

Hon. C. SOMMERS : The amendment had elicited something from the Government and an expression of opinion from many members. He objected to re-enacting legislation which the Government would not enforce, and was not enforced in the past. Either the law should be enforced as passed by Parliament, or people should know exactly what they were expected to do. One Commissioner of Police might take one view of the law as to the suppression of betting, and another Commissioner might take a different view and sweep away the practice of licensed betting. This had occurred once in the past. If we passed the Bill as printed, it would not attain the objects sought ; so it would be wiser for this House to say distinctly what should be done. Victoria had grappled with the question, and had been obliged to recognise that Parliament could not suppress betting, but found it necessary to permit the registration of bookmakers on racecourses, at the same time doing away with street betting and shop betting. This House might follow the same course, by providing for the licensing of bookmakers. Having moved the amendment he would rather test the feeling of the House and call for a division if necessary, because in attempting to suppress betting in this State we were attempting too much. Wagering was bad generally, but if permitted under supervision such as that of the W.A. Turf Club, we should give this little protection and try to bring about a reform gradually.

Amendment put, and negatived on the voices. The mover called for a division, but there being only one voice, a division was not taken.

Question put and passed.

Clause 77—This Act not to extend to stakes due to the owner of a horse winning the race—agreed to.

Progress reported, and leave given to sit again.

## ADJOURNMENT.

The House adjourned at 6.17 o'clock, until the next day.

## Legislative Assembly,

Wednesday, 14th August, 1907.

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The SPEAKER took the Chair at 4.30 o'clock p.m.

Prayers.

### PETITION—R.C. CHURCH LANDS.

Mr. DAGLISH (Subiaco) presented a petition relating to a proposed Bill amending the Roman Catholic Church Lands Amendment Act, 1902.

Petition received.

### PAPERS PRESENTED.

By the Minister for Mines: 1, Statement of Expenditure under the Mining Development Act, 1902, to 30th June, 1907; 2, Papers relating to lease of Boulder Lot 664 to Mr. Page. (Return to Order of the House dated 31st July).

### BILL—STATISTICS.

Read a third time, and returned to the Council with amendments.

### PRIVATE BILL—R.C. CHURCH LANDS AMENDMENT.

Introduced by Mr. Daglish, read a first time, and referred to a select committee.

### PASTORAL INDUSTRY INQUIRY.

Select Committee, Change of a Member.

Complaints as to Tactics.

Mr. W. D. JOHNSON (chairman of a select committee) moved—

That the hon. member for Gascoyne (Mr. Butcher) be discharged from the Select Committee re assistance to Pastoralists, and that the hon. member for

*Mt. Magnet (Mr. Troy) be appointed in his stead.*

The mover said: I regret it is necessary for me to move this motion, as I looked forward to the member for Gascoyne giving me very valuable assistance on the committee. The member's ability and knowledge concerning the matter for investigation are well known to members, and I regret very much the member cannot see his way to sit on the committee. It is not necessary for me to give the reasons at all. Still I express my regret at having to move this motion; the member has notified me that he cannot see his way to sit.

The PREMIER (Hon. N. J. Moore) : I regret too that this motion is necessary so far as the discharge of the member for Gascoyne is concerned, for it is recognised that he has special knowledge, and it is desirable at least that some members on the committee should have special knowledge of the subject with which they have to deal. With that object in view I move as an amendment—

*That the words "Mt. Magnet" (Mr. Troy) be struck out, and "Katanning" (Mr. Piesse) inserted in lieu."*

*Mr. Troy* : I decline to be struck out.

*Mr. T. BATH (Brown Hill)* : In regard to the motion that the member for Guildford moved last Wednesday, I did not speak on that occasion because, so far as the motion was concerned, I was not one who had a belief that any great amount of good would be obtained by the passage of the motion. I was confirmed in that opinion by reason of the fact that we had in the election of the committee a repetition of the tactics which characterised the election of committees on previous occasions. The position had always been before that—the invariable practice was—to elect two members from each side, with the mover of the motion for the select committee on whichever side he happened to sit. That practice was departed from last session, and we had the obnoxious innovation that select committees were appointed to inquire into questions, and instead of the election being carried out on the system

I have indicated, which had worked so advantageously and with good feeling by members on both sides, it was departed from, and we had the obnoxious system of having it made a party question. Again this is repeated in the motion for the discharge of the member for Gascoyne from the committee, and the substitution of the member for Mount Magnet in his place. The Premier has taken the unprecedented course, if we except last session, by moving an amendment substituting the name of the member for Katanning. In view of that proposal, backed up in all probability by the crack of the party whip and the exercise of the party vote, I am strongly of opinion that the member for Guildford would best consult his own dignity and the dignity of the House by having no more to do with the committee in regard to which such despicable tactics have been adopted. I strongly oppose the amendment, and I say I did not think the Premier would be guilty of such tactics.

Hon. F. H. PIESSE (Katanning) : Before this question is put to the vote I may say that I was under the impression that someone was required to take the place of the member for Gascoyne, and as it was necessary for someone with similar knowledge or a knowledge with regard to pastoral matters to fill that post, and as representations were made to me, I said I would be quite agreeable to act. In regard to any tactics, there have been no tactics, only that we are trying to do the best we can in a matter which at the present juncture is requiring attention at the hands of the House. And I think it is just as well at this stage to bring before members the necessity of not making remarks about members who sit on select committees. As one who has filled a position in this House from the commencement of Responsible Government I say, I feel with others who have seen these matters dealt with previously, that we can allow these matters to rest with confidence in the hands of whatever select committee is appointed. Let that committee be from either side of the House I shall not raise

objections, because the very acceptance of the position implies that those who take up the work will faithfully carry out their duty. I would not have risen except for the remark made by the Leader of the Opposition, which after all I regret he has made, because I am sure in his calmer moments he will see that it reflects on members of select committees when elected. I feel as a member unbiased, and as one who is desirous of doing his duty to the country and as a representative in the House, I would not allow any matter which may concern either side to influence me in regard to my duty as a member of a select committee. In making these remarks I feel that members are reflecting generally on the honour and integrity and the work of members selected for such important posts as committeemen. I did not think there would have been a vote on this question, otherwise I would not have agreed to take up the position, believing there would have been a request made to withdraw the name of the member for Mount Magnet. I believe the request was made and objected to. As the matter has gone so far, as the Premier has moved that I should be elected on the committee, if it is the wish of the House I shall do my duty.

Mr. T. WALKER (Kanoona) : We are accustomed to hear lectures from the member for Katanning in which he asks us to be good boys and to trust everybody. I wish that he had turned his criticism against the mover of the amendment and not against the Leader of the Opposition.

Hon. F. H. Piessé : I did not know until the Premier moved the amendment that the arrangement had not been agreed to.

Mr. WALKER : The hon. member must see that he is a party to reflecting on the committee by consenting to be the nominee of the Premier to go on this committee in substitution of a member on this (Opposition) side who is to be discharged.

The Premier : On this side.

Mr. WALKER : The Premier knows that the member whose name is proposed has had his name printed and published and it has gone forth to the world that the member for Guildford proposed to insert, in lieu of the member for Gascoyne, the name of the member for Mount Magnet. Now it is proposed, after that suggestion is made, to discard or eliminate the name of the member for Mount Magnet and substitute another hon. member; can there be any greater reflection on a member than that?

The Premier : Did not the hon. member for Guildford express his regret that the member for Gascoyne had retired because that member had a special knowledge of the matter to be inquired into?

Mr. Collier : The member for Mount Magnet has a knowledge of stock.

Mr. WALKER : I regret the member for Gascoyne has retired from the committee, but when another name has been substituted for the name of the member for Gascoyne, then to cavil at the other name is unfair unless it is shown that the hon. member has no knowledge or is incapable of acquiring knowledge on the committee. Is he incapable of fulfilling the functions requisite on such a committee?

The Premier : Excuse me. The member for Gascoyne suggested, I understand, to the member for Guildford that the member for Katanning should go on the committee in his stead.

Mr. WALKER : Would that make it the correct course to take?

Mr. Troy : No; the member for Gascoyne asked me on the night the vote was taken if I would act in his stead, and I replied that I did not then know whether I would be able to do so.

Mr. WALKER : Now we have the position explained : the member for Gascoyne, being anxious to retire from the committee, first asks the member for Mt. Magnet to act for him, but the member for Mt. Magnet is doubtful whether he will be able to do so; and the member for Gascoyne then asks the member for Guildford to substitute the member for Katanning. That is practically the position : and for what reason has this been

done ? I would like to ask how it is there is such a consensus of opinion that the only man qualified to act on that committee in lieu of the member for Gascoyne is the member for Katanning ? What sort of inner circle, what sort of mysterious occult intuition is it that arrives at this decision ? It looks to me as if this House does not manage—that it is not allowed to manage itself. There are cliques and little behind-the-scenes arrangements whereby the Government in power take advantage of their majority to gain an unfair advantage on all select committees appointed.

*The Premier :* That statement is absolutely incorrect and the hon. member knows it.

*Mr. WALKER :* It is not ; it is absolutely true. It has been done more than once. I have been a witness to instances where it has been understood and agreed that this side of the House should have two members on a committee, but the other side has not kept faith on the question and has asked for three members on the committee, to the elimination of one member from this side. That has happened more than once and it is an unfair position. If the member for Katanning gets on to this committee, will not that side of the House have three representatives to one from this side ?

*Mr. Bath :* And the committee was moved for from this side.

*The Premier :* Were there not three before ?

*Mr. WALKER :* That does not matter. It was unfair, and it was not the original suggestion that three members from the Government side should be appointed on the committee. Not that the member for Gascoyne was objected to by this side ; he was in the first suggested list. This side of the House had every faith in the member for Gascoyne as one who could throw valuable light on the subject and assist in an inquiry into a question of this kind. But it is now proposed to foist another member on the committee, in spite of the wishes of the mover, and in spite of this side of the House. That is my objection, and I think it a reasonable one. I do not know where the suggestion to substitute the member for Katanning

for the member for Mt. Magnet came from, but it came from somewhere on the Government side of the House ; and once the decision was arrived at, it was soon circulated—whether by the Whips or not I do not know but someone went round. I have seen, when a committee was to be appointed, and it was thought necessary to have three members from that side in the interests of the Treasury bench, the Whips employed in trying to foil the wishes of the mover and the wishes of this side of the House. In other parts of the world the proposer of a committee usually nominates the members to sit on that committee. But that is not done here ; instead there is a sort of understanding that the Whips on each side tell members whom they are to vote for. Elsewhere the names of members are placed on the Notice Paper, so that members may know who is nominated for a committee ; and then when it is proposed to add to or eliminate from the lists, it is done by direct motion in much the same way as has been done here to-night. That would be a fairer and a better way. I desire to protest against the member for Katanning preaching at those on the Opposition side as to the necessity for fair play. If he wants to see fair play, he should read his lectures to those sitting on the Government side ; and I wish to tell him that if there is at times unfairness on the part of members on this side, he himself is unfair in this instance because he is a party to unfairness. The hon. member is in this instance living in a glass house, and therefore should not throw stones. Are members on this side to quietly submit to indignities, to rebuffs, to insults, and to positive wrongs because we are in a minority ? Does the hon. member think that is right ? And if one of our members, particularly the Leader of the Opposition, happens to protest, must he be subjected to a Sunday-school lecture by the member for Katanning ? Is that the dose of physic we are to have every day ?

*Mr. Taylor :* We have been having it for years now ; we are used to it.

*Mr. WALKER :* I know that ; but I protest against it. I protest against this

false pretence of virtue, when the hon. member is himself culpable of participating in a wrong done to a member of this side of the House, the member for Mt. Magnet. That hon. member (Mr. Troy) cannot be impugned on the score of honesty.

Hon. F. H. PIESSE : I made no reflection in regard to any member of this House. What I said was that if members would read up the Standing Orders they would see that the selection of select committees was entrusted to the House, and that it was expected of every member, after having taken an oath to do his duty to the country, that he would do his duty fairly and without regard to influence, in respect of any matter brought forward. And since the hon. member talks about my lecturing members on that side, I will say this—

Mr. Underwood : Is that a point of order ?

Mr. SPEAKER : If the member for Kanowna accused the hon. member for Katanning of bias, or of imputing motives to him, he is certainly incorrect, for the member for Katanning did not do that in his remarks.

Mr. WALKER : I did not accuse the hon. member of imputing anything. I am asking a question. I wish to know what is the source of the objection to the member for Mt. Magnet, and why it is sought to get rid of him and get another man on the committee. I submit I am perfectly justified. The hon. member (Mr. Piesse), if he did not say so, inferentially implied that he was the only man for the position ; and if he did that, he thereby implied inferentially that the member for Mt. Magnet was not the man for the position. That is clear ; no other meaning can be taken from his remarks—that the member for Mt. Magnet has not the necessary knowledge. What is there to be done in a select committee requiring special knowledge ? The mover of the motion, as chairman, directs the course of inquiry, and the other members assist ; and is the member for Mt. Magnet so devoid of intelligence that, once he comes into an inquiry, he

cannot see where questions are necessary, whether answers are consistent or inconsistent, whether knowledge is superabundant or deficient ; so deficient that he cannot push questions farther ? Has he not sufficient intelligence and capacity to make an ordinary deduction ? And what special knowledge, forsooth, is required to assist the pastoralist ? [Mr. Gull : We are not going to do that.] I hear the buyer of cows who went to the East now making a noise similar to the sucking of a teat, as if to imply that I am talking nonsense. I wish to know what there is about this particular pastoral inquiry that requires special knowledge.

Mr. Gull : It would be an absolute waste of time to tell the hon. member, because he has not sufficient intelligence to understand it.

Mr. WALKER : Where is the knowledge coming from ? From the witnesses. Cannot the member for Mt. Magnet question a witness properly ? I wish to know why he is to be passed over. Upon the score of absolute fairness, I think our side ought to be represented by the hon. member ; it would be fair to have two from each side. Have the Government picked upon two duffers, apart from the member for Gascoyne, that they have not sufficient representation in the two members already selected ? They have two members ; let us, then, have two from our side. [Mr. Ewing : I understood you had two.] No ; we have only one, and the Government now want three from their side to the one from our side. I object to this advantage for the Government on committees—that is the soul of my protest ; and I object also to that course of lectures which renders it never safe for our side to endeavour to get fair representation on a committee. Whilst I recognise that the appointment of committees should not be a party matter, yet I recognise also that the Government are too often guilty of making it a party question. In order to avoid the suspicion of anything of a party question in an inquiry of this kind, and in fairness to our side, we should have equal representation on this committee with the other side of the House.

Mr. W. J. BUTCHER (Gascoyne): I sincerely regret that through any action of mine, this trouble should have arisen. [*Opposition Member*: Not from your action; from the Premier's.] I wish, at any rate, to exonerate the Premier and other hon. members who have been attacked during the course of this debate from having done anything at all underhand, or anything which was not perfectly justifiable. It matters not what the custom is, or what the Standing Orders say on this question. Since I have been in this House the custom has been that a mover for a select committee nominated those who were to sit on the committee. That has been the course usually adopted while I have been in the House—[*Mr. Taylor*: Until last session]—and the mover was justified in following that custom in this instance. The members nominated by the mover were Mr. Troy, Mr. Underwood, Mr. Male, and myself; but for some reason the member for Canning (Mr. Gordon) was substituted for Mr. Troy. So far as I know, that was an innovation. I found that in the circumstances I would not be able to take part in the committee, and accordingly asked the member for Guildford to move for my removal from the committee and to substitute some other member's name. He agreed to do so, if Mr. Troy would take the place I was vacating on the committee; and I understand that Mr. Troy agreed to take my place. Shortly afterwards the Premier saw me and asked whether the member for Guildford would agree to the substitution of Mr. Piesse for myself. I undertook to see the member for Guildford and ascertain if he were agreeable to that course; but I had no opportunity that evening of learning whether that member had seen Mr. Troy. It was not until this afternoon I learned the member for Mt. Magnet had agreed to take my place on the committee; and it was not until I put a question to him this evening that I learned he would not withdraw. I regret sincerely that any trouble has arisen, and I hope that members will believe there has been no underhand work so far as I am concerned.

Mr. JOHNSON (mover): I think it desirable to speak to the amendment, and if necessary to speak later in reply, at the conclusion of the debate. I was influenced to table this motion because I thought the House and the country wanted a little more information than they had or could acquire here on the question of assisting the pastoralists and at the same time protecting the consumers. There is evidence that I brought no party feeling into the question, as is proved to-day by the remarks of the Leader of the Opposition, who had no notion that I was bringing forward this motion. As a matter of fact, I question whether any Opposition member knew of the motion except the member for Ivanhoe (Mr. Scaddan), who happened to be with me when I sat down to write it out. I moved the motion because I felt we did not have sufficient information on the question brought up in debate on the Address-in-Reply; and after I had moved it the Government Whip (Mr. Gordon) came to me, as is usual when a member moves for a select committee, and asked what I wanted. Ever since I first entered Parliament I have always found that the mover of a motion for a select committee is consulted as to the members he wishes to have on the committee; consequently I submitted to the Whip the names of the members for Mount Magnet (Mr. Troy), Pilbarra (Mr. Underwood), Gascoyne (Mr. Butcher), and Kimberley (Mr. Male). I asked for those four members because I thought I could get from them information as to the best possible source of evidence, and it is evidence I want. I do not want on the committee men who have a special knowledge of the pastoral industry, but men who can assist us in laying our hands on information that is to guide us in submitting our report; consequently I mentioned the four members who, I feel, truly represent the pastoral industry. But immediately the Whip replied, "You are not going to have those four members. We shall not let you have three members on the committee," I said, "You are once more bringing party into this question. Is it necessary that you

should have three Government supporters?" He replied, "Strike out Troy's name, and put Gordon's on." I said, "That is bringing party into a consideration where there is no party spirit necessary. Surely, if there are two on the Government side and two in Opposition, with the mover as chairman, you should be perfectly satisfied." And I should like to draw your attention, Mr. Speaker, to the fact, which you will doubtless remember, that party spirit was exhibited. We found the Government Whip going round the benches, pointing out that the committee suggested consisted of so-and-so, and appealing to the members to strike off the name of the member for Mount Magnet because the member for Canning (Mr. Gordon) desired to act on the committee. And moreover, we find the Treasurer rising in his place and unduly taking up the time of the House to keep the debate going until the tea adjournment. When one sees such things in such a debate one is disgusted; and I may say I feel heartily sick to-night of the whole concern. Influenced by a desire to assist the country I moved for this select committee, what consideration did I receive from the Government? The ballot was taken, the member for Canning (Mr. Gordon) elected, and the member for Mount Magnet (Mr. Troy) rejected. The member for Gascoyne (Mr. Butcher) then told me he could not possibly sit on the committee. I replied, "There was a man struck off, Mr. Troy: he was a candidate, and was almost elected." Consequently I moved to substitute Mr. Troy for Mr. Butcher. Then we are told to-night that I was consulted as to placing the member for Katanning (Hon. F. H. Piesse) on the committee. I was consulted, but just a few minutes before I had to rise to move my motion. Members will recollect that I was speaking on the question to the Leader of the Opposition and the member for Mount Magnet when the motion was called on, and I had to leave them without coming to any conclusion on the matter. I explain this to members in order that they may realise that I did not bring any party spirit into this question, and I did not move the motion

with any view to party considerations, but with a desire to serve the country, and that the party spirit was visibly introduced by the Government Whip in the first place, and has been introduced again to-night. I am not one of those who think that even though we bring party considerations into such a question we cannot get on the select committee members who will give fair consideration to the matter before them; consequently I am prepared to proceed with the committee, and to do what I think necessary to get the information in the best interests of the country. And I believe the Government were wrong for making this a party question, and have been wrong repeatedly in doing the same thing. I deplore the fact that we constantly see the Whips going around the benches dictating to members on the Government side how they will vote. It is disgraceful. Never before in the whole of my experience of Parliament have I seen more disgraceful party tactics than have been practised in this Parliament. On all questions we find the Whip going round and absolutely dictating to members on the Government side how they will vote, not only for select committees, but on other questions; and then Ministers say when they go to the country, "Do not vote for the Labour party; they have not a conscience above caucus; they cannot vote according to their conscience." Yet we find the Government Whip continually on all motions, and on a motion of this sort particularly, dictating to members, from party considerations, exactly how they shall vote. This is absolutely disgraceful, and will eventually ruin the country if the practice is allowed to continue much longer.

