The Premier has thought fit to say that this was done on my advice. So far as counsel is concerned, I am not wrong in saying that no member of this House can attend a counsel before a select committee of the House; so that it is neither my intention nor my desire to appear as counsel.

THE PREMIER: I said it was on your advice he was acting.

MR. LEAKE: I have not advised the member for Geraldton to withdraw on a single word he has said, and I do not intend to do so.

THE PREMIER: You wrote his defence to his statement.

MR. LEAKE: I assisted the member for Geraldton in meeting the charge which had been made against him; and the hon. members of this House think I am going to leave in the lurch any member who has supported me in this House, and sits on my side of the House, they are very much mistaken. I am going to take as much interest in this inquiry, I hope as the hon. member himself. I say publicly, that I will render him every possible assistance that lies in my power, and what I do will not be done in an underhand manner. At page 82 of *May* it will be seen in paragraph 2:

Nor is it consistent with parliamentary or professional usage for a member to advise

as counsel, upon any private Bill or other proceeding in Parliament.

I quote that merely to show to the House that it is impossible for me, at any rate (having been accused of assisting the hon. member), to appear as his counsel before the Select Committee; and what I do in this matter I do as a member of the House, and I am not going to be the first in this community to fail in supporting one who, I think, is in the right.

Question put, and passed without dissent.

ADJOURNMENT.

The House adjourned at 8:35 o'clock until the next Tuesday.

Legislative Council,

Tuesday, 12th June, 1900.

Quorum: Point of Order—Papers presented—Question: Mails, a Claim for Carriage—Question: Elections for the Council, Additional—Question: Trial of Prisoners, "Ethel" Murder Cases—Municipal Institutions Amendment Bill, all stages—Adjournment.

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

PRAYERS.

QUORUM—POINT OF ORDER.

HON. A. P. MATHESON: I should like to take your ruling, Mr. President, on a point of order as to the quorum. I see there are only nine members present, and under the new Constitution Act the Legislative Council consists of 30 members.

THE PRESIDENT: There is present a quorum of the present House, which consists of 24 members.

HON. A. P. MATHESON: I would like to call your attention to the new Constitution Act of 1899. Section 52 of that Act says:

This Act shall be proclaimed in Western Australia by the Governor so soon as he shall receive a notification by telegraph or otherwise of the royal assent thereto, and shall commence and take effect from the date of publication of such proclamation; but the constitution of the existing Legislative Assembly shall remain unaffected by this Act until the said Assembly is dissolved by the effluxion of time or otherwise.

Section 5 says distinctly:

The Legislative Council shall consist of 30 elected members, who shall be returned and shall sit for electoral provinces as hereinafter stated and defined.

Section 14 of the Constitution Act says:

The presence of at least one-third of the members of the Legislative Council, exclusive of the President, shall be necessary to constitute a quorum.

I shall be glad to know if you have given consideration to these sections.

THE PRESIDENT: In any case, there are ten members here present.

HON. A. P. MATHESON: There were not, when I spoke.

The matter then dropped.

PAPERS PRESENTED.

By the COLONIAL SECRETARY: 1, Mail Steamers calling at Fremantle, further correspondence. 2, Swan River Jetties and Foreshore, Bathing Regulations. 3, Regulations under Stock Diseases Act. 4, Regulations under Land Act. 5, By-laws made by North Coolgardie, Drakesbrook, Coolgardie, Upper Capel, Tableland, Cottesloe, Wandering, and Kalgoorlie Roads Boards; by Southern Cross and Cookernup General Cemeteries; and by Wiluna and Bridgetown Commonage Boards.

Ordered to lie on the table.

QUESTION—MAILS, A CLAIM FOR CARRIAGE.

HON. R. S. HAYNES asked the Colonial Secretary: 1, If it is a fact that the Hon. the Attorney General advised Messrs. Smith and Timms in a proposed action against the Government on a claim for carriage of mails. 2, Was such action brought? 3, If so, with what result?

THE COLONIAL SECRETARY replied:—1, No. 2, No proposed action