

Legislative Council,

Thursday, 4th October, 1894.

Hospitals Bill: third reading—Small Debts Ordinance Bill: committee—Dentists Bill: first reading—Municipal Institutions Bill: committee—Loan Bill: committee—Adjournment.

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

PRAYERS.

HOSPITALS BILL.

This Bill was read a third time, and passed.

SMALL DEBTS ORDINANCE AMENDMENT BILL.

IN COMMITTEE.

New clause:

THE HON. F. M. STONE: I move that the following new clause be added to the Bill:—"Any person issuing, sending, or serving any printed paper or document purporting to be in the form of or similar to a summons or any other process or document issuing out of the said Court shall, upon conviction thereof before any Justice of the Peace, forfeit and pay a penalty not exceeding Ten pounds." My reason for asking hon. members to vote for this clause is, that it has come to my knowledge that a form has been served on persons not only in Perth, but throughout the colony, which is very similar to a Local Court summons, and people have paid up thinking that they had been served with a summons. I have read that in England servant girls have purchased sewing machines on the time-payment system, and finding them no good have refused to pay. Thereupon they have been served with a similar document to that to which I have referred, and have got frightened and paid, whereas had they gone to Court they would have succeeded, because the articles were worthless. I will read one of these forms, and hon. members will see that it is very much like a Local Court summons. It is as follows:—

Notice.

Final Notice of Intention to Proceed in the Local Court.
(For the Recovery of Debts.)

To
WHEREAS you being truly indebted to _____ of
in the colony of _____ in the sum of
particulars whereof have been rendered.

YOU ARE HEREBY required to forthwith pay unto the said _____ at _____ place of business the above-named sum within _____ from the date hereof; failing which, final proceedings will be entered at the _____ Court to be holden on a date of which due notice will be given to you when the said plaint will be heard before the Justices on that date assembled, and judgment given in accordance with the evidence produced.

If you pay the above-named amount within a receipt in full will be issued to you. Should you fail in so doing, and a verdict is given against you, you will be liable for amount of costs in addition to the amount of the claim sued for.

Dated at _____ this _____ day of _____ in the year of our Lord One thousand eight hundred and ninety _____ To

Hon. members will see that ignorant persons are likely to be deceived by a document of this kind, and think that they have been served with a summons. We know that the magistrates have to be paid and the Courts kept up, and I do not see why persons should be allowed to use such forms and evade the payment of the fees.

THE HON. C. A. PIESSE: It seems to me that the passing of this clause is not called for. There is nothing more embodied in the form which the hon. member has read than might be stated in a note which anyone might write. If a person did not owe the money he need take no notice of it, but if indebted and be paid upon this form, he would be saved the expenses. As to what the hon. member has said about the servant girls, I think the girls we have in this colony are too smart to be "had" in the way suggested.

THE HON. E. W. DAVIES: I do not think we shall do well to pass this clause. It may be all very well for the legal gentlemen to have such a clause in the Bill, but for private people I think it is a good thing to allow these forms to be sent out and thus save the law expenses.

THE HON. D. K. CONGDON: I shall not support this clause, because I have found this form of document very useful in business. They have prevented my having to go to a lawyer very often.

THE HON. J. C. G. FOULKES: If hon. members will look at this form they will see that every effort has been made to imitate our Local Court forms. If this is to be allowed, then any person might imitate the writs which issue from the Supreme Court. It is on this account that I shall support the insertion of the clause. If the use of such forms as the hon. member has read is allowed, we shall

shortly have the signatures of the officials and the seals of the Court imitated.

THE HON. C. A. PIESSE: I might point out that no signatures are attached to this form. It is simply a printed letter, which is very useful in business and which saves costs to many people.

THE HON. E. W. DAVIES: There seems to be a great objection on the part of the legal gentlemen to the use of this form, and we can easily understand why. Some time ago they objected to anyone but themselves doing anything under the Transfer of Land Act, and now they evidently wish to stop people acting for themselves in the recovery of their debts. If we pass this clause I am sure the country will not be satisfied with us.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It will be observed that the clause says that any person issuing, &c., any printed paper or document purporting to be in the form or similar to a summons, &c., shall forfeit a penalty not exceeding £10. We are not discussing the form which the hon. member has read, but whether it is advisable to allow persons to imitate our Court documents. Neither has the clause proposed anything to do with the legal profession. Under this Bill there will be less need for people to employ professional assistance than under the present Act. What the hon. Mr. Stone wants to prevent is unauthorised persons imposing upon the innocent and ignorant by serving them with documents which purport to be summonses.