Mr. J. C. G. FOULKES (Claremont): I have risen only to reply to a statement of the member for Kanowna (Mr. Walker), who, like the member for Gascoyne (Mr. Butcher), said it is the practice in this House for the mover of a motion such as this to have practically the right of nominating the committee. [*Mr. Johnson: Suggesting it.*] It is true that on various questions not of much importance the mover of the motion does suggest the names of certain mem-

bers for election as the committee. For instance, on the Bill just introduced by the member for Subiaco (Mr. Daglish) he mentioned various members to me, suggesting that I should vote for them. I considered it was an unimportant Bill, and voted for all the members he suggested. But this does not mean that on important motions of this sort we should accept the dictum of any member who happens to move for a select committee.

*Mr. Troy:* That has been the invariable custom in the House, as you well know. I have looked up the records.

*Mr. FOULKES:* I disagree with the hon. member. On unimportant matters I agree it does not matter whom we select to form committees; but in this case there should be no question of party, and no such question has in my opinion arisen. [*Mr. Troy* interjected.] I would ask the hon. member to keep quiet for a moment. This is what happened. The other evening, when the question of the committee was discussed, there was a strong feeling amongst many members that the member for Katanning (Hon. F. H. Piesse) should act on the committee. I asked him whether he would act, but unfortunately he did not feel well enough; and I feel certain that was why he was not then elected. I think I communicated my views to the member for East Fremantle. [*Mr. Angwin:* No.] Anyhow, I told an Opposition member that many members would like to have the member for Katanning on the committee. But I protest strongly against the notion that the mover of a motion for a select committee should think he has the sole right of nominating those who shall act on the committee. Suppose it were on a mining matter. Suppose I were to move for a select committee to deal with such a question, what a howl of indignation would be heard from the Opposition if I proposed that the committee should consist of members sitting on my left (Government cross-benches). The Opposition would say that those members knew nothing about mining, and what right had I to suggest such a man as the member for Williams (Mr. Cowcher). In such a case I should certainly ask the member for Boulder

(Mr. Collier) to act. Party considerations would not affect me in the slightest. Some members say the Whip was around dictating. Nothing of the kind. [*Mr. Troy:* He was, certainly.] He was not. The member for Katanning did not feel well enough to act; but to-day he says he is willing to act, and I, as well as the whole House, have every confidence that he will do his duty.

*Mr. Bolton:* Why was he not suggested instead of the member for Canning (Mr. Gordon)?

*Mr. FOULKES:* I do not know about any of those changes. Whether they came from that side of the House or from this, we want the best possible man. [*Mr. Walker:* What is wrong with Mr. Troy?] There is nothing wrong with Mr. Troy. He has no special desire to act on the committee. The other evening he was asked whether he cared to act, and he said he did not. But this evening owing to the strong expressions of the member for Kanowna and the Leader of the Opposition, he thinks that for party reasons perhaps he had better act. [*Mr. Bolton:* Was he not nominated?] He mentioned that he did not care about acting. We can consider only what he said. That shows he is not particularly anxious to be on the committee. I am still of the opinion I held the other evening, that the member for Katanning should be one of the first members elected on the committee.

*Mr. Bolton:* We have no objection; but his name should have been in the first lot.

*Mr. FOULKES:* Unfortunately he did not feel well enough to act; and as the interjector says, he should be one of the first members elected. This evening I shall fully expect the hon. member to vote for the member for Katanning. The member for North Fremantle said just now that the member for Katanning should have been the first to be selected on this committee; now the hon. member is of a different opinion.

*Mr. J. B. HOLMAN (Murchison):* After listening to the little lecturette of the member for Claremont regarding the appointment of select committees,



we have only to refer to the tactics, the miserable tactics of the Government last session, when the select committee on sweating was being appointed in this Chamber. We had on this side of the House men of practical experience extending over many years, there was the member for Hannans (Mr. Ware) who has probably more experience of the sweating evil than any other member, but that hon. member was not appointed on that committee owing to the miserable action of a party in this House, who on every possible occasion—perhaps when they are afraid that some of their tactics may be exposed—pack the select committee that may report to the House. We hear the member for Katanning and the member for Claremont telling us now that they desire to have men with practical experience placed on these committees; but why did they not place a man with practical experience on a committee last session? I say it is only a party move on the part of the Government to try to prevent a fair and reasonable report being presented to this House on this important question.

Mr. SPEAKER : The hon. member is out of order in making that reflection.

Hon. F. H. Piessé : It is what I say; it is a reflection on hon. members.

Mr. HOLMAN : If I have reflected on any member, which I am not allowed to do by the Standing Orders, I must qualify the remark, but if I am permitted to make a remark, perhaps all I can say is, "after the experience of last session." I say that we should appoint a committee as we have always done in the past. A committee that is appointed from this House to go away to get important information should have the support of the whole of the members of the House; but when such tactics as these are brought in, I maintain that we will not have any confidence in the report of the committee when it is presented. As regards the experience of the two members who have been nominated to-night, we must admit that the member for Katanning in the old days had some experience in the squatting and meat questions, but I maintain that during the last seven or eight years the member for

Mount Magnet (Mr. Troy) has had far more experience than the member for Katanning, because the member for Katanning has devoted practically the whole of his time to the cultivation of the land and to milling, while on questions of inquiry the member for Mt. Magnet has had more practical experience in bringing forward evidence.

Mr. SPEAKER : The hon. member must not be personal; it is unbecoming.

Mr. HOLMAN : I am sorry that you did not bring forward the same phase of the question when other members were speaking, when they brought forward the qualities of the member for Katanning as against those of the member for Mount Magnet; and I deeply regret that because I am bringing forward the question of the qualification of the two members to bring out evidence—because the member for Mount Magnet has had ten times more experience of extracting evidence from witnesses than the member for Katanning has (I say that without fear of contradiction) and because I maintain that we want on the committees those who can extract the best evidence from the witnesses that come before them—I should have attention drawn to my remarks while other members are allowed to make theirs.

Mr. SPEAKER : The hon. member must not make reflections. The hon. member in those remarks reflected on myself. I will not allow him or anybody else to do so while I am in the Chair.

Mr. Holman : I am going to ask for the same right in this House as any other member.

Mr. SPEAKER : The hon. member shall always have it at my hands.

Mr. Holman : It is more than I have had yet.

[Several members expressed dissent.]

Mr. SPEAKER : The hon. member should not reflect. I do not make any distinction whatever, but as the hon. member exceeded himself I was in duty bound to bring it under his notice, and I did it as politely as I could.

Mr. M. F. TROY (Mount Magnet) : I have no desire to speak at any length on this question, being a nominee of the

member for Guildford, and as my name has been frequently mentioned during the course of the debate I feel a little diffidence about referring to the matter at all. However, I want to point out clearly that before this committee was appointed, on the night the member for Guildford moved his motion, the hon. member asked me if I would sit upon the committee. He said he desired to have above all things represented on that committee members of the House who largely represented the pastoral industry, and since my electorate is above all things one in which this industry is carried on to some extent he desired to have me appointed on the committee. There can be no doubt that the action of the Government in regard to the appointment of this committee was a party action, because I saw the member for Canning, the Government Whip, go round whipping up members, and I knew it was in regard to the appointment of this committee because I heard it discussed in the corridors. I knew perfectly well it was going to be a party vote, because Ministers and the Whip were whipping, and the Treasurer stonewalled until the tea adjournment so that members might come here and vote, and so that the name of the member for Katanning might be put on instead of mine. I wish to protest against the introduction of party tactics in matters of this kind. It was never done in this House, notwithstanding what the member for Claremont says, until last session, when it was done by the present Government for the first time. That was in connection with the appointment of the select committee on sweating, when the name of the member for Coolgardie (Mr. Eddy) was inserted in place of the name of the member for Hannans (Mr. Ware). I am surprised at the hypocrisy of the Government.

Mr. SPEAKER : That is out of order.

Mr. TROY : I will tell the House why.

Mr. SPEAKER : The word is objectionable.

Mr. TROY : Then I withdraw and say I am surprised at the change of front of the member for Katanning to-night. He has always appeared to be a very fair man, and for a long time we gave him

credit for being a fair man, but at the same time in connection with the appointment of the select committee on sweating the member for Katanning came to me and said, "Why did you not tell me this party element was being brought in, because few members on that (Government) side would countenance it for one moment?" But what a change to-day ! For party purposes the hon. member leaves himself in the hands of the Government. By that sort of conduct a man must lose the respect of this House, and it is going to lose for the hon. member any respect I may have for him. This party business has gone too far in this House. I only allowed my name to be submitted a second time because I desired to protest. It has gone too far, it reflects no credit on the gentleman responsible for it, and certainly very little on any gentleman who gets up in this House and desires to justify it. Reference has been made to the particular fitness of persons to sit on the select committee, and no doubt the member for Katanning has a larger business and worldly experience than myself; in that respect certainly he is more fit for any work of this character or any other character; but at the same time it must be admitted that many of the gentlemen who have occupied positions in this State as Ministers of the Crown have had no previous experience so far as their positions are concerned. I ask the Minister for Mines what experience he had before he became Minister for Mines. [Mr. Taylor: None at all; absolutely none.] With all due respect to the Minister, he had an interest in mining, but he had no practical mining experience; none at all; he admits it. I ask what particular experience of agriculture had the Honorary Minister. He was a banker; certainly he had a few farms, but he never carried on any practical agricultural work on those farms, because he left the work to overseers and paid agents. Then take the Colonial Secretary in the other House. What particular experience had the Colonial Secretary in connection with the department of the Colonial Secretary? He was a contractor; he was a carpenter; and

therefore he had no particular acquaintance with the work. It is absolute rot for any member of this House to say that because a person has no particular experience in connection with a certain business he is not able to sit on a select committee or occupy any other office. I have sat on a select committee and have had experience of the work. Any person who will sit on a select committee with an endeavour to sift the evidence should do so, but the only intention the Government have in submitting the name of the member for Katanning this afternoon is to make it a party question and nothing else. The Government are afraid to let three members from the Opposition sit on the committee, because they want a party report. So far as reflections are concerned, a lot of heat has been brought into this debate. The member for Katanning has remarked that reflections have been cast throughout the Chamber. I ask what greater insult and reflection can be cast upon any man than to have his candidature opposed for the purpose of putting another in his place. The Premier cast a reflection on me in endeavouring to substitute the name of the member for Katanning for mine. [*The Premier: No.*] If the Premier desired to act in all fairness on this matter he could have come to me and asked me how I felt on the matter; because my name was on the Notice Paper, the notice of motion was given some time ago; and if the Premier desired to consult my feelings he should have come to me. Had he done so and put forward good reasons I certainly would have been the first to withdraw in favour of the member for Katanning. I have no desire to press my claims at all. I only allowed my name to be submitted because in the first place the member for Gascoyne (Mr. Butcher) asked me and urged me to have my name submitted, and in the second place because the member for Guildford came to me and urged me to do so. I regret that the question has been made a party affair. It is a most undignified position to place any member in, and it is a state of affairs which I hope will not occur again in this House. The blame lies alone on the shoulders of the Gov-

ernment and their supporters, because they could easily have prevented this sort of thing had they only acted in a fair and manly spirit towards members on the Opposition side of the House.

Mr. G. TAYLOR (Mount Margaret): I would like to point out that this is not the first time in this House I have had reason to object to procedure adopted on occasions of this description. I have perused the records of this Parliament from its earliest inception and I find on looking at the names of members placed on select committees in the days of Sir John Forrest, when Mr. Illingworth was leading a very small Opposition in the House, Mr. Illingworth could have two members on select committees. All members need do is to peruse the records of Parliament to find that. The first time a departure was made was last session; it has been referred to repeatedly; it was then made by the present Premier in connection with the select committee on sweating. [*Mr. Bolton: By the Whip.*] I do not know that the Premier allows the Whip to control Parliament. I think the Whip is under the control of the Premier. I am sorry the member for Canning could not see his way clear last year to act on account of too many Premiers, but this year there is only one Premier. I am sorry indeed that the Premier of this State then adopted tactics similar to those he has adopted this afternoon. I opposed the appointment of the committee, as we already have evidence in the votes and proceedings of this House, and I would recommend the member for Guildford to drop the committee altogether, for it savours altogether too much for any member to touch it. I would not allow myself to be made use of for party purposes in this House by any Premier, and that is what a member who supports this amendment will do. If the amendment is carried the committee will bring in a report suitable to the wishes of the Government. If not, why should the Government desire to have three members of their side of the House on the committee and only one member from this side; of course that is other

than the mover of the motion. It is scandalous, and I am not going to be bludgeoned by the Government into accepting conditions of this kind without resenting their conduct. I have been too long in this House for mushroom Premiers to go round with their sneaking tactics without resenting them.

Mr. SPEAKER: The hon. member must withdraw that expression.

*The Premier:* I insist on a withdrawal. He knows he is telling a deliberate untruth.

Mr. SPEAKER: I call upon the member for Mount Margaret first to withdraw, and then the Premier to withdraw.

Mr. TAYLOR: I will withdraw the remark, and I will now allow the Premier to withdraw.

*The Premier:* I withdraw the remark.

Mr. TAYLOR: When feeling runs high in a Chamber of this description, men with blood in their veins will give vent to what they believe to be true. I am glad that this Chamber is becoming a debating Assembly instead of a morgue as it has been the last few years. With regard to this question of the appointment of select committees: the records show very clearly what has been the course adopted during the past few years. I have here a list of about eight select committees, whose appointment cover a period of a number of years, and I find therein the names of hon. members sitting on both sides of the House, the system adopted being that two members are selected from each side in addition to the mover, irrespective of where the mover sits. That has been the custom carried out for all time until last session, the principle has been departed from again now. I do not believe in the principle of allowing any hon. member to nominate who shall be on a select committee; the House should do that. I always opposed that principle, but it has now been adopted for all time. I will not, however, allow it to be superseded now for any party purposes by something which is much worse, and I refuse to allow it to be adopted without friction. In the past we have had select committees, and great numbers of them appointed without friction. These com-

mittees have presented their reports to Parliament, and on some occasions the reports have been rejected and on others accepted. I am very sorry that the member for Gascoyne cannot see his way clear to sit on this committee, for I believe that, if there be any man in this Chamber capable of sifting the position of pastoralists from the evidence of any witnesses examined, it is he. I am also sorry to see the mode adopted by the Government in substituting for him the hon. member for Katanning. Candidly, I do not believe that, if the hon. member for Katanning knew as much before he allowed his name to be submitted as he does now, he would have sanctioned his nomination to the committee. However, the position he is in now is that his name has been mentioned.

*Hon. F. H. Piesse* (in explanation): This matter has been raised once or twice before. The question of the appointment to the committee was mentioned to me by members, but when I was told that the member for Mount Magnet was likely to be nominated, I said that unless there was a unanimous opinion with regard to the appointment I was not prepared to sit. I was much surprised to find that there was opposition to the nomination, as I believed that everyone would be agreeable to my taking a seat on the committee. I did not care to fill this position as I have much to do, but as there seemed to be a desire that I should act, I expressed my willingness to have my name submitted. It was only the remarks afterwards that caused heat and temper in the House. I am not one to be put down more than any other member.

Mr. TAYLOR: I have listened to the explanation, and I am sure now that had the hon. member known as much before this amendment was moved as he does now, he would not have allowed his name to be submitted. The member for Katanning does not move my feelings when he gets up and lectures the House. Some members may be annoyed, but that is because they are not accustomed to being lectured by that hon. member. We who

have been in the House a long time take these lectures for what they are worth.

Mr. SPEAKER : The hon. member must confine himself to the question.

Mr. TAYLOR : I am confining my remarks to the question before the House.

Mr. SPEAKER : I have given the hon. member every latitude, but he must confine himself to the question before the House, and this he is not doing. The member for Katanning is not the question before the House.

Mr. Bath : Yes it is.

Mr. TAYLOR : The hon. member's name is submitted. Read the amendment.

Mr. SPEAKER : If the member for Mount Margaret persists in the course he has been following during the last moment or two, I shall be compelled to take certain steps.

Mr. TAYLOR : With all respect I ask that the amendment should be read, and then we can see if the hon. member for Katanning's name is not mentioned. I will know what my position is.

Mr. SPEAKER : There is a difference between speaking to a member's name as mentioned in an amendment and speaking of that member personally. You have no right to reflect on him in debating the personnel of a select committee. There is moderation in all things, and I ask the hon. member to be moderate in this.

Mr. TAYLOR : I ask you to read the amendment so that I shall know what I am debating.

Mr. SPEAKER : The question is : "That the words proposed to be struck out stand part of the question."

Mr. TAYLOR : With the object of including other words.

Mr. SPEAKER : That comes afterwards.

Mr. TAYLOR : We are discussing the necessity for removing the name of the member for Gascoyne from the select committee, and substituting that of the member for Katanning. That is what the Premier said. Is that what he wants, or may it be that he will mention some other member whose qualifications we will then be able to discuss ?

Mr. SPEAKER : You must not reflect on any member.