THE HON. S. J. HAYNES: I cannot see any objection to the clause which the Hon. Mr. Stone proposes, especially as I do not think the form which he has read would come under it.

THE HON. E. H. WITTENOOM: I cannot see any objection to the use of this form unless the signatures of the Court officials are attached to it. Everyone in business knows what is necessary to make a summons operative.

THE HON. F. M. STONE: My sole object in bringing in this clause is so that summonses may not be imitated. Hon. members seem to admit, when they say that the form has proved useful, that it frightens people. I can assure hon. members that the clause will not make the slightest difference to the legal profession.

THE HON. R. G. BURGESS: I shall oppose this clause. The form, even though it be like a summons, will not bind people without a signature; and if it has the effect of inducing people to pay, so much the better for them, because they are saved the costs.

Clause put and negatived.

Schedules passed.

Bill reported.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved the adoption of the report.

THE HON. E. H. WITTENOOM moved that, in line 11 of clause 13 of the Bill, all the words after "Court" be struck out. He said: The words I propose to have struck out are those which constitute the proviso, and they read: "Provided always, that the Court may, upon sufficient cause shown in any such case, either at the same or any subsequent sitting, set aside any judgment so given in the absence of the defendant and the execution thereupon, and may grant a new trial of the cause upon such terms (if any) as to the payment of costs, giving security for the debt or costs or such other terms as it may think fit." If these words are allowed to remain there will be no finality. Under the present Act if a defendant is not present the magistrate goes on with the case and judgment is given against him. By this clause even after judgment is given the case may be re-opened, and there will never be any finality.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It will be observed that this Bill establishes a new practice. In the Local Courts now a plaintiff has to prove his case whether the defendant appears or not; but by this Bill this will not be necessary, and, if the defendant does not appear, judgment will go by default, exactly as it does in the Supreme Court. The practice is, in fact, assimilated to that of the Supreme Court. In that Court, if a defendant, although judgment has gone for want of appearance, can show good cause, the judgment may be set aside on such terms as the judge may think fit. There is nothing unreasonable in that. A man may instruct a solicitor to enter an appearance, and through the default of that solicitor judgment may be signed against the defendant, and it would be most unrea-

sonable if the matter could not be re-opened and the action tried on its merits. I trust, therefore, that this amendment will not be pressed, because I am sure, if it be passed, it will work hardship in a great many cases.

THE HON. S. J. HAYNES: If the proviso is struck out great injustice will be done. There is a similar provision in the present Act under which the defendant can get a new trial. Suppose a man could not get down to the Court in time in consequence of a delay on the railway, or through some unforeseen accident, it would be very hard upon him to have judgment entered against him without any right of having the case re-opened.

THE HON. C. A. PIESSE: Still it does not do away with the fact that there would virtually be no finality.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The application to set aside the judgment must be made within a reasonable time.

THE HON. F. M. STONE: After judgment execution may be issued, and, if that were done, it would soon bring the defendant to bay. Suppose a man missed the train from York through an accident, it would be very hard upon him to have judgment signed against him in his absence without the chance of removing it.

THE HON. E. H. WITTENOOM: The Magistrate might adjourn the case.

THE HON. F. M. STONE: He might not know of the accident.

THE HON. E. McLARTY: I think this provision is very necessary, because, if a person has a good defence, he should be given every opportunity to have it heard.

THE HON. E. H. WITTENOOM: I still adhere to my motion. The Colonial Secretary has made out a case which may weigh with many hon. members by referring to the practice at the Supreme Court; but, we must remember, that there the amounts involved are large ones, while the sums sued for in the Local Courts are small. Then, as to what the Hon. Mr. Stone says, I may point out that it would be a very rare case where a man, having a good defence, would not have a solicitor who would be in Court even if an accident did prevent the defendant getting there. I think we

should endeavour to get at finality as much as possible.

THE HON. J. C. G. FOULKES: I might mention that in Perth the Local Court cases often last four or five days, and a man does not always know when his case is coming on, and, if he happened to be away for a short time, he might find his case suddenly called upon, and judgment given against him in his absence. And, further, we must remember, that the Local Courts deal with cases up to £100.

Amendment put and negatived.
Report adopted.

DENTISTS BILL.

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

MUNICIPAL INSTITUTIONS BILL.

IN COMMITTEE.

Clauses 1 and 2 agreed to.

Clause 3—Interpretation:

THE HON. F. T. CROWDER moved that the following words be added to the end of the clause:—"Town Clerk" shall include the Clerk of the Municipality, or any officer appointed to act as "such for the time being." He said, as under this Act "Mayor" and "Auditor" are defined, "Town Clerk" should also be defined.

Amendment put and passed.

Clause as amended agreed to.

Clause 4 passed.

Clause 5—Provision for continuing existing corporations and wards:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the words "and appointed," in the second line, be struck out, and that the words "or appointed by or" be inserted in lieu thereof.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 6 and 7 passed.

Clause 8—Constitution of Council:

THE HON. F. T. CROWDER moved to strike out sub-clause (3), and insert the following in lieu thereof:—"Over fifteen thousand of a mayor and three aldermen for each ward." He said: This Act is very full and explicit, and will suit the country for many years to come, and I think while we are about it we should provide for everything that is necessary.

Cities with over 15,000 inhabitants should be put upon a somewhat different footing to those containing a lesser number. What we require is gentlemen who will give their time to municipal matters, and I consider that the amendment which I have proposed will do much to induce better men to come forward. They will seek election as aldermen where they would not accept the position of councillor, and the people themselves would be more particular as to the gentlemen they placed in the higher position. I may also point out that in all the leading capitals of Australia, aldermen are appointed.

THE HON. J. W. HACKETT: I would point out that the sub-section goes further than the hon. member intends, for it will destroy the division of Fremantle and Perth into wards. I may also point out my hon. friend has made a mistake in what he has said about aldermen. So far as I am aware, the councillors in Sydney are called aldermen, but not so in Adelaide or Melbourne. In Melbourne each ward has a certain number of councillors, and the senior councillor of each is called alderman. In Adelaide the system is a complex one, and the aldermen are elected on the cumulative votes of the wards.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Might I suggest to my hon. friend that his proposal is somewhat premature. If passed as it stands it would reduce Perth to nine councillors until the population had attained 15,000. When Perth does become so important as to need our having aldermen, we can easily amend the law.

Amendment put and negatived.

Clause passed.

Clause 9—Power of Governor to declare municipalities:

THE HON. J. W. HACKETT moved, as an amendment, that the words "either declare such portion to be a new municipality or" be added to the end of the first line of sub-clause (b).

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 10 to 15 agreed to.

Clause 16—Remuneration on resignation or abolition of office:

THE HON. H. MCKERNAN moved that all the words after "servant," in the fifth line, be struck out. He said: As

the clause stands, the first part contradicts the second part. If the council is entitled to grant a gratuity, no one should be allowed to step in and say it should not be granted.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The proviso is inserted, so as not to allow money to be given to municipal servants unless the ratepayers approve of it.

THE HON. F. T. CROWDER: In case of a dispute between the council and the auditors, how would the council obtain the sanction of the ratepayers?

THE COLONIAL SECRETARY (Hon. S. H. Parker): By a vote taken at the next meeting.

THE HON. D. K. CONGDON: I do not think this proviso will work well, for it will place the council in a false position.

THE HON. J. W. HACKETT: If the proviso is struck out I hope the whole clause will be re-cast, for it gives power to the council to give away very large sums of the ratepayers' money.

THE HON. D. K. CONGDON: It is the same system which prevails in the Government service.

THE HON. J. W. HACKETT: But that is reviewed by Parliament, and there must be some one to review the action of the councils.

THE HON. S. J. HAYNES: I shall support the clause as it stands. We know that jobs do take place, and if any council passes a fair and reasonable gratuity the ratepayers will only be too willing to ratify it.

THE HON. H. MCKERNAN: It seems strange that those who oppose the amendment have never contested a municipal election. If those hon. members had had my experience of municipal matters they would know that the discretion would be exercised carefully, and that no gratuity would be granted except there was a certainty of the ratepayers approving it. If the privilege is granted to the councils of giving the gratuity, why should we allow the auditors to step in and say it shall not be granted?

THE COLONIAL SECRETARY (Hon. S. H. Parker): The auditors cannot do it.

THE HON. H. MCKERNAN: I think the councillors would be better judges than the auditors.