Mr. TAYLOR : I am not reflecting on any member, but I will have justice. Other members can reflect as much as they desire, but the moment an hon. member on this side of the House brings forward anything which is not liked, or is not desired to be heard by the members on the Government side of the House, then the remarks become objectionable. I think the whole procedure is objectionable. No one feels it more now than the Premier himself. He thought that this would go unchallenged. But it will not do so, and no resolution moved by that side will go unchallenged by me in the future. So far as the relative capacity of the two hon. gentlemen who are suggested for the position on the select committee is concerned, I fail to see any reasons for my supporting the member for Katanning rather than the member who represents the pastoral areas of Mount Magnet. The member for Katanning has never, as far as I know, been engaged in stock raising to any such extent as would qualify him to know anything about the conditions or the position of the pastoralists in the North-West. The member for Mount Magnet is representing the pastoral areas of the Murchison, and that district is generally accepted as portion of the North-West. I fail to see, therefore, that the capacity of the member for Katanning to deal with this question is any greater than that of the member for Mount Magnet, and I believe that member who represents the pastoral area has the most weight on his side.

Hon. F. H. Piessé : The motion applies to the whole State, and we have quite as much of the pastoral industry in our district as anyone else.

Mr. TAYLOR : The hon. member knows full well that in any discussion in this House having reference to the pastoral industry, the North-West is meant and not the Katanning District.

Hon. F. H. Piessé : They have half a million sheep down there anyhow.

Mr. TAYLOR : I know of several stations in Queensland that have a quarter of a million and half a million sheep.

We must look to the Kimberleys and the North-West for our pastoral areas, and the motion before the House deals almost absolutely with those districts. In moving the resolution the member for Guildford practically endorsed this view. I oppose the appointment of the committee altogether, and I will now ask the hon. member for Guildford, since he has seen the tactics adopted by the other side, to wash his hands of this committee altogether. I sincerely hope he will do so for it is a scandal, and I trust hon. members will rise to the occasion and protest against being used in a manner like this. I will not allow myself to be bludgeoned into anything of this kind simply because there is a strong majority on the Government side of the House.

*The Premier* rose to speak on the question.

**Mr. SPEAKER :** The hon. the Premier moved the amendment, and he has, therefore, no right to reply. He can make an explanation if he chooses.

**The MINISTER FOR WORKS** (Hon. J. Price) : I do most strongly protest against some of the remarks which have come from time to time from members opposite. One does not feel it necessary to answer them from the personal point of view, or to call attention to personalities such as we have heard from the member for Mount Margaret. Such personal remarks are not conducive to upholding the dignity of the House. It is not my intention to trouble the House when such remarks are made so far as I am concerned, but I think that members who make them might have some solicitude for the House in which they sit. In connection with this committee I do not think for one moment that anyone would decry the qualifications of the member for Mount Magnet to sit. I would be the last to do so, but I think in choosing a member for a committee of this description we are entitled to look around the House and select the man who in our opinion is best suited for the position. The member for Katanning has had many years of experience in stock, and in preferring

him to the member for Mount Magnet, this side of the House does not in any way wish to decry the latter gentleman's abilities. [*Mr. Troy* : Why did you not consult me ?] The member for Mount Magnet has on many occasions given valuable information to the House. This is a committee in which the Government must take great interest. One matter which will be inquired into is a proposition which has been cried down by members on the other side of the House, and we are entitled to see that the ripest opinion in the House, in so far as pastoral matters are concerned, is represented on the committee. In choosing the member for Katanning in preference to the member for Mount Magnet—

*Mr. Troy* : Why did you not consult my feelings and ask me before you saw my name on the Notice Paper?

**The MINISTER FOR WORKS :** I do not think, if a certain member's name is moved, that the House is bound to accept it. If that is so why not do away with the right of voting altogether and allow the member moving for a select committee to appoint his own nominees? Is a vote of the House to be an empty form? I take it that the collective wisdom of the House is greater than the wisdom of any individual member.

*Mr. Walker* : Submitting it to the Whip is what we object to.

**The MINISTER FOR WORKS :** This report may affect the policy of the Government, and we are entitled to see that the ripest opinion in the House is on the committee, and one of the ripest opinions as far as I know is that of the member for Katanning.

*Mr. Johnson* : Why did you not think of that the other night and give us a decent committee? You know perfectly well what happened the other night.

**The MINISTER FOR WORKS :** I do not want to set myself up as an authority in this House, I am too young a member for that, but I know that if the House has a right to vote on a matter, then it has a right to the free and full expression of its views. The member for Kanowna said that for the Government to have three members on the committee and only two from the Opposition side was an in-

justice. Surely there must be three members on one side.

*Mr. Bath*: If the mover is on that side then two should come from that side also.

The MINISTER FOR WORKS: Am I to understand that any committee moved for, even if it involved a distinct party question or an inquiry into party procedure, if the mover is on the other side (Opposition) and that inquiry were directed against the party of which I am a member, are we supposed to submit to having two members when we have a majority in the House? If that is the procedure, it is a ridiculous procedure.

*Mr. Bath*: It has always worked well in the past.

The MINISTER FOR WORKS: I do not see why any committee should not be representative of the size of the parties in the House. I have frequently admitted, and I made the admission when I was on a committee myself, that it is an extremely difficult matter to dissociate myself from party feeling. I found it difficult on the Electoral Committee on which I sat; but the member for Katanning is well known in the House as a fair man, and is universally respected.

*Mr. Underwood*: So is the member for Mt. Magnet.

The MINISTER FOR WORKS: I admit that. I do not wish to say anything derogatory to the member for Mt. Magnet. May I compare myself with the member for Katanning and frankly admit that I would be far more likely on a committee to show party feeling and bias than would the member for Katanning.

*Mr. Walker*: We know that.

The MINISTER FOR WORKS: There are some of us in the House, we must admit, in whom party spirit is considerably stronger than in others. We recognise all of us that on general questions of this description probably there is no more unbiased mind than that of the member for Katanning, and why should members object to him?

*Mr. Collier*: He never seems to vote against you.

The MINISTER FOR WORKS: It was quite within the rights of the Premier to propose a rabid partisan if he

liked; but we have submitted the name of one who is very unbiased in his opinions. The Government know this matter is deserving of consideration. It is one of those propositions on which a great deal has been said, and no doubt if I examined the speeches of the member for Mt. Magnet I should find some strictures on this proposal, for we know that strong criticisms as to the establishment of freezing works in the North have come from many members on the Opposition side. We have a member of ability and character in the member for Katanning and we should see that he is selected.

*Mr. J. EWING (Collie)*: I did not intend to speak in this debate, but I would point out, as reflections have been cast on this (Government) side as to the way we are to vote, and as it has been inferred that the Whip has gone round asking members to vote, I rise in my place to deny it.

*Mr. Johnson*: The Whip has gone around though.

*Mr. EWING*: I have been a member of the House for many years, and I have never been approached by the Whip to vote on a question of this kind, neither have I been told in what direction I should vote.

*Mr. Bath*: What about the Education vote?

*Mr. EWING*: I would like to point out to the House that only two nights ago I voted for a motion moved by the Leader of the Opposition when the Government on that occasion were supposed to make the question a party one, but that had no weight with me, nor did I vote against the dictates of my conscience. I only rose to make that explanation to exonerate the Government and the Whip of the reflections made broadcast in this Chamber. This debate cannot be very pleasant for the member for Katanning or for the member for Mt. Magnet or the member for Guildford. I think that the member for Guildford in moving for a select committee did so with an earnest desire to do some good for the State of Western Australia, and I am inclined to agree with the member for Mt. Margaret

in the position which he has placed before the House, that there was information already available and there was no reason for the committee at all; but the House in its wisdom has decided that there should be a committee, and have appointed a committee. I regret that the member for Gascoyne has resigned and that another member has to be appointed in his place. I should be sorry indeed in my position in the House to reflect on any member, but it will be admitted that the scope of the inquiry has been considerably enlarged since the member for Guildford moved the motion. The original motion referred entirely to the North-West of the State and the member for Guildford will agree with me that the motion was extended to include every portion of the State. My argument is that as the member for Pilbarra (Mr. Underwood) is one of the committee with a full knowledge of the North-West and the Northern portion of the State, it is desirable indeed now that we should have on the committee a gentleman with some knowledge of the South-Western portion of the State. Putting aside all party questions, as I put them aside to-night, is there any member more competent in the House to deal with the South-Western portion of the State than the member for Katanning. Therefore it is a wise decision on the part of the Government to nominate the member for Katanning without casting any reflection, or without any desire to cast any reflection, on the member for Mt. Magnet.

*Mr. Bath:* You as a member of the House since 1901 know the practice adopted.

*Mr. EWING:* I do not agree with the practice. I have been chairman of committees and I have never selected my committees. I have always left it to the House to put what members it thought fit on the committee. The member for Guildford has no right to dictate as to who should be on the committee. He is representing practically the Opposition, and if he desires or wishes to bring in a report—I do not say that he will—against the wish of the Government, then the Government representing a majority

in the House has the right to be represented on the committee by three members. If it is a party question at all is not the hon. member for Guildford there to give his casting vote? Is it not a fair thing that he should be considered a member of the committee on all occasions, and that he has a casting vote? The Government have a majority and if they think this should be a question of policy they should have a majority on the committee, and they have a perfect right to have that majority; but on this question there is no question of party at all. The member for Mount Margaret has gone on with his old tactics, has worked himself up into a temper, and has cast all sorts of reflections on this (Government) side of the House.

*Mr. Taylor:* I know it to be true.

*Mr. EWING:* It is not true.

*Mr. Taylor:* It is true, absolutely.

*Mr. EWING:* The member knows it is not true. The hon. member cannot bully me: it is no use his talking like that. The hon. member on every occasion casts reflections on the dignity of members on this (Government) side, and as long as the hon. member does that I shall deny his right, especially if the hon. member impugns my honesty or the honesty of any other member.

*Mr. Taylor:* I know you whined once over the Collie-Cardiff railway line.

*Mr. EWING:* I stand here free from anything the hon. member can say.

*Mr. Taylor:* I will read the report to the House.

*Mr. EWING:* The hon. member can produce the report and read the evidence; he can do whatever he likes, but the hon. member has no right to impugn my honesty, and he knows that. He had better keep silent.

*Mr. SPEAKER:* I have asked the hon. member repeatedly this evening to refrain from interjecting. This is a matter on which there has been a lot of feeling, and I have allowed great latitude.

*Mr. Taylor:* Respect the Chair and sit down.

*Mr. SPEAKER:* I ask the hon. member for Mt. Margaret to respect the feelings of the members of the House.



*Mr. Troy* : Is the member for Collie right in threatening a member of the House?

*Mr. SPEAKER* : I did not hear the hon. member threaten anyone.

*Mr. Taylor* : You never hear anything with your right ear, sir.

*Mr. EWING* : I do not think the member cares for anything; he does not care for the dignity of the House.

*Mr. Taylor* : I have made no accusation against the Chair. I interjected and I said there was a report of a committee which made him (Mr. Ewing) wince. The report is on the records of Parliament. I was not a member of that committee.

*Mr. EWING* : The electors of the State have had an opportunity of judging me. They will have an opportunity of judging the hon. member later on.

*Mr. Taylor* : They have judged you.

*Mr. EWING* : They have and sent me back to represent them.

*Mr. Collier* : But they sent you out once.

*Mr. EWING* : There has been considerable heat thrown into this debate and perhaps I have said more than I wished to say, but I desire to point out that this cannot be considered a party question, and although on this occasion I cannot exercise my vote as I have agreed to pair this week with the member for Geraldton, that does not debar me from expressing my views in the direction in which I should vote had I an opportunity. I am perfectly sure in selecting the member for Katanning for this committee there will be no reflection whatever on the member for Mount Magnet. There is not a single member on this side of the House who desires that there should be a reflection. The point I have raised to-night in the few remarks which I have made is that the inquiry extends to the South-Western portion of the State as well as to the North-West, and that is justification enough for the appointment of the member for Katanning on the committee.

*Mr. Taylor* : You should feel much better now.

At 6.15, the Speaker left the Chair.

At 7.30, Chair resumed.

*Mr. R. H. UNDERWOOD (Pilbarra)* : Having been appointed a member of this select committee, I desire to say a few words. I deprecate to an extent any harsh language; but at the same time the Opposition, having only language to use, have to use something. The Government side have the majority and we have to do something we can make up for the deficiency with our language. I just wish to make a few remarks. It has been stated that nobody intended to hurt the feelings of the member for Mount Magnet (Mr. Troy). I contend that some members are going about it in a very peculiar way indeed if they have no intention in that direction. In my opinion, no matter how competent the member for Katanning is, the member for Mount Magnet is more competent, and over and above that, he is representing a constituency which the motion moved by the member for Guildford the other night covers to a very much greater extent than it does the constituency represented by the member for Katanning. In regard to this matter, I must say that we have had a wonderful exhibition of party tactics, and we have seen a good deal of whipping. There is no possible doubt about the whipping that was done in regard to this question on the night the hon. member moved his motion. The Government Whip might be said to have flogged from the gate to the post. I give hon. members on the Government side of the House some little credit for the fact that they needed so much whipping. As the member for Guildford has pointed out, it was found that in the Chamber the Whip could not get members pliant enough to his will, and the Treasurer continued to speak, introducing in my opinion extraneous matter, so that the debate might last over the tea adjournment, and the Whip would be able to get out into the lobbies. The result was that the member for Mount Magnet was defeated in the ballot.

*The Treasurer* : Why did you not take exception at the time?

*Mr. Bolton* : That is what should have been done.

Mr. UNDERWOOD: We have heard about the ripeness of opinion and the great ability of the member for Katanning. If the member for Katanning possesses these great accomplishments so desirable in a member of this committee, why was he not elected in the first place?

*The Minister for Works:* You were told; the hon. member was unwell.

Mr. UNDERWOOD: The member for Collie (Mr. Ewing) claims that he has never been whipped. We have to take the hon. member's word for it, and I do so, but I must say that his exhibition on the motion regarding the education regulations last session certainly appeared very strongly that way. I have just a little more to say. I deprecate the introduction of party politics into every possible question, as has been done recently; and though I may be a stronger objector because it always tells against the side of the House I am sitting on, it is not only in this matter but in a matter which occurred yesterday. If members on the Government side of the House do not reflect on us with language, they certainly slight us in other ways. I just wish to conclude by saying that in deference to my friend the member for Mt. Magnet I shall certainly not sit on this select committee if the member for Katanning is elected. I think it is my duty to enter this protest at the treatment the member for Mt. Magnet has received, and I certainly have no intention of sitting on the committee if he is not elected. I am not making this statement with a view to getting votes. Members can do exactly what they like on this question. It is immaterial to me, and I do not intend to vote on it, but I certainly shall not sit on the select committee with the member for Katanning.

Mr. A. C. GULL (Swan): The member for Pilbarra has a perfect right to assume that the qualifications of the member for Mt. Magnet are better than those of the member for Katanning. Similarly I claim that in a matter of this kind I have an equal right to say whether the claims of the member for Katanning are not better than those of the member for Mt. Magnet. It seems to me to resolve

itself into that question. Personally I do not care who is nominated by the mover of the motion for the select committee, I have a personal right if anybody—I do not care whether it is the Premier or any other member of this House—moves an amendment that some other name should be substituted, to exercise my vote on the matter. So far as the member for Mt. Magnet is concerned, or the member for Pilbarra, if it was dealing with a purely mining question I would most unhesitatingly vote for either of those gentlemen in preference to the member for Katanning, and *vice versa*. There is another point just in the same way. If it were a question of considering whether mesmerism, or some occult art like that, should be subsidised or established as a national religion, I would defer of course to the opinions of the member for Kanowna (Mr. Walker); but if it were a question of voting on a purely agricultural matter, or again on a pastoral matter, I should prefer to take the opinion of the member for Katanning in preference to that of the member for Kanowna. I do not care who it is, or what select committee is nominated, if any member moves to substitute some other name, I have a perfect right to exercise my vote in whatever direction I like.

Mr. E. C. BARNETT (Albany): When the names of the select committee as originally elected were submitted, I personally took exception to practically the whole of the committee representing the northern districts of the State. I consider that the southern portion should have an equal interest in the prospective frozen meat industry, quite equal to the northern districts, and since I took exception to the personnel of the original committee on those grounds, I shall certainly support the substitution of the name of the member for Katanning in preference to that of any other member, as I think all portions of the State are equally interested and deserve equal representation on a committee of this sort.

Mr. W. C. ANGWIN (East Fremantle): I should like to ask, before

the amendment is put, whether it is possible to move an amendment that the whole of the committee be discharged?

Mr. SPEAKER: That could not be accepted as an amendment.

Mr. ANGWIN: I only rise to express the hope that the member for Guildford will let this matter go altogether. My opinion of the remarks that have fallen from the Minister for Works is that the report of the select committee has been foreshadowed. That is how it appears to me, and I regret very much that the member for Katanning and the member for Mt. Magnet have not before this, having heard the remarks made, withdrawn their names as candidates for this select committee, when we hear it stated that it is the policy of the Government that is to be taken into consideration by this committee.

*The Minister for Works:* Oh, no.

*Several Opposition Members:* Yes; that was your statement.

Mr. Walker: "Get the freezing works for us." That is all it is for.

Mr. ANGWIN: I will put it another way. When we are given to understand that this select committee will have to take into consideration the policy of the Government—[*The Minister for Works:* The mover said that]—it is necessary—I think these are the words the Minister used—that we, as a majority of this House, should have a majority of that committee—[*The Minister for Works:* No]—in other words, "We the Government should have the right to see that the policy of the Ministry which has been put before the country should be substantiated by the committee." [*The Minister for Works:* No.] That is the only conclusion. I can come to in regard to this matter. I maintain it is an insult to the members of the committee already appointed, and more so to the two gentlemen nominated to-night, to ask them to take into consideration any matter, when it is expected of them to bring in a report either in favour or against the proposal they have to take into consideration. I hope the member for Guildford will give up the whole matter and let it go forward to the country as a proposition

from the Government and from the Government alone.