THE HON. S. J. HAYNES: It is not the auditors that may disallow it, but the ratepayers.

THE COLONIAL SECRETARY (Hon. S. H. Parker): Probably my experience of municipal affairs is larger than that of the hon. member, and I believe I have contested many more municipal elections than he has. The clause we are discussing is already law, and I do not think my hon. friend, although he has been a municipal councillor for some years, has taken exception to it.

Amendment put and negatived.

Clause, as amended, agreed to.

Clauses 17 to 38 agreed to.

Clause 39—Electoral list, how made out:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the words "under this Act" be inserted between the words "is" and "entitled," in the last line but one.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 40 to 50 agreed to.

Clause 51—Clerk to furnish copies of list:

THE HON. S. J. HAYNES moved that the words "not exceeding the sum of Five shillings for each copy" be added to the end of the clause.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 52 and 53 agreed to.

Clause 54—Disqualification for election:

THE HON. H. MCKERNAN moved that the words "a female," in the second and third lines, be struck out.

Amendment put and negatived.

THE HON. F. T. CROWDER moved that the words "take part in any discussion or" be inserted between the words "shall" and "vote," in the twelfth line.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 55—Qualification of councillors, mayor, and auditors:

THE HON. S. J. HAYNES moved that the words "and Fremantle," in the last line, be struck out, and that the words "Fremantle and Albany" be inserted in lieu thereof.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 56—Qualifications of mayor, councillors, and auditors of Perth and Fremantle:

THE HON. S. J. HAYNES moved that the words "and Fremantle," in the second and third lines, be struck out, and that the words "Fremantle and Albany" be inserted in lieu thereof.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 57 and 58 agreed to.

Clause 59—Appointment of returning officer:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the words "if he be ill, absent, or incapacitated by law from being the returning officer," in the fourth and fifth lines, be struck out.

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as a further amendment, that the words "or clerk" be inserted between the words "mayor" and "of," in the fifteenth line.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 60—Candidate to give notice:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the words "or clerk of the council" be inserted between the words "mayor" and "at," in the fourth line.

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as a further amendment, that the word "immediately," in the eighth line, be struck out.

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as a further amendment, that the word "outer" be inserted between the words "the" and "door," in the eighth line.

Amendment put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved, as a further amendment, that the words "at least five days before the day of such election" be inserted between the words "municipality" and "and," in the tenth line.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 61 to 67 agreed to.

Clause 68—Ballot papers to be given to persons applying:

THE HON. F. T. CROWDER moved that the words "or his deputies" be inserted between the words "officer" and "and," in the third line.

Amendment put and passed.

Clause, as amended, agreed to.

Clause 69 — Manner of voting by ballot:

THE HON. F. T. CROWDER moved that the words "or unable to read or write" be inserted between the words "blind" and "the," in the twelfth line.

Amendment put and passed.

Clause, as amended, agreed to.

Clauses 70 to 98 agreed to.

Clause 99—Power to make by-laws:

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the words "or within the limits of any catchment, water supply, or other area under the control or jurisdiction of the council or the Local Board of Health of the Municipality" be inserted between the words "municipality" and "by," in the fourth line of sub-clause (5).

Amendment put and passed.

THE HON. F. T. CROWDER moved that the words "for authorising firemen to enter upon premises for the purpose of extinguishing fires" be added to the second paragraph of sub-clause (11).

Amendment put and passed.

THE HON. H. McKERNAN moved that the words "regulating the width of tires on wagons, drays, carts, or other vehicles used for carrying goods or merchandise" be added, to stand as paragraph 2 of sub-clause (20).

Amendment put and passed.

THE HON. F. T. CROWDER moved that the word "passenger," in the first line of the fourth paragraph of sub-clause (20), be struck out, and that the words "all or any of the above-named" be inserted in lieu thereof.

Amendment put and passed.

It being half-past six o'clock, the Chairman left the chair.

At half-past seven o'clock the Chairman resumed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that progress be reported.

Question put and passed.

LOAN BILL.

THE COLONIAL SECRETARY (Hon. S. H. Parker): In moving the second reading of this Bill I stated that the £200,000 in the Schedule for Harbour

Works at Fremantle was estimated to be sufficient to carry on the works for two years. I find I was in error, and that the amount will be sufficient for nearly four years. Even if, before the expiration of four years, more money is required, we need not necessarily resort to a further loan, because we can obtain money by means of Treasury Bills, or from the Banks, or from the general revenue. The present Government has no intention of going into the money market to borrow for the Fremantle Harbour Works, for the Government fully anticipate that the sum now proposed will be sufficient to carry on the work for four years. I now move, sir, that you do leave the chair.

Question put and passed.

IN COMMITTEE.

Clause 1—Power to raise money:

THE HON. F. T. CROWDER: Might I ask what is the proper procedure, if this Council wishes to reduce the amount of the Loan?

THE CHAIRMAN (Hon. Sir G. Shenton): I have considered this matter, and I think the simplest plan will be to pass the clauses of the Bill, and to re-commit if any alterations are made in the Schedule, so as to make clause 1 agree with the Schedule.

Clause passed.

The remaining clauses were passed.

Schedule:

THE HON. F. T. CROWDER: I should like your ruling, sir, as to what is the proper course for members to adopt who wish to strike out or reduce any of the items.

THE CHAIRMAN (Hon. Sir G. Shenton): Under section 23 of the Amending Constitution Act of last year, it is provided that the Council may, at any stage, return such a Bill as this to the Legislative Assembly, with a message requesting the omission or amendment of any of the items or provisions of it. If, therefore, any amendments are made, it will be necessary to send the Bill back to the Assembly, requesting the omission or amendment of any particular item. We cannot amend it; we must ask the Assembly to do so.

THE HON. F. M. STONE: I take it, from what you have said, that we cannot move that any item be struck out, but

we must move a request to the Assembly to strike it out.

THE CHAIRMAN (Hon. Sir G. Shenton): Yes. I think the simplest plan for us will be to go through the Schedule, and then, before proceeding further with the Bill, send a Message to the Assembly and await their decision.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The simplest plan will be, I think, to propose a resolution somewhat in these terms, that the Council is of opinion that it is advisable that such and such item be omitted, and request the Legislative Assembly to omit the same accordingly.

THE CHAIRMAN (Hon. Sir G. Shenton): That is really what I have suggested.

THE HON. F. M. STONE: Should we pass that resolution on each item we wish omitted, or wait until we have come to a final conclusion and then pass it?

THE HON. E. H. WITTENOOM: As I read the clause, I think the simpler plan will be to move the resolution in each case.

THE CHAIRMAN (Hon. Sir G. Shenton): That is the only way it can be done. We will take Item I say, and if the House wishes that omitted, a Message can be sent to the Assembly requesting them to omit it.

THE HON. J. W. HACKETT: I request that the Schedule be put as a whole. I do not think we can go through the Schedule item by item.

THE CHAIRMAN (Hon. Sir G. Shenton): We must remember we cannot go back, and there may be amendments to the different parts of the Schedule. I think the simplest plan is to take the Schedule item by item.

THE HON. E. H. WITTENOOM: It seems to me the best plan will be to read out each item, and if anyone wishes to move an amendment he can do so, otherwise the item can be considered passed.

THE CHAIRMAN (Hon. Sir G. Shenton): I shall put the Schedule to the House as a whole, and if any member wishes to move an amendment he can do so as he would to a clause of a Bill, an amendment to the first line taking priority to an amendment in the second line, and so on.

THE HON. J. W. HACKETT: I hold in my hand a copy of the *Hansard*

Debates for the year when the first Loan Bill under Responsible Government was before the House, and when your respected predecessor occupied the position you now fill, and when this point was raised. It will be remembered that the Hon. Mr. Wright objected to one of the items and moved, "that it be made a suggestion to the Assembly that each item of the Schedule be made the subject of a separate Loan Estimate." And you, sir, in the course of your remarks, said it would be better to pass the Bill, and in returning it tack the resolution on to it. Your predecessor said that the course proposed by Mr. Wright was in accordance with the established practice, and in that case the Schedule was put as a whole.

THE CHAIRMAN (Hon. Sir G. Shenton): But we had not Clause 23 of the Act of last year then.

THE HON. J. W. HACKETT: But that only gives the power Mr. Wright sought for.

THE CHAIRMAN (Hon. Sir G. Shenton): I shall put the Schedule in the same way that I put a clause of a Bill, and amendments can be made line by line.

THE HON. J. W. HACKETT: What is the question?

THE CHAIRMAN (Hon. Sir G. Shenton): The Schedule. If there are no amendments to the first line it is passed.

THE HON. E. H. WITTENOOM: I hope it will be distinctly understood that we are taking the items one by one.