The MINISTER FOR MINES (Hon. H. Gregory): In regard to the motion before the House I think hon. members might carefully consider the resolution adopted the other night to the effect that a select committee should be appointed for the purpose of inquiring into and advising upon the best means of assisting the pastoral industry of this State. That was a motion agreed to by the House, and I think we are quite justified, when agreeing to a committee such as this being appointed, to ask that those having had the greatest experience in connection with that industry be appointed for the purpose of investigating and reporting to the House. Members have spoken of precedents of the past, have referred to many select committees appointed, stated that in every instance they were appointed on the principle that there should be two members from each side of the House and the mover. [*The Minister for Works:* They have said there are no exceptions to this rule.] There are many exceptions, but there is one which I have just looked up in *Hansard* in regard to the tick question and cattle regulations in the North-West. There was a good deal of feeling in connection with investigations regarding that matter, and very lengthy debates took place in connection therewith. It was decided that a select committee should be appointed to deal with the question. At the request of the mover the committee was enlarged from five to seven, and the members were Messrs. Darlot, Harper, Lefroy, Monger, Phillips, Wallace, and the mover, Mr. Higham. There were six members from one side of the House and one from the other side. The object of the select committee was, not to do anything that the Government desired, but simply to make an exhaustive examination into the question of whether tick cattle should be allowed to travel through the various portions of the Kimberleys or to come down to this portion of the coast. It was a big question and the desire of the House was that the most representative committee that could be obtained should be

appointed. I contend that we are justified to-night in again asking the House to appoint on the committee gentlemen who have had the greatest experience. The motion for the appointment of a select committee was enlarged, for the committee was asked to embrace in its deliberations the whole of the pastoral industries of the State. We are therefore justified in asking that those connected with the pastoral industry in the southern portion of this State, as well as those in the northern portion, should be found on that committee, and that they should be asked to report and advise, if any report is needed, as to the best methods to adopt with regard to the southern portion of Western Australia. There have been great heroics as to the power of the majority. But the power of the majority is preached on every occasion by members opposite, who always urge that the vote of the majority should stand. The public should know exactly the method by which select committees are appointed. It is usual for both sides to make known the names of those whom they desire to be appointed. The election is by ballot, and is it to be inferred that because members sit on one side of the House or the other they are not going to use their own discretion and act exactly as they think fit when voting for the persons whom they deem most advisable to be members of the committee? If you look through the divisions you see more unanimity in voting upon any question among members opposite than by those on this side of the House.

*Mr. Walker:* That is amusing.

The MINISTER FOR MINES: It is quite correct.

*Mr. Walker:* Absolutely incorrect.

The MINISTER FOR MINES: The method of voting is by ballot. Every member sends in his vote, and although the Premier may suggest that he would like certain names on the committee, and the member for Guildford in the present instance asks for certain names to be placed there, every member exercises his absolute discretion and votes as he thinks fit. I for one am not going to give away the rights of the majority. The minority should always have fair play, but I con-

tend that, in voting upon any question here, members always preach the policy that there is nothing else to consider but that which the majority of the House desires. We must accept the vote of that majority. I regret that there has been some feeling shown and I also regret the unfortunate position two members of the House have been placed in. This position has been accentuated by the speeches which have been delivered on the motion. I do not think there is any necessity for feelings of animosity in connection with this matter. While there is a majority I think the majority should exercise its powers, of course fairly and with moderation, and should insist on its desires being carried into effect within this Chamber. So long as I am here I will ask that that principle should be carried into effect.

[Members on the Opposition side began leaving the Chamber, only one or two remaining. They returned later.]

Amendment (that the words proposed to be struck out stand part of the motion) put and passed, no voice dissenting.

*Mr. A. J. Wilson:* Are members in order in leaving the Chamber when a vote is being taken?

Mr. SPEAKER: The question was not being put at that time.

Question stated from the Chair—that the words “the member for Katanning” be inserted in lieu of the words “the member for Mount Magnet.”

The TREASURER: The reason I rise at this late stage of the debate is to enter my emphatic protest against the action of members opposite in leaving the Chamber when a question was being put.

*Mr. Holman:* Speak to the motion.

Mr. SPEAKER: Order!

The TREASURER: I want the hon. member to understand that I will speak in conformity to the rules of the House, and not as he dictates. Neither the member for Murchison, the member for Kanowna, nor the member for Mount Margaret is going to intimidate me or instruct me as to how I shall address the

House, so long as I am within the Speaker's ruling.

*Mr. Walker* : Who tried to intimidate ?

The TREASURER : The member for Kanowna did ; he tried to intimidate the member for Katanning to retire, but I am happy to think he was unsuccessful.

*Points of Order.*

*Mr. Walker* : Mr. Speaker I ask you to call the Treasurer to order. He is imputing most unworthy motives to me, and is stating what is absolutely incorrect.

The Treasurer : What is the point of order ?

*Mr. Walker* : The point of order is that the Treasurer is imputing motives to me and attributing conduct of which I have not been guilty.

*Mr. Speaker* : He is not out of order; he said you had intimidated in your previous speech. It is a matter of opinion as to whether you intimidated or not. You spoke with all your rights and privileges as a member. I do not think the Treasurer is out of order.

The Treasurer : I said he had attempted to intimidate the member for Katanning, and anyone who listened to his fulminations with regard to the matter and the language he used towards the member for Katanning must also have come to that conclusion. I want it to be understood.

*Mr. Walker* : What are you talking about? I do not know.

The Treasurer : Evidently the member does know; the sting is there, for he rises from his seat and interjects so frequently.

*Mr. Walker* : The sting lies in your impudence in falsely charging me with such a thing.

The Treasurer : What was that you said?

*Mr. Walker* : I refer to your impudence.

*Mr. Speaker* : The word "impudence" is an improper word to use.

The Treasurer : I heard what the hon. member said; he accused me of falsehood. Is that parliamentary?

*Mr. Speaker* : I did not hear him use that word.

The Treasurer : He did use it. He referred to the impudence of my falsehoods.

*Mr. Walker* : I do not know to what the Treasurer is referring.

The Treasurer : Did the hon. member use those words?

*Mr. Walker* : I am under the impression I said that in accusing me of having attempted to intimidate any hon. member he was accusing me falsely, and it was a falsehood to make that accusation.

*Mr. Speaker* : The member must know that he cannot use that language in the House. There are words which may be used that might bear the same meaning, but he must withdraw those words, which are objectionable.

*Mr. Walker* : In deference to your ruling, I will withdraw the words and call it a lie.

*Mr. Speaker* : The hon. member cannot do that. He knows perfectly well that it is out of order.

*Mr. Holman* : The member for Kanowna took exception to the remarks by the Treasurer, who said that he had attempted to intimidate the member for Katanning. The member for Kanowna asked for a withdrawal, and he is entitled to receive one.

*Mr. Speaker* : I must ask the member for Kanowna to withdraw the word he used. The expression he used originally was unparliamentary, and the word "lie" is certainly no substitute for it.

*Mr. Walker* : To put it in polite diction, but to mean absolutely the same thing, I will use the word "untrue."

*Mr. Speaker* : That word also is objectionable. I have a list of words here which I think would surprise members if I were to quote them. They are considered objectionable and yet are frequently used by members in this House. They have been ruled as objectionable in the House of Commons. They are perhaps ancient, and we are more liberal in Australia, but the words the hon. member for Kanowna used cannot be tolerated and must be withdrawn.

*Mr. Walker* : In deference to that ruling I must withdraw, but I would ask

you how I am to characterise——

*The Treasurer* : Is this a question for argument. I want an unqualified withdrawal.

*Mr. Speaker* : He has withdrawn the remark and the matter should be allowed to rest, without making any addition.

*The Treasurer* : I was about to remark, when the unseemly interjection took place, that I objected to any member, even with the eloquence which undoubtedly the member for Kanowna possesses to an abnormal degree, endeavouring to intimidate any member in the House.

*Mr. Walker* : I draw attention to that direct charge. It is unparliamentary undoubtedly to accuse a member of intimidating any other member, for that is in the nature of a threat. I have tried to protect myself from such an accusation, and I find no word in the English language that is parliamentary by which I can characterise the conduct of the Treasurer. I ask your ruling as to whether it is in order for an hon. member to make an accusation of that kind, which is absolutely incorrect, and is more than misleading. It is insinuating motives of the worst character to an hon. member. This is imputing to a member motives of the worst character. The hon. member should be compelled to withdraw that statement.

*Mr. Speaker* : As is well known, no member may impute motives; therefore the Treasurer must not do so. I confess I have not heard him do so.

#### Debate.

The TREASURER : The question of threats cropped up in this debate, and I should like to remind the member for Pilbarra (Mr. Underwood), not now in his place, that it is certainly unparliamentary to threaten the House that he will withdraw from a select committee if the majority of the House decide to make the member for Katanning a member of that committee. The member for Pilbarra ought to understand, or if he does not his leader ought to understand for him and explain to him, that once he is appointed on a select committee he is bound

by the order of the House, and cannot be relieved from the responsibilities of that position except by a direct resolution of the House. [*Mr. Bath* : A motion can be tabled to discharge him.] I know that very well, but the hon. member threatened the House that if a certain course was not taken he would decline to sit on the committee; and that I consider is distinctly out of order.

*Mr. A. J. Wilson* : Attention should have been drawn to that at the time—not now.

The TREASURER : Probably, but it is out of order; and throughout the debate, so far as I have heard—I was for a short time out of the House—it seems to me that members opposite have made up their minds that what they cannot get in one way they will endeavour to get in another; namely, the appointment of a certain member on this committee. I take the strongest exception to the statement that there has been any hard and fast rule for the appointment of select committees. Except at brief intervals I remember well how select committees were appointed in the olden days. There was never a question of one side of the House or the other. Members were appointed according to their knowledge, experience, and ability to investigate the question; and that practice has been followed out, as was proved by my colleague the Minister for Mines, in the appointment of a committee similar to the one under discussion.

*Mr. Bath* : Go through the records, and you will find you are absolutely wrong; and the Minister for Mines knows better.

The TREASURER : The Leader of the Opposition is always ready to say that the action of the Government is despicable; that is the pet word he applies to any action of the Government. Of course I can understand that he may despise some actions of the Government, but he must bow to the ruling of the majority, and must remember that the majority of members do not look on the actions of the Government in the same light as he regards them. It is his want of experience, and lack of general broadness of view of what goes on in this

world, that accounts for his attitude. I ask the majority of the House to believe that the Premier was actuated by the best of motives when he moved the amendment to this motion, and I go farther and say he was under the impression that there would be no opposition to substituting the member for Katanning for the member for Mount Magnet. From what the Premier has told me I believe that is the position exactly. On other occasions, I remember, when an alteration was needed on a committee, it has been the custom that the member who moved for the committee should consult with the Leader of the House as to whose name should be substituted for that of the member retiring. [*Mr. Gull* : That does not bind members.] Not at all; there is nothing binding on members. When they take a ballot they vote according to their conscience. [*Mr. Troy* : They vote according to the names submitted to them by the Whip.] Evidently members on the opposite side voted according to the name supplied to them by the member for Guildford (Mr. Johnson), on this occasion. That seems quite clear; yet we have the Leader of the Opposition saying that our action in this matter is despicable because he has been guilty of a despicable action for which he blames us. Let me say at once that, as my colleague has pointed out, the majority must rule; that so long as I am a member of a Government with a majority behind it, Ministers will not give way to the minority. [*Mr. Bath* : Make every select committee a whitewashing committee.] The hon. member, I presume, wishes to make the committee of his own way of thinking. Why all this trouble if members opposite wish a full, free, and fair inquiry on this subject which is of great importance to the country? Why all this trouble because of the substitution of another member for the member for Gascoyne? [*Mr. Bath* : Because of party tactics.] Party tactics? Do the Opposition want on this committee men who have had experience of the question under consideration, or do they want inexperienced men? Do they want a gentleman who has been brought up in pastoral pursuits and knows all about

them, or one who has been brought up in other pursuits? That is the question; and all the charges bandied about and the strong language used in this debate would really make one suspect the motives of members opposite, who insist on a certain member being put on the committee. [*Mr. Johnson* : Why did you make a party move by continuing to speak the other night?] My only reason for speaking five minutes longer than I might have spoken was to give the member for Murray (Mr. McLarty) an opportunity of speaking, he having indicated to the Premier a wish to speak after tea; and therefore I continued speaking until we reached the tea hour. That is perfectly true. Members can ask the hon. member himself; and do they take exception to it? Have not they done that scores of times? Am I to be blamed for giving a member an opportunity of speaking? The whole thing is too childish. [*Mr. A. J. Wilson* : What about a minority report?] A minority report can be put in if desired. [*Mr. Holman* : No; that is not allowed. I have been prevented from putting one in.] The hon. member may be right, I do not know. But before I sit down I say emphatically I am inclined to think the Government have in the past been too lenient and too generous to members opposite. In every question we have endeavoured to consult them. The Leader of the Opposition knows well that the Premier has been all courtesy to him, always consulting him on important matters.

*Mr. Troy* : We do not blame the Premier, who acts by the advice of his colleagues.

The TREASURER : All the speeches before the tea adjournment were putting the blame on the Premier, talking about his sneaking tactics, and using other objectionable forms of speech. It seems to me the breeding of the House is fast departing from it; and if we are to conduct our debates in this manner, if when members find they cannot get their way they rise in a body and walk out, thus insulting the Premier and the House, I think it is time other measures were taken.

Mr. SPEAKER : I may point out, as a member has just risen in his place, what I did not see previously, because it is not always desirable to see. But according to Standing Order 138, "When the Speaker is putting a question, no member shall walk out of or cross the Chamber."

Amendment put, and passed on the voices ; motion as amended agreed to.

#### MOTION—CAMELS IMPORTATION, PAPERS.

Mr. J. B. HOLMAN (Murchison) moved—

*That all papers in connection with the alleged permission to allow Faiz Mahomet to introduce 500 camels into Western Australia, also all papers in connection with the compensation of £2,000 paid to Faiz Mahomet, be laid upon the table of the House.*

He said: I move this because the transaction in question is one of the most disgraceful in which any Government can take part. The question was brought before the House and fought out many years ago. The whole transaction from the start was an attempt by certain persons to get compensation from the Government of this State, to which compensation those persons had neither a legal nor a moral claim. To show that what I say is absolutely true, I may remark that when the question was first brought forward here it was stated that Faiz Mahomet had both a legal and a moral claim ; and the question was referred to a select committee, who reported that Faiz Mahomet had by some means a moral claim. But when the matter was threshed out and members had an opportunity of seeing the evidence for themselves, it was proved, in the opinion of members, that Faiz Mahomet had no moral claim, and the report of the select committee was thrown out. We find that Faiz Mahomet then went to the law courts, where it was proved beyond doubt that he had no legal claim either. The question then rested for years ; a Labour Government held power for twelve months ; and then a gentleman

by whom we are now represented in the old country took office ; the strings were pulled again, and Faiz Mahomet was enabled to get £2,000 of the people's money, and that at a time when our finances were in a very low state. I say the payment of that money was not justified at all. Recently, when I asked some questions on this matter, the Premier gave a misleading answer, stating that Cabinet had authorised Faiz Mahomet to import 500 camels. That is absolutely incorrect. It has never been proved that the Government of Western Australia or any Minister or other person authorised Faiz Mahomet to introduce camels to this State. [*The Treasurer : A permit was granted.*] No permit was proved. Absolutely no permit was granted Faiz Mahomet. The only permit ever granted to him was granted by a former Colonial Secretary, Mr. Randell, who gave him a permit to bring to West Australia some 80 natives of India. As usual, the Treasurer wags his head. I will give him Mr. Randell's own evidence. [*Mr. Gordon : The permit was in evidence.*] It was not in evidence, and never appeared in evidence. Faiz Mahomet in his evidence says he got verbal permission ; but it appears in evidence that the person who was said to have given that verbal permission was absent from the State at the time. The letter written to the Premier was as follows—and it was written on the 3rd October, 1900—

"I have the honour to request permission to import camels from India, in a ship to be chartered for the purpose. The number I wish to import is about 400 or 500. In support of this request I have, as you are aware, been for a long time in the habit of importing camels, and am well known in the Colony. I farther have the honour to request that the men in charge of the camels be allowed to land with them. The number of men would be from 70 to 80, who are all natives of India and Afghanistan, and have been in the Colony previously, and are able to write and speak English. I may remind you also that on a previous interview which I



and Mr. R. S. Haynes had the honour of having with you, this matter was discussed. Will you be so good as to give me a letter containing the above authority, which I may use in India to facilitate my proceedings."

The reply given by Mr. Randell was as follows:—

"Provided the facts are as stated, the Act enables me to do as requested, and I will have pleasure in granting the certificate; although if the persons mentioned can write English, there is no necessity for a certificate."

That was the application made, dated the 3rd October, 1900. Then we may go on to Mr. Randell's evidence, commencing at question 195:—

"Would you like that letter of yours, of the 6th October, in reply, to be put in?—Yes, certainly I should like that to be inserted in your minutes. The letter, which was from the Under Secretary to Mr. Faiz Mahomet, contained the following:

"Replying to your letter of the 3rd instant, to the Premier, stating that you were about to import from 400 to 500 camels, and asking for permission to land from 70 to 80 attendants, natives of India and Afghanistan, with them, I am instructed to say that, if the men are able to write and speak English as alleged, they should be able to satisfactorily pass the test; this being so, the Colonial Secretary will be pleased to issue certificates on application, after arrival in the Colony, if it be desired, although under the Act there would be no necessity for certificates."

The only permission granted to Faiz Mahomet was in connection with the importation, or rather the landing, of the attendants. The whole matter was brought forward in order to lead the Colonial Secretary to believe that permission was granted to land 500 camels. Here is a question that was asked by Mr. Atkins:—

"Is it clear to your mind that that letter did not to you imply you had any right to permit camels to land, or do you acknowledge any right of Faiz Mahomet to land camels?—No.

I had no authority; no power. It was not in my department at all, and I distinctly told Mr. Haynes that. Mr. Haynes was well aware of it. If this authority is going to be used in such a fashion, then it will be used, I was going to say surreptitiously, but that is not the word."

There was another question asked—"He would be using it for a purpose for which it was not intended?"—showing clearly it never was intended to grant Faiz Mahomet permission to land camels in this country at all. Then there is the evidence given by Mr. Throssell, which showed clearly to his mind, beyond the shadow of a doubt, that unfair means were brought to try and make the Government believe that permission had been granted to land camels. When Mr. Throssell found that underhand tactics were being adopted, he took the Executive Council minute off the file and burnt it. When Mr. Rason had an opportunity, the first thing he did was to give Faiz Mahomet £2,000; and this was after Faiz Mahomet had put the country to the expense of thousands of pounds in inquiring into this question in those days, and fighting the case in the law courts. Faiz Mahomet lost in the law courts, and then Mr. Rason, in the face of that, and in the face of the evidence given before the select committee, gave away £2,000 of the people's money. [Mr. Collier: Mr. Rason is away.] He is away; but he left some legacies that are a disgrace to him. I am sorry Mr. Rason is not here, or I would give him some wholesome truths. In connection with another matter we have a considerable amount of disagreement because the Parliament of the State have decided that they should recognise the services of a man who had in the past done great service to the State—I speak now of Mr. Illingworth. It has been stated that he is to receive £1,000, and that is causing a great deal of dissension amongst the people of the country. But what will the people think when they find out that in the face of a decision of Parliament when it was decided by an enormous majority not to give Faiz Mahomet any compensation,

and in spite of the decision of the law courts, what will people think when, as soon as Parliament is in recess, as soon as Mr. Rason and his gang got into recess after the short session of 1905, he gave away £2,000 of the people's money to a man having no right to it. I will say this about the gentleman concerned, although dark in colour I believe he is a "white man" at heart. I am speaking in no way detrimental to the person. I have met Mahomet, and he plays as good and manly a part as any man on the face of the earth. I do not want any remarks which I make to be taken as a reflection on him; I am not speaking of him as an individual, but of the action of the Government in giving away £2,000 of the people's money in opposition to a vote of Parliament and against a decision of the law courts.