THE CHAIRMAN (Hon. Sir G. Shenton): We are taking it as a clause of a Bill. If there is an amendment in the first line, it must be taken before an amendment in the second line.

THE HON. E. H. WITTENOOM: I think that it would be more satisfactory if we took each item as a clause. I feel sure that that would the better meet the wishes of hon. members.

THE CHAIRMAN (Hon. Sir G. Shenton): If the hon. member makes a proposition, and it is carried, that each item be put separately, I will put each item separately.

THE HON. E. H. WITTENOOM: I move, then, that each item of the Schedule be put by separate motion.

Question put and passed.

Item 1.—*Railway from Mullerwa to Murchison goldfields (exclusive of rolling stock)*:

Question—That the item stand as printed—put and passed.

Item 2.—*Railway from Southern Cross to Coolgardie goldfields (exclusive of rolling stock)*:

Question—That the item stand as printed—put and passed.

Item 3.—*Railway from Donnybrook towards Bridgetown (exclusive of rolling stock)*:

Question—That the item stand as printed—put.

THE HON. F. T. CROWDER: I move, as an amendment, "That in the opinion of the committee the Legislative Assembly be requested to omit the item from the Schedule." I move this because I consider that by spending the sum of £80,000 it will simply mean making a railway to a tree in the bush. The Schedule states that the money is for the construction of a railway from Donnybrook towards Bridgetown. I cannot conceive why, if the Government consider a line to Bridgetown necessary, they should not, for the sake of an extra £50,000 or £60,000, take it all the way. I have been to Bridgetown, and, although I have seen very good land there, it is such as will cost from £10 to £15 per acre to clear. There are acres of land in other parts of the colony already thrown open, and which are in a better position for agricultural purposes, and with railways running through it, than that through which it is proposed this railway shall run. That land can be cleared for £2 or £3 per acre. Had the Government, however, asked for the money to take the line straight through to Bridgetown, I should have supported it; but when it is only to take it to a tree in the bush, I shall not, because I consider that the construction of such lines are not in the interest of the colony. Some hon. members will say that half a loaf is better than no loaf at all; but the half is of no use, and we have nothing to assure us that the Government will finally carry on the line to Bridgetown. In looking through the Blue Book, I see nothing shown that will in any way whatever make us come to the conclusion that the prosperity of the Blackwood district is such as to warrant the Government in expending £80,000 in this way.

THE HON. E. ROBINSON: I have much pleasure in seconding the amendment.

THE HON. J. E. RICHARDSON: I rise to support the amendment, because I consider the item is not justified. It is not a reproductive work. The land in the district may be good, but the cost would be too much to make it workable. Considerable stress has been laid on the amount of butter that the district can produce, but we do not want a railway to carry butter only.

THE HON. S. J. HAYNES: I have great pleasure in supporting the amendment, for, it seems to me, the district has neither population nor products sufficient to warrant the construction of this railway. The interest on the outlay and rolling stock will cost the country £6,000 a year, which is a large burden to place on the general body of taxpayers. So far as this particular district is concerned, I think the Government has treated it with unusual liberality, for the South-Western railway has been constructed, as also the line to Donnybrook, and we had better see how these speculations pay before we go any further. There is plenty of land there, and yet no great progress has been made, simply because agriculture does not pay. It seems to me that the Government seem to be at some trouble to see how they can spend money; but the time may come when it will be difficult to find sufficient to expend on objects that are absolutely necessary. When there is sufficient inducement to build a railway to this district, I shall support it; but at present I am perfectly satisfied it is premature. I shall, therefore, support the suggestion of the Hon. Mr. Crowder.

THE HON. C. A. PIESSE: I may say that I cannot follow the remarks we have heard. I mean to give the item my strongest support. We have people in this district who require a railway of this kind before they can properly develop their holdings. All hon. members admit that the land is first-class, but they say there is a difficulty about the clearing. That is neither here nor there. Twelve months ago I had the pleasure of travelling in Tasmania, and when there I said we had a second Tasmania in our South-Western district. It is said that Tasmania does not go ahead, but the reason of it is that she is overshadowed by the other colonies. One of the reasons why I support this is that there is good land there which is

capable of supporting thousands of people. A considerable quantity of good country will be opened up. There is excellent land on the Upper Collie, for instance, which is a district at present quite foreign to Western Australia, and, unless we have a railway, it will remain so. I know most hon. members have made up their minds, and nothing I can say will alter their determination, but I do think they should be fair to the people who reside in this district. It is said that it is building a line to a tree in the bush.