*Mr. Butcher:* Under what authority was that?

*Mr. HOLMAN:* I do not know what authority it was. But in my humble opinion, when I get the papers on the table I may be able to find out who was responsible for giving Faiz Mahomet this money, and who was in it. [*Mr. Taylor:* That is the trouble.] Possibly others than Faiz Mahomet had a share in the £2,000. And that is the reason I am bringing the matter before the House at the present time. I do not blame Faiz Mahomet for getting compensation if he could. He fought the question from the very start; he fought it after the alleged permission was given; he fought it after permission was refused; he fought it by petitions, in select committees, through the law courts, and he lost. Then he met a pliable Government, who robbed the people of £2,000 and gave it to Faiz Mahomet. [*Mr. Collier:* When was it given?] In March, 1906, by Mr. Rason and his colleagues as Ministers. It has been stated, in reply to a question asked in the House, that compensation was recommended by a select committee of the House. Compensation was recommended by a select committee of the House; but that statement given in reply to my question is absolutely misleading and unfair. It is given to try and make members believe

that compensation was recommended by a committee. But why did not the Premier say more than that; that compensation was rejected by an overwhelming majority in the Assembly? It was unfair for the Premier to give the answer he did.

*Mr. Butcher:* Have you the report of the select committee?

*Mr. HOLMAN:* Yes. So far as the statement went it was true. But, to show how misleading that statement was, when the recommendation of the select committee was brought before the House, it was rejected by 18 votes to 8, or a majority of 10, which shows that the statement of the Premier was absolutely misleading. It is a half-truth which is worse than a deliberate lie. Such an answer misleads the whole of the people. Why did not the Premier continue his reply to the question and say that compensation was recommended by a select committee, but refused by an overwhelming majority in the House? The voice of the House is far and away more powerful than the report of a select committee; and it is absolutely unfair when the report of a select committee is thrown out by a majority of members for the Premier to bring that answer forward; it is misleading. We have numbers of select committees bringing forward recommendations which have never been thrown out by the House. We have had recommendations brought forward by select committees and carried by the House; but the Government have done nothing. Take for instance two cases. We have the case of Faiz Mahomet, who is a powerful man and has had a lot of money. Then take the case and the position of Mrs. Tracey, a woman who, I believe myself, if everyone had their rights, would be in a better position than she is to-day. But she has not the money to hand out as Faiz Mahomet may have done. She could not get her case dealt with. A select committee brought down a recommendation—I do not say it was carried—that she should have a compassionate allowance. I think it was carried by the House. But the other case is entirely different. Mrs. Tracey can get nothing because she can-

not grease the palms of some persons in high positions. That is my opinion.

*As to imputing motives.*

*The Treasurer :* To whom do you refer as "persons in high positions"?

*Mr. Holman :* You are best able to judge that yourself.

*The Treasurer :* I think the hon. member is going too far in suggesting that the palms of people in high places have been greased, or can be greased.

*Mr. Holman :* I will read Mr. Throssell's evidence to show you a more grave position than that.

*Mr. Speaker :* I understood the hon. member to refer to something that occurred years ago.

*The Treasurer :* The hon. member said that Mrs. Tracey could not get recognition from Parliament because she was not able to grease the palms of people in high positions. There can be only one construction put on that.

*Mr. Speaker :* Only one construction can be put on that—the Ministry of the day. If the hon. member means that, he must withdraw the remark.

*Mr. Holman :* I do not mean that ; I refer to an action where thousands of pounds were offered, and when this man got his camels ; and I ask is Mrs. Tracey in the same position ?

*The Treasurer :* The hon. member said Mrs. Tracey could not get recognition of her claims at the hands of the Government because she was not able to grease the palms of people in high positions. Only one construction can be put on that, that Mrs. Tracey was not able to grease the palms of some members of the Government.

*Mr. Walker :* It does not mean that necessarily.

*The Treasurer :* Only one construction can be put on that, and I ask you to rule whether the hon. member is in order. I must ask that he withdraw the statement.

*Mr. Speaker :* Does the hon. member refer to the Ministry of the day ?

*Mr. Holman :* I do not refer to the Ministry of the day ; but I refer to people in positions, and I will quote the remarks of Mr. Throssell.

*Mr. Speaker :* I am bound to take the hon member's explanation ; but I ask him does he mean to refer to the Ministry of the day ? If he does he must withdraw the remark.

*Mr. Holman :* I mean exactly what I said—if Mrs. Tracey had more influence, and had money, she would have received better treatment than she has received.

*The Treasurer :* At the hands of the Government ? Then I ask that the hon. member withdraw, on your ruling.

*Mr. Speaker :* The hon. member must withdraw the remark. No other construction can be put on the remark than that he is reflecting on Ministers.

*Mr. Angwin :* I would like to ask you, Mr. Speaker—

*Mr. Speaker :* I have given my ruling. The hon. member has used certain words and I can find no other construction for those words.

*The Treasurer :* I ask that the hon. member withdraw the statement.

*Mr. Holman :* Oh, shut up ! I am addressing the Speaker, and I have a right to the floor of the House. I would like to ask you whether I referred to any Treasurer, or to anyone on the Treasury bench. I may say that all the present Ministers were not in power at that time.

*The Treasurer :* This is an absolute defiance of the Chair.

*Mr. Speaker :* I put a certain construction on your remarks ; I could not put any other meaning on them. The hon. member said that Mrs. Tracey might have obtained compensation if she had the money, that it was possible to do it by greasing their palms. I must ask the hon. member to withdraw that.

#### *Debate.*

*Mr. HOLMAN :* I referred to the influence she might use with people in high positions. I did not refer to the Ministers when making that remark. But I am going to read the evidence of Mr. Throssell to show that he had suspicions at the time, and to show what he did—what no Cabinet Minister had done before or has done since—he threw the minute to Executive Council into the

fire. This was the evidence he gave before the select committee:—

By the Chairman: Were you Premier of this State in May, 1901?—Yes.

Will you please detail all the circumstances relating to the Order in Council of the 21st May?—So far as I can recollect the circumstances, and my action thereon, they are briefly these. If I remember rightly, Mr. Randell had given a sort of permission, or what was interpreted as a permission, to introduce camels. (Letter of Faiz Mahomet requesting permission handed to witness.) That letter serves to refresh my memory. I think certain action was taken by those interested, to import the camels. Then the question came up again, and it was decided that the camels should not be permitted to land in the colony. Some time after there was a rumour that the ship had actually arrived at Geraldton with the camels, and there was a great outcry there against their introduction. Upon inquiry, it was found that the ship had not arrived at all; so I think the matter remained in *statu quo* for some considerable time. But the decision was that these camels were not to be allowed to come in. And when the question came before Mr. Moran who was then Minister for Lands, I was given to understand that he emphatically set his face against the introduction of these camels, and caused a telegram to be sent to India that on no account were they to be introduced, so the matter went on. Then I found, without having been consulted in the matter that permission was given by Mr. Moran, the then Minister for Lands, that these camels might be introduced. This matter came before the Executive Council; it was never before the Cabinet. The Executive Council is merely a formal mode of approving of all matters brought before us by passing the documents for the Governor's initials. At the conclusion of the Executive meeting, I discovered that one of the things passed through in this fashion was a permit that these camels should be landed, and hearing strong rumours through the Stock Inspector, Mr. Morton Craig, that he and others had been approached, offering directly or indirectly £1,000 to anyone, to use his own words, who would engineer the arrival of the camels, I naturally was most surprised and indignant that the whole previous action should be reversed without any consultation having taken place between Ministers; and, on the impulse of the moment, I did what I immediately recognised to be a very foolish and wrong thing—I may say in passing that I explained it all to the late Premier, Mr. Leake—on the impulse of the moment I tore out the Executive minute and threw it into the fire. Not approving of the action, I instantly sent to the Lands Department to tell them that no farther action must be taken as to the landing of the camels, so the matter would have been settled; but while they took the action they forgot to send to the printing office to with-

draw the Proclamation permitting them to be introduced. Consequently my intended action to stop them and to adhere to the previous action of the Government was upset by the Proclamation appearing next day in the *Government Gazette*. I took the earliest opportunity of explaining to the Minister for Lands, Mr. Moran; and I am sure he was moved by nothing but proper motives in the action which he took. It was the result of inexperience in not having consulted me or his colleagues in the matter. But you will see where there was no harm in it, although the Stock Inspector told us it was objectionable, there was no harm in the landing of the camels. I was naturally on the alert, when the rumours came to me through Mr. Craig and others, that there should be no possibility of collusion on the part of the Government, when an affair was talked of in the streets that £1,000 was offered to anyone who would engineer the matter through. I do not know that I can give any farther information. Shortly after that I think I handed over to Mr. Leake, and one of my very first acts was to visit him and explain the matter fully to him. Of course, as a political opponent, and during the turmoil of the moment, he may have naturally—I say “naturally” advisedly—thought there was something in the rumours and thought he had made one of the discoveries against the old Government as to abuses, because his words to me were, “They will not land; I shall see about this £1,000.” I desire to say that although an error may have been committed, I have no question in saying that an indiscretion was committed in not consulting Ministers. I have satisfied myself long ago as far as the members of the Government were concerned they were entirely above suspicion. It was a sheer act of kindness, and done on the impulse of the moment. I do not know that I can recall any other circumstance connected with it.

By Mr. Holman: Do you know whether permission was ever given to Faiz Mahomet either personally or by his solicitors to land camels in Western Australia previous to May, 1901?—Nothing beyond Mr. Randell's action; so far as my own action is concerned, all I heard concerning them was acting on the advice of the Stock Inspector that we were adverse to the landing. Mr. Randell's memorandum did not refer to the camels. I think he explained that the permit was in reference to the men, not the camels. Had he read the memorandum carefully, he would have seen that it did convey that the camels were to come in, but he meant only to refer to the men. He was dealing with alien immigration at the time; but the letter refers to the camels as well as to the men.

Then he went on about the £1,000 again, and we remember Mr. Moran in this House stating that he was offered £1,000 if he would give permission to land camels. On the face of that when we find

that the alleged permission to land these camels cost the country some £5,000, yet we find a similar transaction took place a few days ago, that has not only landed the country in a large expenditure but is being the means of prohibiting the exportation of any of our stock into the Eastern States. After we had the experience over the Faiz Mahomet question, after members of the Government sitting on the Ministerial benches now paid away £2,000 to Faiz Mahomet, which they had no right to do, we find that another man is able to come forward and get permission to land diseased camels in this State, causing the loss of thousands of pounds to people in the country. Of the 204 camels Faiz Mahomet took to Kurrachi 25 died there and 81 died out of the remaining 179 when they left Kurrachi before they could be sent back to where they came from; and at the time Mr. Morton Craig strongly advised that these camels be not allowed to come to Western Australia on account of glanders, foot, mouth, and other diseases, the Government of the day was alleged to have given permission. Had a Labour Government done the same, or given away the people's money against the voice of Parliament, or given permission to bring camels into the country, probably causing ruination to a large number of people and throwing back one of our great industries—

*As to Order and Language.*

*The Treasurer* interjected.

Mr. HOLMAN: I say it is absolutely true. I refer you, Mr. Speaker, to the statement of the Minister, who says the statement I made is not true.

Mr. Speaker: The hon. member did not say that.

*The Treasurer*: No; I said that it had not been done.

Mr. Holman: I am not deaf yet. I heard you say, "it is not true." If the hon. member will eat the lie that he used he is not capable—

*The Treasurer*: I must ask that the hon. member be kept within reasonable bounds.

*The Speaker*: The hon. member must withdraw.

Mr. Holman: I will have to withdraw, but I distinctly say that the Minister said "it is not true"; and that is giving me the lie direct.

*The Treasurer*: I did not say it.

Mr. Holman: I take exception to the remark of the Treasurer.

Mr. Speaker: If the Treasurer used the words the hon. member is quite right to take exception and the Treasurer must withdraw, but I did not hear the Treasurer use the words.

*The Treasurer*: It was not said. I said that the Government had not issued a permit to permit diseased camels to come into the State.

Mr. Taylor: He never made that statement; he said "it is not true." The House is not deaf.

*The Treasurer*: I ask the hon. member to withdraw the statement. He is accusing me of making a statement I did not make.

Mr. Holman: To withdraw for a man like that! He is not worth it.

Mr. Speaker: The hon. member must withdraw, and I must also call on the member for Mount Margaret to withdraw.

Mr. Taylor: What remark?

Mr. Speaker: The Treasurer stated that he did not make use of those words. I was listening and I did not hear them, and I am bound to accept the Treasurer's statement.

Mr. Taylor: That is true; you are bound to accept his statement, as I am bound by the procedure of the House to withdraw.

Mr. Holman: I hope that if any member makes an interjection, he will be good enough to stand by the interjection.

*Debate.*

Mr. HOLMAN (continuing): In connection with this matter the same tactics were adopted in those years as were adopted lately, the means of trying to introduce camels into Western Australia when they were not required. The Minister for Mines who was a member of the Cabinet at the time this compensation was granted to Faiz Mahomet was also a member of Parliament and a Minister when the question was fought out in the House,

and though the Minister for Mines was not man enough to vote in opposition to the recommendation brought down by the select committee—

*The Treasurer* : "Not man enough"—that is nice language !

Mr. HOLMAN : Mr. Speaker, did you hear that remark ?

Mr. SPEAKER : I heard the Treasurer say it was objectionable language to say "not man enough."

Mr. HOLMAN : Then I will say the Minister for Mines is man enough to vote against a recommendation of a select committee in the House, and is man enough to give the sum of £2,000 to the gentleman afterwards. While we find Ministers in the House, where their votes can be criticised by the people, voting against the recommendation of the select committee, when the question was in Cabinet, when it was in the dark and could be covered up for 12 or 18 months and is only just discovered to-day by an accident, we find Ministers quite willing to give away £2,000 of the people's money. I ask when are these things going to stop ? It is not the only matter done by these same Ministers. Resolutions have been carried in the House against pensions being given to youths of 25 and 26 years of age, carried by tremendous majorities in this House ; but members of the Government have gone beyond the action of Parliament and given pensions to these people, whom Parliament decided should not have them.

*The Treasurer* : Why not name a case ?

Mr. HOLMAN : Name a case ? I brought it before the Treasurer when we were dealing with the Estimates last year.

*The Treasurer* : Bring it forward again.

Mr. HOLMAN : If it were the bringing something else forward, in all probability I would get more consideration. I think I have made out quite a good enough case to have these papers laid on the table. I wish to know in the first place who is responsible for the giving of this £2,000 to Faiz Mahomet. I desire to say that I have no intention of reflecting on the integrity of our Judges. It has been stated that Judge McMillan, in giving judgment on that case, said it was

a case for compensation. With all due respect to that Judge, I maintain that Parliament has a voice even above him, and Parliament with the full facts of the case before it, decided beyond all shadow of doubt and by a large majority of 18 votes to 8 that Faiz Mahomet was not entitled to any compensation from a moral point of view. I maintain that Judge McMillan, if he did say this in giving judgment on that case, went outside his province when he dictated to Parliament what to do. I maintain that, with all due respect to the Judge, Parliament has the first voice in the government of the country, and no Judge, even of the Supreme Court, can dictate to that body. That is not the only case that has occurred, for a few days ago we had an ordinary magistrate saying that if a certain law had been passed by Parliament it was ridiculous. When those people make such remarks from their places on the bench, they are teaching the people to ridicule the law, and are a disgrace to the position they occupy when they say the law passed is ridiculous. I refer to the remarks made by Mr. Roe when dealing with a factories case in connection with some Chinese. In all probability he tried to protect those who are the best people for him to associate with, the Chinese at the Weld Club.

Mr. SPEAKER : The hon. member is outside the question before the House.

Mr. HOLMAN : I did get drawn away in the heat of the moment, when I thought of the indignity which the House has been subjected to by a magistrate saying that the law they passed is disgraceful. As to the camels, I maintain that not enough consideration has been given to the question. I should like to ask what position stock owners of the State are in if they desire to send stock away to the Eastern States. It was proved beyond doubt that of the camels which came to Kurrachi for import to Western Australia in 1901, 50 per cent. died. It was also proved beyond doubt that it was merely a gamble by Faiz Mahomet, who stood to win £17,000 had he landed the camels here. In face of the facts that Parliament decided that Faiz Mahomet should not be compen-

sated, and the law courts decided that he had no legal claim, we find the Premier (Mr. Rason) and his colleagues giving £2,000 of the people's money, which they could ill afford. It is a standing disgrace that, after a vote of Parliament and the decision of the law courts, any Premier or Minister should give away the people's money in this way. It is a breach of trust, and had it been done by any other Government, the Press of the State would have brought the matter forward and hounded that Government down and treated them in the way they should be for doing such a thing.

The ATTORNEY GENERAL (Hon. N. Keenan): Fortunately I am in the position of being able to speak absolutely dispassionately in this matter, and I regard that as extremely fortunate on this occasion, judging by the heat of the remarks the mover of the motion has thought fit to indulge in. Particularly do I object to the remarks he has directed against the Supreme Court Bench and a magistrate of the inferior court. I may say at once that whatever the merits may be of the case the hon. member has submitted, there can be no question of the absolute want of merits in the attack he has made on members of the judicial bench, when it is absolutely beyond their power to reply. My knowledge of the facts of this case arises entirely from the reading of the file, and I would like to place the House in possession of the facts which are apparent from the judgment of Mr. Justice McMillan in the case brought by Faiz Mahomet against the Crown by way of petition of right. In reading portion of the judgment and putting before the House the facts, I would like to preface my remarks by saying it would be impossible to imagine a more conscientious or painstaking man than Mr. Justice McMillan, or a man less likely to commit himself to strong statements not fully warranted by the facts. I defy anyone having had the most cursory experience of the administration of the law by that gentleman to hold any other opinion. The action brought by Faiz Mahomet was by petition of right,

and by it he claimed damages for breach of an agreement by which he was to be given permission to bring a shipment of 400 or 500 camels from India to Western Australia. The petitioner was an Afghan and in the year 1900, seven years ago, was carrying on business in the State as a camel carrier. From the facts as shown in the case, he had been anxious for some time previously to the time mentioned to obtain leave to introduce into Western Australia some camels and also some Afghan attendants. There was in existence at that time an Order in Council of February 3rd, 1897, made under the Stock Diseases Act, 1895, which prohibited the introduction of camels into Western Australia. There was also an Act in force known as the Immigration Restriction Act of 1897 which placed difficulties, although not absolutely prohibitive ones, in the way of the introduction of native attendants. In these circumstances the petitioner, Faiz Mahomet, who knew of the difficulties, although he appeared not to have known the actual terms of the Order in Council, saw Mr. Craig, who was then the Chief Inspector of Stock, and asked him to grant permission for the introduction of these camels. Mr. Craig informed him that he could not give the required permission, and Faiz Mahomet said that he would go and see Sir John Forrest, who was then in power. This was previous to Federation. He asked Mr. Craig whether, in the event of that permission being obtained from Sir John Forrest, he would give the necessary authority from his department for the introduction of the camels. Mr. Craig replied that in such circumstances he would be prepared to carry out the instructions he might receive. Then Faiz Mahomet saw Sir John Forrest, and he was accompanied at that interview by Mr. R. S. Haynes. The latter gentleman did not go as a legal adviser but more in the nature of an interpreter, to convey to Sir John Forrest the wishes or the requests of Faiz Mahomet, who was not an apt English scholar. It appeared from the evidence of Mr. Haynes that, at the time of that interview between Faiz Mahomet, Sir John Forrest and himself, neither

Sir John nor he was aware of the existence of this Order in Council of February 3rd, 1897. They both appreciated the difficulty of bringing in the native attendants, but lost sight of the fact that under the Order the prohibition was absolute against the importation of camels. As the result of the interview Sir John Forrest, who had knowledge of the fact that Faiz Mahomet had brought camels here in the early days of opening up the goldfields and had been of some assistance to make the farther fields of the State available to the gold-mining industry, was anxious if possible to assist in the matter. Sir John Forrest suggested that the request should be put in writing and accordingly, on October 3rd, a letter was written by Mr. Haynes to Sir John Forrest in the following terms. [Mr. Holman : The letter has been read.] Anyhow, the request was put in writing. The statement made through Mr. Haynes by Faiz Mahomet to Sir John Forrest, when applying for this leave, was to the effect, as was shown by the evidence taken at the hearing of the petition of right, that Sir John Forrest and Mr. Haynes were both unaware of the fact that the Order in Council of February, 1897, prohibited absolutely the importation of camels, and that the difficulty they were dealing with was more that of allowing the attendants to accompany the animals. The learned Judge pointed out that the letter contained clear reference to the camels, and expressed the request of Faiz Mahomet to be allowed to import them. The letter was given by Mr. Haynes to Faiz Mahomet and was taken by the latter to Sir John Forrest, who merely handed the communication on to Mr. Randell, who was then Minister in charge of the department. That Minister endorsed the letter with the following memorandum : " Provided the facts are as stated, the Act enables me to do as requested, and I will have pleasure in granting the certificate ; although if the persons mentioned can write English, there is no necessity for the permission." It will be seen by that that Mr. Randell also was ignorant of the fact that the real difficulty was not with regard to the at-

tendants, but as to the landing of the camels.

Mr. Holman : Read Mr. Randell's evidence to the select committee when he informed them that he told Mr. Haynes the matter did not come in his department.

Mr. Taylor : Mr. Randell referred the applicants to the Lands Department.

The ATTORNEY GENERAL : I am giving the absolute sworn evidence. If the member looks it up he will find that Mr. Randell endorsed on Sir John Forrest's letter the memorandum I have read.

Mr. Holman : He said he could only deal with aliens, and the letter was not signed in his office.

The ATTORNEY GENERAL : I am not going to trouble about where he signed the letter, nor would I make the answer to such an inquiry a solution of the question. It was signed, and what happened was that the letter was handed back to Mr. Haynes and Faiz Mahomet took it with him to India. It was anticipated that that authority would relieve the difficulties that would otherwise be in his way. Having obtained the letter and that endorsement Faiz Mahomet left for India. Sir John Forrest did not know he was going, or in fact that he had gone, but some time in January following, that was in the year 1901, Mr. Haynes discovered the existence of this Order in Council of February 1897. That appears on sworn evidence again, in the hearing of the petition of right. It is shown that Mr. Haynes, whom one would expect to have known of the existence of the Order in Council, did not apparently become aware of it until January, 1901. The learned Judge in dealing with the action he took, said :—

" I think I can hardly do better in setting out what took place after this date than adopt the language used in the report of the select committee, which I think correctly states the facts. The report states, ' On or about the 14th January, the petitioner's legal advisers were acquainted with the fact that until the revocation of the Order in Council of February, 1897, was cancelled, no camels would be allowed to



land from Indian ports. Farther representations were then made on the 14th January by the legal advisers of Faiz Mahomet, and it appears that the Chief Inspector of Stock, on the 16th January, assumed that permission had been given to land these camels, with the result that instructions were given to the Stock Department on the 21st January, 1901, to have the necessary order prepared and gazetted. Delay was occasioned through the name of the vessel by which the camels were to arrive being unknown, but, still, without this information, the said notice was gazetted on the 24th May, 1901, and cancelled on the 7th June, 1901."

I will show from the files that certain acts took place from which arose the claim for damages which was pressed in the Court against the Crown. The learned Judge also said:—

"Judging from the correspondence taken from the Government files, and the evidence given by witnesses, it is quite clear the intention of the Government on 31st January, 1901, was to give, and they did give on 24th May the permission asked for by Faiz Mahomet in his letter of the 3rd October, 1900."

In the meanwhile, having obtained that first letter with the endorsement by Mr. Randell, Faiz Mahomet, as I have said, went to India. It appears by his evidence that he incurred a good deal of expense before the date of the existence of the Order was discovered in January, 1901. If it had not been for the action of the authorities subsequent to that date, by cancelling the Order in Council, it would have been possible, and this was pointed out by the Judge, to have saved the greater portion of the expense which Faiz Mahomet incurred. In January, 1901, it is true, he had gone to India, and had probably incurred some expense of a minor character, and may have entered into certain contracts for the purchase of camels, but he could probably have cancelled those contracts for a consideration, or resold the camels at a small loss. But, in consequence of the revocation of the Order in Council of 1897, gazetted in May, it appeared and reason-

ably appeared to this man that there was no reason why he should not continue to carry out his arrangements for the importation of the camels. In fact, it would be impossible for any person of ordinary sense to come to any other conclusion than that he was justified in thus proceeding. And accordingly he did proceed. He was induced by the action then taken to keep the camels and continue his negotiations for bringing them to this State. When the *Gazette* notice of the 24th May was cancelled on the 7th June he then found himself in the position of having actually purchased outright a number of camels, and having entered into arrangements for freight; and that was the ground on which he based the loss he had incurred, and for which he submitted he had a claim against the State. I am talking about the loss he had actually incurred. [Mr. Holman interjected.] When I rose I stated that my own knowledge of the facts was absolutely nil; that I depended entirely on files, not having been a member of Parliament when these events took place. I am now reading from a judgment of Mr. Justice McMillan, and am giving the House only the facts of the judgment, not the comments on them; but I shall ask the House to allow me to give some of my comments also, which I think it is right to take into consideration. His Honour pointed out that from the evidence before him he came to the conclusion that whilst in the possession of Faiz Mahomet the camels had depreciated very much in condition, and Faiz Mahomet had incurred very great loss in connection with them, had also spent a good deal of money in going to India, and had farther lost the prospective profits he would undoubtedly have made if he had been allowed to introduce the camels. His Honour then proceeded to deliver judgment:—

"That the plaintiff had a very strong moral claim against the State can hardly be disputed. He had been misled by the various persons who were acting on behalf of the Government to assume that he had a right to introduce the camels, and on the 21st May an Order in Council was made, which was gazetted on the 24th May, which in

very clear terms says, after reciting the Stock Diseases Act of 1895, and the power of the Governor to exempt from the operation of that Act such stock as he may think fit : 'That His Excellency the Governor does, with the advice of the Executive Council, exempt from the operation of the Order in Council dated the 3rd February, 1897, a shipment of 500 camels consigned from Kurrachee to Fremantle, the property of Faiz Mahomet, who accompanies the consignment.' That Order in Council recognises the position of those different people who had been dealing with Faiz Mahomet, or with Mr Haynes on his behalf, and does what is necessary to give effect to their intention ; and it seems to me that by revoking the Order published in the *Government Gazette* of the 7th June, 1901, a gross injustice was done to the petitioner."

This is an important point which I think the House should weigh. Of course we may differ in our views of what is a gross injustice, when we have either sympathy with or antipathy to the person who has received it. But I am quoting the judgment delivered after a case tried before him by a learned Judge who had no personal reason for making these remarks, and was fully justified by the facts before him ; and I am asking the House to say whether, in view of such a deliverance, it was not imperative on the authorities then in power to consider the position. His Honour pointed out that in his opinion, from the facts submitted to him at the trial, a gross injustice was done to the petitioner. His Honour says :—

"The select committee, under the circumstances to which I will refer, came to the conclusion that the petitioner had made out his case, and that the Government appeared to them to be responsible for any loss incurred after the 21st January, 1901. I think every person who had anything to do with this matter recognised that it was only fair and right that the petitioner, who was a person who had done good work for the State and who had been misled by the promises which were

made to him to be allowed to do that which the Premier, the Colonial Secretary, and the Chief Inspector of Stock had agreed should be done, should be recompensed."

Now it is an important matter, which no Government are in a position to ignore, that when a petition of right is brought against the Crown, and when the Judge who heard the petition is ultimately obliged, on a mere legal technicality, to rule the plaintiff out of court, as happened in this case, and when in delivering that nonsuit in favour of the Crown as defendant the Judge feels called upon to say that in his opinion a case of gross injustice against the plaintiff has been established, and a case which also in His Honour's opinion demands compensation, it is impossible for those who have the duty of protecting not merely the legal rights but also the moral standing of the State to ignore those remarks. And I say without any question that if the gentlemen opposite happened to be in power they too would recognise exactly the same standard of duty as I have submitted. [*Mr. Holman* : Why was it not brought before them ?] I am not in a position to say. The judgment was delivered on the 24th July, 1905, and therefore it would have been impossible to bring the remarks before them. [*Mr. Taylor* : They were in office in July.] At any rate, that was near the end of their term of office. [*Mr. Taylor* : They remained in office for some months afterwards.] However, I was about to remark, and it is an admission on my part which I think is only a just admission, that had hon. members opposite been the Government of the day, and had the very strong remarks of the Judge in this case been brought before them as the Government, they would have been obliged to give the most serious consideration to those remarks ; because no Government can afford to say their legal rights are such that they can defy an action in the law courts ; that when a learned Judge decides in their favour, and points out that there is a moral claim so strong that he himself voices the demand for consideration for that claim, they will ignore the moral aspect of the question.

*Mr. Holman* : Did Mr. Randell give evidence in that case ?

The ATTORNEY GENERAL: I have not read the evidence.

*Mr. Holman*: He was not called, and several others who could have given evidence were not called.

The ATTORNEY GENERAL: To go on farther : whether Mr. Randell was called or not, the facts of the matter are set out in the judgment, and speak for themselves. For instance, it is not open to challenge that this man went to India with a certain letter bearing a certain endorsement; it is not open to challenge that in January, 1901, apparently for the first time, it came to the knowledge of his legal advisers, and through them to the knowledge of the then Government, that there was no authority to permit the landing of those camels. That fact is not in question, nor can it be questioned that subsequently the order was revoked, and that in consequence of this series of events the plaintiff was led into arrangements which involved him in considerable loss, and therefore established a claim on his part for some compensation at the hands of those who had involved him in that loss. The learned Judge points out towards the end of his judgment—

“ I think the moral aspect of the case was stated properly by Mr. Moran, who gave evidence before me, and who, when he first went into office, was strongly opposed to the introduction both of camels and Afghans. But when he knew of the facts, he says that he determined in April, 1901, to have the permit put through in order to keep good faith with a man who had received an undoubted promise from the Government to be allowed to introduce these camels.”

That is sworn evidence before the Judge of a man who was actually a Minister of the Crown at the time these transactions took place. Mr. Moran was personally opposed to the admission into the State of either Afghans or camels. Having learned the facts of the case and become fully satisfied that an undoubted promise had been given to this man, he considered the Government of the day were bound

to keep good faith with him and to allow him to introduce the camels. The judgment proceeds—

“ Mr. Moran farther said that he felt in all honour compelled to adopt the letter of the 3rd October, although in so doing he was not acting in accordance with his own views. In the course of this case, as soon as I knew enough of the facts to enable me to appreciate the legal difficulties and to understand how strong the position was from its moral aspect, I suggested that it might be possible, even at that late hour, to arrive at some settlement.”

As a matter of fact, the Judge suspended the farther hearing of the case for the purpose of allowing the parties to meet and if possible arrive at some settlement ; because, as he said, he appreciated that there were legal difficulties on the part of the plaintiff, altogether apart from the merits of the case, which blocked his remedy; and at the same time he appreciated the very strong moral aspect of the case, and was desirous that he should not be forced to give judgment on a legal technicality which would deprive the plaintiff of any compensation. As a matter of history, there was no settlement arrived at, and the result was, the parties finally forced the learned Judge to deliver the judgment from which I am reading certain extracts. I do not think it necessary to read much farther. The portion I have read sets out very fully the facts of the case, and the rest of the judgment deals partly with the law and partly with the finding by the learned Judge that although Sir John Forrest had misled Faiz Mahomet, Sir John had done so with no intention to deceive him, Sir John being personally ignorant at the time, as was also Mr. Haynes who was present, of this Order in Council; so that although Sir John had misled the plaintiff, he misled him not from any bad motives but from mere ignorance. The only other portion of the judgment which is of importance for the House to be acquainted with is that portion in which his Honour sets out how the matter came before him. Under our Crown Suits Act it becomes necessary for any person taking advantage of its provisions to commence proceedings with-

in a limited time. It appeared that the twelve months which is the time prescribed had expired; and its expiration had been partly led up to by the fact that negotiations were going on between the parties which it was hoped would lead to a settlement. As a result of the expiration of that period it became necessary for the petitioner to proceed in another way, and the only possible remedy he had left was that procedure known as a common-law petition. Such a petition was sent home through the usual channel and came back with the usual endorsement—"Let right be done in our Supreme Court of Western Australia." His Honour says:—

"It has been decided that those words mean a legal right. I have done what is legally right; but I am in the unfortunate position of being obliged to come to the conclusion that although I have done what is right according to law I have not done justice as between the petitioner and the Crown. For these reasons my judgment must be for the Crown. It seems to me that this man has been the sport of successive Ministries, and that has led to the extraordinary proceedings, resulting in a waste of time and money, which have taken place since."

He therefore gave judgment for a nonsuit; but in consequence of the decided view he took of the want of merit on the part of the Crown, he gave judgment without costs. Such was the judgment delivered on the 24th July, 1905; and in consequence of the terms of that judgment, representation was made to the Ministry asking for consideration at their hands of the moral claim for compensation which had been pointed out in such strong terms by the learned Judge. The actual claim for compensation was based on out-of-pocket expenditure, which was supported by vouchers and certain documents, and included telegrams and some legal costs; and on the other hand an allowance was made for certain camels that had been sold. And this representation showed that a round sum of a certain amount could be claimed by the plaintiff justly from the Government of the day. I

can speak most dispassionately because I was not a member of the House at the time.

*Mr. Taylor:* How much did they pay?

The ATTORNEY GENERAL: Two thousand pounds.

*Mr. Taylor:* That amount was not on the Estimates last year; it was smothered up somehow.

The ATTORNEY GENERAL: My own knowledge of the matter is limited. I say this, no matter what Government had been in power, it would have been impossible, having regard to the honour of the State, to ignore the remarks that the Bench felt called on to make on the hearing of the petition of right. It would amount to this; if there had been any loophole by which we could have escaped from the imposition of the penalty in the way of damages for some tort committed by us, could we, having regard to the honour of the country, take up such a position? Would members wish any Government to take up that position?

*Mr. Butcher:* Is that consistent with the action taken up in the bush fires case at Beverley and York?

The ATTORNEY GENERAL: Let me ask the hon. member to deal with the bush fires case. What was the finding of the court? They found that the approximate cause was not the Government engine at all, but possibly a spark from a match by two men who were tramping along the country and who were smoking. And it was proved beyond all doubt in that case that the Government had taken all the precautions in the funnel of the engine by a spark arrester to prevent the occurrence of such loss. Can any such analogy be made here? We have railways being run which are of immense benefit to those who have land contiguous to the line, and to run these railways we must use coal and we use spark arresters. If it were shown that the Government had not used spark arresters, and at the same time that the absence of these arresters had caused the fire, and we could assume that we were at liberty to drive engines through the country without the arresters, the hon. member could say there was a moral

claim against the Government. But when we have taken every precaution, when the railways are run as a benefit to the people and when a fire has taken place which can well be attributed to other causes, can the member assert that there was a moral claim on the Government? If the hon. member can find any word in the judgment which shows that there was a moral claim, then he can submit it to me.

*Mr. Butcher:* There are two fuels; one dangerous and the other not; and the Government chose to use the more dangerous.

**THE ATTORNEY GENERAL:** Although the case came before more than one Judge not a remark was made which can show there was a tittle of moral claim against the Crown; but that is a matter entirely foreign to the present question. What I was dealing with here was simply a claim made by an individual. The claim has been investigated, not merely by a committee of the House but by the law courts of the country. The committee of the House, if I have read rightly, found that this man had acted *bona fide* in making an arrangement for the importation of camels and had suffered loss. The law courts found that although he had not a claim from a legal point of view, he had a claim from a moral point of view, therefore whatever compensation was due should be granted. I am not in a position to say whether £2,000 was in excess or less than what he ought to have got, but I say on the facts it was impossible for any Government to have failed to recognise that the preservation of the good name of the country involved them in the necessity of granting compensation under the circumstances placed before the House.

**Mr. G. TAYLOR (Mount Margaret):** I have listened with interest to the findings of the Supreme Court, and I remember that the counsel who conducted the case on behalf of Mahomet, if I am correct, were Messrs. Harney and Harney; that was for the petition of right. They printed the whole of the case and circulated it amongst members of the House, pointing out that there was in the opinion of the Judge a moral obligation on the

part of the Crown to give some compensation to Faiz Mahomet. The learned Judge, as the Attorney General pointed out, decided on the evidence before the Court, that Sir John Forrest by some means, innocently or otherwise, misled Faiz Mahomet.

*The Attorney General:* Undoubtedly innocently.

**Mr. TAYLOR:** Undoubtedly innocently. I think the Attorney General will admit when I read what was said by the then Colonial Secretary, a colleague of Sir John Forrest, when under examination before a committee of the House, that the impression which is conveyed to him will be removed, and it would also have made a considerable difference I am positive if the Judge had had before him the evidence of the select committee when giving his decision. Here is what Mr. Randell said on that occasion before the select committee, commencing at question 211:—

“Did you understand from the Lands Department that Sir John Forrest had committed the Government?—Oh, no. So far as I know, Sir John never appeared in the matter.”

So far as I know, as Colonial Secretary, Sir John Forrest did not appear in the matter. He goes on to say—

And Mr. Haynes, I presume, came from the Premier to you with that letter. From the context of his letter to Faiz Mahomet, I should conclude that?—I am afraid that point has gone clean from my mind. Mr. Haynes, so far as I can remember, brought the letter personally to me.

We find in a question before that asked by Mr. Atkins, a member of the committee—

Can you give the committee any information concerning Sir John Forrest's doings in this matter?—I cannot. I do not think Sir John Forrest had anything to do with it. That is my opinion.

He goes on farther and says he believed Sir John Forrest was absent from the State. I think if these matters had been placed before the Supreme Court Judge and also the matters that are contained in the report of the select committee and

the speeches that were delivered by the then Minister for Lands, Mr. C. J. Moran, and the evidence of the Chief Inspector of the State, who said that he had been offered £1,000 to pilot this thing through, to engineer these camels so that they could come into the country by evading all executive orders, and allow them to come in, I do not think the learned Judge would have said that Faiz Mahomet was entitled to any compensation. Faiz Mahomet was tripped up in all his intrigues and offers of bribery to the then Minister for Lands and the Chief Inspector of £1,000 each to surreptitiously get the camels in ; and his Honour would not have looked with such a lenient eye on the man who offered these bribes. If the Attorney General had read the report of the select committee he would not have been under the impression that the Government were under any obligation to Faiz Mahomet. It was a legal technicality that put the case out of court ; but the intriguers were tripped up ; they had not sufficiently covered their tracks. What do we think of a man who will go to a Minister of the Crown and offer him a bribe of £1,000 ? What do we think of a person who will go to the Chief Stock Inspector and say "Let me get a lot of tick-infested stock into the country and I will give you £1,000." Is that not enough to convey to the learned Judge and the Attorney General that there was a lot of money to be made out of the importation of 500 camels into the State, when the men can sling a thousand pounds here and a thousand pounds there ? Is that not sufficient to let us know there was something in the whole thing ?

*Mr. Holman :* Faiz Mahomet would have made £17,000 out of the deal.

*Mr. TAYLOR :* The member for Murchison found out what was going on and he wired to the then member for Cue, Mr. Illingworth, who was Treasurer and Colonial Secretary when Mr. Leake was Premier. The member for Murchison wired to the member for the district and the Government stopped this importation. There is no evidence in the select committee's report to justify the Government giving £2,000 to Faiz

Mahomet ; and there is no justification given to cover the whole matter up and not allow the House to know that the Government had done this. That is the point. It was only found out by mere accident. Why did not the Government come down straightforwardly and take Parliament into their confidence and say, that on the decision and on the advice of a learned Judge of the Supreme Court we believe we should compensate Faiz Mahomet, notwithstanding that there was a direct vote of Parliament to the contrary five years previously. The present member for York, who was chairman of the select committee, fumed and raged in the House when the report was not accepted. I took a stand in the House in opposition to the report in common with the member for Murchison, and I say the Government had no leg to stand on. The whole job was so fishy that a number of members left the House, they had other business to attend to, hence the small vote of eighteen to eight. This question is no new thing to me, and I am sorry indeed to think that any Government should be in power in any English speaking country who would give £2,000 to any person in a surreptitious manner against a vote of Parliament. Had not Parliament dealt with the matter ; had not a select committee been appointed to consider the pros and cons and get all possible evidence on oath, the matter would have been different. The Colonial Secretary, the Minister for Mines, Faiz Mahomet, the legal advisers of the Crown, the Stock Department, the highest authorities all gave evidence, and we had the report of the committee and a debate in the House on it ; and during the debate the late Minister for Lands, Mr. Moran, owned up, to save his own honour and the country, that a bribe had been offered to him. We find since that Mr. Morton Craig was offered a bribe of £1,000, and then we find that the Government gave £2,000, just the amount of the bribes and no more, without informing Parliament. In the face of the findings of a select committee and of a direct vote of Parliament, they paid out money. I say it is not to the credit of any Government. I am not accusing the

Attorney General; he was not a member of the Government; but there are honourable Ministers to-day who were members of that Government. The Minister for Mines (Hon. H. Gregory) voted against the recommendation of the select committee. He was then under another chief, in a Cabinet that acquiesced in it, and acquiesced in the silence. These are the names of the gentlemen who took part in that division:—

Ayes. Messrs. Gordon, Jacoby, Monger, Phillips, Quinlan, Stone, Yelverton and Diamond (*Teller*).

Noes. Messrs. Atkins, Dalglish, Ewing, Gregory, Hastie, Hayward, Hicks, Holman, Hutchinson, Illingworth, James, Kingsmill, McDonald, Nanson, Pigott, Taylor, Wallace and Higham (*Teller*).

Two of those whose names appear among the Noes, voting against the adoption of the report of the select committee, were members of the select committee. How strong were they in their conviction that the findings of the select committee were not in accordance with the evidence, when they voted against the recommendation? It is a thing almost unknown in the history of select committees, unless it be that a member of a select committee, finding himself in a minority, might occasionally vote against a recommendation of a select committee. Now, I want to say in all fairness to the learned Judge that, had all these facts been before him as clearly as they are before me, he would not have made that recommendation. In my opinion, he made the recommendation with all honesty of purpose, and with every human instinct that he was doing the proper thing; but he was not supplied with the necessary evidence that should have been before him. When we have the then Colonial Secretary saying that in his opinion the Rt. Hon. Sir John Forrest had nothing to do with the matter, and when we find that the whole strength of the case made out for the Government by its legal adviser, the Attorney General, is on Sir John Forrest's recommendation—perhaps given innocently—though we find that he was not within the borders of the State at the time, the order is too large. I

congratulate the Attorney General on the case he has made out for his predecessors and his present colleagues; but there can be no justification—the ablest advocate on the face of the earth could not justify the Government in paying out £2,000 in the face of a vote to the country, and then doing it silently without letting Parliament know, without taking Parliament into their confidence. While I am in this House I will oppose these tactics, and I am pleased the member for Murchison has brought this forward. I hope we will have the papers laid on the table so that we will be able to see who recommended it; how it passed through Cabinet; to see it in all its stages. We have seen it to the stage where it was refused by this House, and we will see now how the machinery was worked, whose signature is on the recommendation to Cabinet; we will see the whole matter. I hope the light of day will be put on the subject. I do not suppose the Premier has any reason for preventing the papers coming to light; and I hope he will come out of it as I expect he will. The papers should be put on the table, and we should know why this was done, and why it was done without Parliament's knowledge. I have every reason for supporting the member for Murchison. The Attorney General pointed out it was the opinion of the learned Judge that there was a strong moral claim, not a legal right, against the Government; but I say that if the Judge knew what we know, he would know there was no moral claim. I have a higher opinion of the learned Judge than that he would think that a person who offered bribes to the tune of £2,000 had any moral claim. It is gratifying to know that during the whole of the transaction £2,000 was considered the price that Faiz Mahomet would have to pay to Ministers, and that it was £2,000 that was decided by the Government as necessary to silence the matter in the end.

*The Premier* : Let the matter be adjourned; I want to get farther papers.

*Mr. Holman* : Give me a chance of replying to the Attorney General.

*The Premier* : Yes.

On motion by Mr. Layman, debate adjourned.

# MOTION—MINES ROBBERY AND SHOOTING.

*Gerald Browne Case, Papers.*

Mr. T. WALKER (Kanowna) moved :—

*"That there be laid on the table—all depositions and papers relating to the prosecution of Gerald Browne at Leonora before Warden Burt...All correspondence, depositions, and papers relating to the inquest on the body of Marley, who died from the result of a wound inflicted by Gerald Browne at Tower Hill...All correspondence and papers connected with the trial of Hansen and the recognisances of the said Gerald Browne to appear at Hansen's trial, and the said Gerald Browne's departure from this State before the said trial."*

He said: I believe the Attorney General does not intend to oppose the granting of these papers. In these circumstances, I do not think it necessary to make any speech on this subject until I get the papers. But I think it is well I should state the reason why I have placed this motion on the Notice Paper, if the Attorney General will permit me; that is, that on the occasion of the debate on the Address-in-Reply I was accused of having some sinister motive in making an attack in reference to this matter. I did make certain charges with the very best motives, and in answer to that the Attorney General contented himself with abuse of me personally, imputing to me motives which were most undeserved, and I think most unwarranted from the source from which they came. I say now that I move for these papers because I want to have evidence one way or the other as to these files. Was there upon a certain mine, the Tower Hill, at the latter end of last year, a conspiracy between certain watchmen upon the mine, with the cognisance of the manager of that mine and the police, to permit certain intending robbers of gold to get upon the mine? Did then these said managers and watchmen decoy the thieves, who were given to understand by

letter and by other communications that they were safe in undertaking that robbery? Did they then secret themselves on the place, and did one Gerald Browne, the attorney for the company, so secreted, shoot a person named Marley who was at the time running away from danger? Did afterwards, as we know he did, this Marley die from the effects of the wound? Did afterwards, I want to know, the same Gerald Browne appear at the Leonora police court before Warden Burt? Was he acquitted of a charge then made against him? Was he acquitted with the knowledge of the Crown Law Department? Was there any communication at all between the Crown Law Department and Warden Burt; and if so, to what effect? After Marley's death there was inquest held upon that death; and what was the finding of the jury? And what afterwards, after the death having taken place, was the treatment of Gerald Browne by the Crown Law department, over which the Attorney General presided? Were there any communications between the firm of Keenan and Randall and the Crown Law Department, the Crown Law Department having at its head at that time the Attorney General? Was there a refusal on the part of Warden Burt to go any farther with the case, even after the death of Marley? Is it not the law upon the subject that a man who, innocently, by accident or by design, causes the death of another man, shall go before a jury? Is it not the part of the Attorney General of this country to see that the law in that respect is carried into effect? Is there not in this respect a contrast between the case of that kangaroo-hunter who, after being twice acquitted by a magistrate, was brought down to Geraldton for trial by a jury? I want to know farther if those papers do not disclose the fact that there were communications between the Crown Law Department and those who were responsible for the defence of Gerald Browne. A trial took place at Kalgoorlie in which one of those who were on the scene on the night the decoy and robbery took place, Hansen, was tried. Is it not a fact that Gerald Browne was bound over to ap-



pear and give evidence at that trial? Is it not also a fact that when the trial came on Gerald Browne was out of the country? The Crown did not call upon him to give any evidence, and I want to know if that was done with the cognisance and knowledge of the Crown Law Department. Furthermore, I want these papers to disclose whether the Attorney General had abrogated, or rather abolished, his functions by any agreement whatever, so as to enable Mr. Sayer and the Crown Prosecutor, or any other Crown Law officer, to do the responsible work of administration of the Attorney General's department. In other words, I want to know if throughout these transactions in which the firm of Keenan and Randall defended Gerald Browne, and the Crown Law Department did not call upon him to give evidence at the trial of Hansen in Kalgoorlie and also did not, according to the laws of the land, compel that individual to go before a jury—if there were any communications between the firm of Keenan and Randall and the Crown Law Department which enabled that to take place. The Attorney General informed us recently that he had made some sort of bargain with the Crown Law Department, and inferentially that if there were any defects or faults on the part of the Crown Law Department he was not responsible; that when he took office he made a stipulation that in cases of that kind, I understood him—[*The Attorney General*: In all cases.]—he should not have the duty that belongs to his office. That may be a way of getting out of the responsibility, but it is not a way that this House can take notice of. This House must hold the Attorney General responsible for whatever happened in the Browne case, or in any case of a like character. He is the responsible Minister and we can only look to him. I will not deal with the matter farther at this stage. I want the papers and I want them as fully as the Attorney General can give them to me, not for the purpose as the member may sometimes think and as he appeared to assume the other night, of making a personal attack on him, but because, from the way I look upon it, it is an absolute duty on my part

to protest with all the vigour of which I am capable against that maladministration that enables a man in a position in society, with friends who have influence, to avoid going before a jury of his countrymen and to get out of the country when he has been on trial. In contradistinction to this, other men without influence and without friends are forced under the most cruel circumstances, or apparently so, although justly according to law to stand their trial for offences of which they are accused. It is in that sense I move. I feel in this instance, and I repeat it, that it would be a scandal that such events should have happened while we had an Attorney General as the nominal prosecutor for the Crown, and the accused was defended by the firm of Keenan and Randall. It seems to me scandalous, whatever excuses may be made, for it is contrary to all justice for an Attorney General to stand aside and allow a subordinate and irresponsible officer to conduct business of this importance which involves the abrogation, the suspension, and, I was going to say, the violation of the law in allowing a certain party to escape as Browne did. It was for those reasons, for the securing of equal justice to every man of the community, be he poor or rich, influential or without influence; these were my motives in speaking as I did then, and I expected a high and dignified explanation, if such were possible, from the Attorney General on that occasion instead of which he heaped personal abuse upon me and nothing more. I say now that if I were the worst man in this community, covered with the most abominable sins, yet, if I said then what was true, it was no answer to abuse me. I want to know how the Attorney General is going to defend his position when such enormities, as will be disclosed in these papers, are committed in our midst. It is with the object of maintaining the power and administration of justice that I spoke on the last occasion, and that I ask for these papers now.

**THE ATTORNEY GENERAL:** (Hon. N. Keenan): I believe I did not inform the hon. member; but I had intended to

do so had he been in the House, and I informed some other member that I would be glad if he would convey the message, that it was not my intention to oppose this motion. I therefore do not rise now for the purpose of offering any opposition to the motion; but I think I am justified in rising to say that undoubtedly the words which were used by the hon. member conveyed by the most ordinary form of innuendo meanings which one is almost certain he is not desirous of conveying. If he will take the trouble to read *Hansard* he will see, if he applies his mind to the matter, that the direct innuendo conveyed in his speech, and which I resented and which I think any honourable member would join me in resenting, was that I as Keenan extended a favour to any person for whom Randall appeared, and that as a consequence some gross injustice occurred. I will be prepared in a matter of this kind not to set up my own opinion as to the meaning of the words, but to ask any member sitting in the House what meaning he attributes to the words. The hon. member just said that in reply to him I heaped gross abuse on his head. What I did was this, and I felt then at any rate that I was justified in doing it. I asked him very deliberately whether he meant to convey what in my opinion his words conveyed, namely, that oblivious not merely of my duties but of the common rules of honour that bind all of us, I had extended to a certain individual a favour because he was defended by my partner. In reply he said he did not, and I said that was the whole meaning of his words and that his answer to me in reply to that question placed me in the position—I think I used the expression—that it was unnecessary to heap any words of contumely on his head. When charges of a personal character are made on members of this House, in every case I am prepared to allow latitude to a great extent in reply, and for the simple reason that when you are attacked in what certainly is something that is most precious to you, you do not choose your words in making a reply. Hon. members will understand that as well as I. I had no intention, nor is it

my intention, to insult any member in this House. It may be that in addressing the House on occasions I use expressions which I regret as much as any member who hears them regrets them; but there are occasions when irritation and passion carry away one's judgment. I will ask members to do me the justice of saying that in cold blood I have never risen in my place and hurled insults at any member. I am prepared to challenge any critic in the House, anyone however hostile, to rise and contradict that statement. As regards the papers the hon. member has asked for, I have already given instructions to have every paper made available. Some of them are in the record offices at distances from Perth, but every paper in existence will be obtained and produced. Now let me deal with one other matter, and again I hope in the temperate spirit which I feel I can command on this occasion. That is whether my acceptance of office carries with it an entire surrender by me of a means of livelihood when I leave office. If that is to be established which the hon. member wants to sustain and what he seems to think is a right position to take up, then I say it means this much, not in my own case only, but in that of every member of my profession you can select who has after some years of hard work won some position for himself in his profession, it will be wholly impossible for him, if asked to do so, to assume office in a Government in the position I hold. No man can afford to make this sacrifice in order to serve his country for a few months or perhaps a few years. In those circumstances what is to be done? The natural thing is to adopt some rule which will obviate any difficulty that might arise from that position. I do not know what rule of conduct my predecessor adopted, for I never inquired, but I feel sure that Sir Walter James, my immediate predecessor as Attorney General, who remained a member of his firm when, as happened every day, matters came to the Crown Law Department with which his firm were connected, allowed the other members of the Crown Law department, namely, the permanent staff, to deal with them and entirely relieve himself of any

consideration of them. I know of no rule, but feel certain that was the rule he followed and the one which should be followed. For my part, I hope that when it becomes necessary for some other person at some date to assume the office I now hold, he will recognise, if placed in the same position and being a member of my profession who has been engaged in business for some years, and has established a business which he is not in a position to sacrifice, that he should follow exactly the same rule. If any hon. member can suggest any other means by which it is possible honourably to conduct my office other than by that rule, then I will be only too willing to take it into the gravest possible consideration. Having thought the matter out carefully I do not know of any other means, and although the hon. member may say this is a surrender of authority, it is a surrender undoubtedly forced by the circumstances of the time. I have no hesitation in saying it is one that is fully justified. Having dealt with that personal matter I only wish to add that if what I said in reply to the hon. member was unjust—I will not say if it were abusive because abuse is nothing and injustice is a great deal—then I regret it; but my intention was to repudiate and to resent any imputation which, as I considered it, attacked my personal honour. When I asked the hon. member if he meant to convey that imputation he distinctly informed me in reply that he did not.

Mr. G. TAYLOR (Mount Margaret) : Replying to the Attorney General with reference to the debate which took place in this House a few evenings ago, I desire to say I think he is not exactly correct when he says the hon. member for Kanowna made an attack upon him, because he was a member of the firm of Keenan and Randall. The reason for the opinion I hold is this, that the hon. member for Kanowna knows too well that police cases are heard without any knowledge of the Attorney General. Those cases have not reached the stage at which the Attorney General is required to investigate, and it is only after the

police magistrate is convinced that there is sufficient evidence to warrant the opinion that a *prima facie* case has been made out that the accused is sent on for trial, and the evidence is forwarded to the Crown Law Department. It is then for the first time that the Attorney General goes into the matter and decides whether a true bill should be filed. That stage was not reached in the case in question, for the magistrate dismissed the case, and it therefore did not come under the purview of the Attorney General. But I think what the member for Kanowna desired to make clear to the House—he at least made it clear to me—was that the person in question was allowed privileges which he would not have been allowed had he occupied a lower social position in this State. The magistrate, rightly I suppose in his opinion, dismissed the case; but we know the law says distinctly that when a man takes human life he has to stand his trial before twelve of his countrymen, to see whether he was justified in taking that life. The law does not say that a police magistrate shall decide that point, and there is no doubt that Marley's life was taken. I say it would have been fairer, and I am sure the man who fired that fatal shot would have been a happier man to-day, had he been tried by a jury. I feel confident that he would have been acquitted; that any jury would have acquitted him in the circumstances. [Mr. Holman : I do not think so. It was a cowardly shot.] I will not examine the merits or the demerits of the shooting; but I believe, if he had been committed for trial, he would have been honourably acquitted. And if the Attorney General failed in any way in his duty he failed in this particular; for I am credibly informed by legal men that the Attorney General is the only officer in this State who can put the law in motion when it reaches that stage—after the case has been dismissed by a police magistrate. I can cite cases in which the law has been put in motion. I shall not do so, for there is no necessity, seeing that this motion is not opposed; but I wish to say, in fairness to the member for Kanowna and to the Attorney General, there has been a

misunderstanding as to the statement made by the member for Kanowna, in reference to the Attorney General's attitude. That is where the Attorney General failed in his duty in not seeing that Browne was brought before twelve of his countrymen. He had taken a life; and the law says that the man who takes human life must be tried before a jury and either convicted or acquitted. That is the position the Attorney General should have assumed. I say there was favour shown to that person, a person in a position of affluence. I am told, and I think I read in a newspaper, that he was bound to appear on his own recognisance of something like £100 against the man Hansen; but he never appeared. How is it that the man who knew all about it, knew so much about the matter that he shot one of the parties, and was bound over to give evidence, never appeared? He left the State. I wish to ask the Attorney General whether he would allow a working miner in similar circumstances to leave the State. I say that is the point regarding which I am sure the member for Kanowna has felt sore.

Mr. SPEAKER: I must protest, though the Attorney General has not raised any protest. It is not becoming to impute any motive of that sort.

Mr. Taylor: I do not impute a motive. I ask the Attorney General whether he would do so in the case of a working miner.

Mr. SPEAKER: That is not a proper question.

Mr. TAYLOR: I am not imputing anything; I am asking a straightforward question of the Attorney General. Perhaps he may not answer it; and I am not in a position to compel him. He may say, "Give notice in the ordinary way, and I will answer." But that is in my opinion the point which has made the member for Kanowna feel so strongly and speak so heatedly. I hope that all the papers in connection with the matter will be tabled. The Attorney General says he has already instructed that they shall come from far and near, so that the facts may be fully put before us.

Mr. J. B. HOLMAN (Murchison): Had not this motion been moved by the member for Kanowna, it would have been moved by me. After speaking in the country, I dealt with this matter at the first opportunity in the House. In my opinion it is a standing disgrace that any person should be allowed to leave the State with the blood of a fellow man on his hands. In my opinion, it was the duty of the Attorney General to do in this case what was done in a previous case when Mr. Moss was Attorney General, when a magistrate dismissed either twice or thrice a person charged with the same crime as that of which Mr. Gerald Browne was guilty. In the former case there were two men in a camp. They were quarrelling; and so far as I can remember, the man attacked, after a remark that he did not like, picked up a gun and shot the other. The accused came before the magistrate two or three times, and the case was dismissed. Then the Attorney General, Mr. Moss, compelled the prosecution of that man, brought the case either to Geraldton or to Perth, and the accused received six or seven years for the shooting.

*The Attorney General:* Do you know that the witnesses were on the jury?

Mr. HOLMAN: The witnesses may have been on the jury; and in the Gerald Browne case there were perhaps far more influential persons off the jury than were on the jury in the case of the poor unfortunate man of whom I speak. Take the Gerald Browne case. There was a conspiracy to rob a mine. The robbers were practically led into a trap, though the crime could have been prevented. The police and mine manager were among the conspirators to set this trap. My idea is, we should seek to prevent crime, and not encourage it merely to catch a man and put him in gaol. Certain men went to rob a mine at night. The police knew the men, and could have put their hands on them at any time. The police and Gerald Browne were in hiding, armed with loaded revolvers. When the men came on the mine they were attacked. One of the men was running away. The police knew who he was, knew where they could catch him at

any time. While he was in the act of running away, with his back turned, Gerald Browne fired two or three shots at him and took his life. I say it was most cowardly for anyone to shoot at a man who was running away. Had he been attacking Gerald Browne with a loaded revolver, or even a piece of wood or other dangerous weapon, and had Gerald Browne shot him in self-defence, I for one would have said he did quite right, and I should be the last to condemn any man for taking life in self defence. But the case was altogether different—merely a poor unfortunate man who had perhaps been led into taking part in a criminal action, flying from the trouble he had been brought into, and shot so that he died soon afterwards. What does the Attorney General do? Although Gerald Browne was summoned to appear as a witness in the case, he is allowed to escape from the country, allowed to get right away without standing his trial. In my opinion, had he been an ordinary working man, or had the policeman shot Marley, he would have had to stand his trial. But because Gerald Browne was a son-in-law of a previous Governor of Western Australia, because he moved in a high circle, because he could get influence exercised on his behalf that a poor man could not get, he was treated differently from an ordinary man placed in the same position.

*The Minister for Works:* By whom?

Mr. HOLMAN: Treated differently by the Attorney General in allowing him to leave the country with the blood of a fellow-man on his hands.

#### *As to Order and Charges.*

*The Attorney General:* I am willing to allow latitude to members that I do not claim for myself; but I cannot allow the hon. member to go to these limits and abuse his powers. I ask Mr. Speaker to rule the hon. member out of order.

*Mr. Speaker:* The hon. member must withdraw the remark; he is making a direct charge against the Attorney General of improper conduct and he must withdraw unconditionally.

*Mr. Holman:* I suppose I shall have to withdraw it; but I say the Attorney General treated differently the two men.

*Mr. Speaker:* That is the charge.

*Mr. Holman:* I say again Gerald Browne was treated differently from the unfortunate kangaroo shooter in the North-West. The Attorney General, after the man had been brought before a magistrate two or three times and dismissed, had him brought to Geraldton or Perth to stand his trial before a jury; but in the other case Gerald Browne was allowed to leave the country, although he had been summoned as a witness in the robbery case. One was a poor man, the other a man of influence.

*Mr. Speaker:* Do you infer that the Attorney General was guilty of that conduct?

*Mr. Holman:* I say that one was a poor man and the other a man of influence.

*Mr. Speaker:* I see no other construction than the one I have put on it. You infer the Attorney General allowed the man to escape.

*Mr. Bath:* The hon. member is making a statement of fact, and the Attorney General will not deny the facts in connection with the two cases. These facts have occurred in Western Australia, and the hon. member is justified, and I say it in deference to your ruling, in making the statement without infringing your ruling.

*Mr. Speaker:* The hon. member could say what he desired without imputing any conduct on the part of the Attorney General; but the remark is most offensive, the way he is putting it, saying the Attorney General makes a distinction by allowing one man to escape and another man, because he is poor, has to be tried.

#### *Debate.*

Mr. HOLMAN: I say the kangaroo shooter in the North-West was taken before a magistrate two or three times and discharged, but the Attorney General had the man brought to Perth, and he received a sentence of some six years. The other case, that of Gerald Browne, a son-in-law of an ex-Governor of Western Australia, was brought before a court for shooting another man, yet he is allowed

to leave the country; the two cases were brought before different Attorneys General. I want to know why Gerald Browne left the country. He was manager of a mine, and it was not hinted that he was going to leave; but as soon as he could get away scot-free, he cleared quick and lively. These things should not be allowed to go on; a man, unless he has money to fight his case, does not get justice. I have known men in the police court to swear what was absolute perjury and the magistrate knew it, and it was proved to the magistrate by the words of the self-same witness, but what is done? These men can get away because they were on the side with money. To show the calibre of some of the magistrates, we can refer to the remarks of one of the Judges in a case that occurred at Geraldton. A man was sentenced to five years; and on appeal to the Full Court, one Judge made the remark that no man outside a lunatic asylum would direct the jury as had been done in that case. That was where a man had no money to fight his case, and to fight a case a man must have boundless wealth behind him. In the case referred to at Geraldton, the man was able to appeal and he was let out of prison by the Full Court. But in the case of a man shooting his fellow man, he is allowed to leave the country without a trial. The man who was shot might have been innocently brought into the crime. The man was running away, and the police knew him and could have got him at any time. It is a standing disgrace that in Western Australia such a thing should occur, and if it can occur under the laws of the country the time has arrived when the laws should be amended. The time has arrived when justice should be administered in Western Australia so that the poor man has the same opportunity as the rich.

Mr. T. WALKER (in reply as mover) : I do not desire to prolong the debate. I am glad to have heard the expression of opinion of the Attorney General that he misunderstood my speech and that he acted feverishly in the debate.

### *Explanations as to Motives.*

*The Attorney General* : Look at page 391 of *Hansard*, first column.

Mr. WALKER : I am reading on pages 391 and 392.

*The Attorney General* : I call the member's attention to the first column on page 391.

Mr. WALKER : I would like the Attorney General to call attention to the direct passage he refers to.

*The Attorney General* : If I may refer to the current year's *Hansard*, which I believe is not allowed—

Mr. WALKER : In this matter it is material to the debate.

*The Attorney General* : The matter of which I spoke as being the meaning I placed on it was as follows:—

"Let us look at the position of the Attorney General in this matter. In addition to holding that high office, he is a member of the firm of Keenan and Randall. As Attorney General of this State it was his duty to prosecute, but the prisoner or the accused went to the firm of Keenan and Randall, and it was they who defended him."

I said the innuendo was that because my partner had been employed professionally, there was some dereliction of duty. The hon. member went on to say:—

"The same man, Keenan, the Attorney General of this State, prosecuted; Keenan, through his partner and firm, defended."

The same innuendo. The hon. member went on to say:—

"I do not know how that position can be defended; it seems to me most ridiculous. Either the Attorney General should have had the courage to protect his friend by resigning from the position of Attorney General, or he should have lacked that cupidity which influenced the firm to defend the same man that the Attorney General was prosecuting. Can there be honour in that sort of thing?"

I have no desire to reopen the debate, but I informed the hon. member I could only put one construction on the words and that was the construction of which I informed the House before.

Mr. Holman : I was not aware that the hon. member's firm defended the man.

*Debate.*

Mr. WALKER : I am glad the Attorney General has denoted the passages on which he levelled his vocabulary. The Attorney General ought to have read the whole context of these words, but even in these words there is no accusation whatsoever of having unjustly favoured his firm. The only justifiable inference, taken in connection with the context, that could be gathered from these words, was that the firm of Keenan and Randall and the Attorney General favoured Mr. Browne, and I submit that is absolutely the whole meaning of the context. I will read just a little to show the context.

*The Attorney General* : What does the word "cupidity" mean?

Mr. WALKER : In that instance it means this, that the firm—

*The Attorney General* : For reward.

Mr. WALKER : For the payment of the fees.

*The Attorney General* : For the fee.

Mr. WALKER : Quite so. I think it has also a wider meaning ; and in this instance to my mind he was conscious more, not of the fee for the mere professional carrying out of the work, but of the professional carrying out of the work for a friend. The inference I wanted to get in was that the firm of Keenan and Randall was a friend of Gerald Browne's, that associations, mining associations, were such that the firm of Keenan and Randall were from old associations screening this Gerald Browne ; and the inference I farther conveyed in this was that the Attorney General, a member of that firm, if not aiding and abetting, was at least permitting his underlings—I say underlings without any disrespect to Mr. Sayer or Mr. Barker—to give privileges or liberties to Gerald Browne he would not have had if it had not been for those past associations.

*As to Cupidity.*

*The Attorney General* : What were the other words used ? I absolutely and

entirely resent that. The hon. member is now introducing matter that is entirely new and is of an offensive character. I know it is no use my objecting to offensive speeches from certain quarters, but the inference the hon. member is making I wish to ask whether he is justified in making. It is entirely new to the report in *Hansard*. The hon. member gave certain illustrations from Sir Edmund Barton, Mr. O'Connor and Mr. Wright, all turning on one point, that they, Mr. Barton and Mr. O'Connor, surrendered office because they were accepting a fee to appear for parties against the Crown. That was the whole burden of the hon. member's remarks concerning the cupidity he referred to.

*Debate.*

Mr. WALKER : I submit it is not. Let me read what I said :—

"Let me say that the same tendency was exhibited in another instance which I cannot help but say I regret. This occurred in the far-off part of this country when a certain man of good connections happened, I will admit by accident, in the impetuosity of his conduct, to kill another. He had to go on trial ; he was excused by the court at Leonora, I think, and was let off. Another phase of this question developed, and the man was then liable to be tried for murder. The Attorney General was then in charge of the justice of this country ; but instead of exercising his independent opinion and doing what was necessary, what was incumbent upon him, he took the opinion of the magistrate, and in spite of certain people having offered recognisances for the accused to appear at his trial, the result was that this distinguished individual escaped, and was allowed to escape—there was no disguising it—whereas he should have been prosecuted. I shall ever be on the side of mercy ; I have no desire to pursue or hound that man down ; but there is no gainsaying the fact that he should have been proceeded against, that it does not alter the duty of the Attorney General."

Then I went on to state that which the

Attorney General has quoted ; and then what I did say in pursuance of all that the hon. member has quoted ? I said :—

“I should like to know to whom we are to look for the protection of justice, if not to the Attorney General.” That was the point I was making, and desired to make throughout.

“In this State we have no Minister for Justice. We have no higher court as it were, no Chancellor to look down upon us and take action in the event of failure or fault on the part of underlings in administration.”

*The Attorney General* : Then will the hon. member tell me why he quoted the opinions of Mr. O'Connor and Sir Edmund Barton, if not for the purpose of showing that the acceptance of a fee—

Mr. WALKER : Not in the slightest. Did I quote it but for this, to show the different sense of honour that prevails in the men of New South Wales ; and so I say now, if the hon. member wishes to force me to it, that is not in accordance with those fine susceptibilities of honour that will permit the Attorney General to maintain his office and accept responsibility, and allow Mr. Sayer or Mr. Barker to do what it is his office to do, and allow people through those means to escape who should be brought properly to trial. I say it now, just as I said it then. I am perfectly consistent in the view and the attitude I have taken. I have nothing to apologise for. I do not want to withdraw one word I said when I spoke. In fact on that night I endeavoured—of course I will admit with a certain amount of warmth in the attack on the Government—to be as moderate as I could ; and I still say that, had I chosen, I could have made the case much stronger against the Attorney General than I did. I am forced now to say these things in self-defence. I submit that the whole of my speech was to show that the Attorney General had neglected to perform his duty as Attorney General. I went farther, and said :—

“The course he took was in the case of a distinguished citizen, who escaped ; but would it have been the same if it had been an ordinary mortal ?”

I made that point—

“Would he then have taken notice of the magistrate's opinion and delegated his duties to that gentleman ? No, he would not ; in fact in other cases he has taken the opposite course.

Can we but suspect that there was favouritism shown towards the man ?”

That was the whole point I worked up to. There was the end of my speech dealing with this matter. That was the whole thing, to which the others were only steps to lead—

“Can we but suspect that there was favouritism shown towards that man ? Could justice be done when the one man was both prosecuting and defending.”

That was the position, and I submit it is a perfectly justifiable point to make ; and I submit too that I should have been recreant to my duties as a representative of the people of this State, if knowing of these facts, I had not protested, and warmly : for where can a man feel warmly, where can a man feel indignant if he cannot feel indignant when he sees justice, as he believes, prostituted in this country so as to protect and favour some man, possibly to harass others who are not so favoured ? It is then, if ever, that a man should speak. A man who would not speak then is either a coward or worse. I endeavoured to do it in the best way it seemed to me, with such gifts and with such poor language as I could summon—not in the erudite and polished manner of the Attorney General, but with the honest ring of the nature of a man who has never tried to injure a fellow mortal in his life, and who has ever tried to the best of his ability to protect the poor and wronged wherever he may be. It was in that spirit, and in that spirit only, I made the speech. I do not want to be misunderstood or wrongly judged. I am pleased the Attorney General has taken the attitude he has to-night, and in the same spirit in which he has met me I should like to meet him. I desire now to peruse these papers and shall not have one farther word of acrimony or controversy. I trust the papers when they are produced will be full and complete. What



farther steps then will be necessary it is time to decide upon when the papers are ready.

Question put and passed.

### BILL—MARINE INSURANCE.

Received from the Legislative Council, and, on motion by *the Premier*, read a first time.

### ADJOURNMENT.

The House adjourned at half-past 10 o'clock, until the next day.

vious reply he appears to be the engineer responsible for the grading, etc., of agricultural railways?

The COLONIAL SECRETARY replied: The Engineer-in-Chief, Mr. James Thompson.

### BILLS—THIRD READING.

1, Marriage Act Amendment, returned to the Assembly with amendments. 2, Public Education Amendment, *passed*. 3, Permanent Reserve Rededication, *passed*.

### BILL—POLICE FORCE (CONSOLIDATION).

#### *Third Reading.*

The COLONIAL SECRETARY moved—

*That the Bill be now read a third time.*

Hon. J. W. LANGSFORD: To what extent was the Police Benefit Fund controlled by the Government? Did the Government contribute to the fund, and was the fund audited by the Government Actuary?

The COLONIAL SECRETARY: The Government controlled the fund to the extent that the trustees were three Government officers—the Commissioner of Police, the Under Treasurer, and the Under Secretary. The fund was made up by contributions from the police officers, in addition to certain fines imposed on the police for misconduct; and the fund was subsidised by the Government to the extent of pound for pound. For the past two or three years the fund had been commented on by the Auditor General in his annual reports, and it had been reported on by the Government Actuary once before he (the Colonial Secretary) took office, and twice since. The Government Actuary reported that the fund was not altogether on a sound basis, because there was not sufficient reserve to insure its solvency in the future. Previous to that, the contribution by the Government was £1,000 a year, and the police force contribution varied from one and a-half per cent. to two per cent. It was so much per month but that was what

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The PRESIDENT took the Chair at 4.30 o'clock p.m.

Prayers.

### PAPER PRESENTED.

By the *Colonial Secretary*: Report of proceedings under Industrial Conciliation and Arbitration Act, for the year 1906.

### QUESTION—AGRICULTURAL RAILWAYS, CONSTRUCTION.

Hon. J. W. WRIGHT asked the Colonial Secretary: What is the name in full of the Engineer for Railway Construction, as from the Minister's pre-