THE HON. F. T. CROWDER: So it is.

THE HON. C. A. PIESSE: It may be a fruit tree. I cannot understand the hon. gentleman, for he supports the construction of the line through to Bridgetown, thus admitting the principle, and yet he will not take what he can get towards what he wants. In dealing with this matter the other evening there was too much of the prospective "if" about it, and it was said that by-and-by we should regret it if we passed the line. My principle is "Nothing venture, nothing win." We can afford to do this work, and it is really our duty to do it. I do hope some hon. gentlemen may reconsider the matter. Again, there is no denying the fact that this must eventually become part of a second line to Albany. On the principle that half a loaf is better than no bread, I ask hon. members to vote for this railway.

THE HON. D. K. CONGDON: It is my intention to vote for the retention of this item, and I shall do so because I have always looked forward to the time when this South-Western district might be opened up. We all know the country through which the line will pass, and I cannot conceive that we can go wrong in undertaking the work.

THE HON. H. MCKERNAN: I have been waiting for the hon. members who represent the district through which this line will pass, to speak and give us some information; but I have waited in vain. They have not made any effort to convince us of the necessity of this railway. It is within the knowledge of the House that one of these members took particular care, only a couple of evenings ago, to get the consideration of this Bill held over so that he could attend. I am glad to see that hon. member present, although it seems as if he wished the item passed

without any discussion. I may say that I have been over this country, and there was no one more pleased with it than I was, but the Government say that they do not want to construct the railway now.

THE COLONIAL SECRETARY (HON. S. H. PARKER): I do not think so.

THE HON. H. MCKERNAN: They say they are not in a hurry to construct it now; but they want the money for it. When they are prepared to construct it hon. members will be prepared to consider the matter. At present we have the distinct statement that they are not going to construct it, and only want the right to raise the money. It seems to me that if the Government are really in earnest they should have asked for sufficient funds. With £80,000, the line can only be made half the distance that is mentioned.

THE HON. J. W. HACKETT: What is the distance?

THE HON. H. MCKERNAN: By road it is between 35 and 40 miles, but the nature of the country through which you have to go will tell anyone that £80,000 will be only like a drop in the bucket. The Hon. Mr. Piesse urges the construction of this line because he says it is really an extension to Albany; but I think the day that the Government conceive any such idea will be tantamount to their tolling their own death knell. We have already one line to that town, and we cannot in our day think of constructing parallel lines to the same place when there is so much else to spend public money upon. As far as the railway in question is concerned, I agree that we should connect the agricultural and mining districts with the centres of population; but the Government admit they are not at present prepared to undertake the work, and, therefore, it is time for us to consider it upon its merits when they are. The Government have already thrown £200,000 into the sea by undertaking the Fremantle harbour works, and now they want power to raise money for a work they are not yet prepared to go on with. If we allow it, it is hard to say what they will ask for next. We are told that we must pass it because another place has done so. I have hitherto been opposed to our having a Second Chamber, but I am at last convinced of the neces-

sity for it. I believe in a progressive policy; but we can progress too rapidly and in the wrong direction, and eventually leave the country in ruin. I shall oppose Item 3.

THE HON. J. C. G. FOULKES: The Hon. Mr. McKernan has called attention to the fact that the members of the South-Western Province have not spoken; but the reason of it is our bashfulness. We have waited to hear the arguments against the construction of this railway, but up to the present we have heard none. One hon. gentleman said he is going to vote against it without even attempting to give a reason for the course he is about to pursue. There is, therefore, no necessity to answer him. Another hon. member also said he would vote against the item, and it must be remembered that he, with the other hon. gentlemen, represent the Northern part of the colony, and I can only assume that that is the reason why they oppose a work in the South. I had hoped that this feeling of North against South had died away. At any rate as regards the Hon. Mr. McKernan, if this line is not carried out we shall have taught him the necessity of having a Second Chamber. It is strange, however, that he sought to come here if he is opposed to the existence of an Upper House.

THE HON. H. MCKERNAN: I came to abolish it.

THE HON. J. C. G. FOULKES: I remember when the South-Western line was first proposed it was said that it would not pay grease for the wheels; but now that it has been working for twelve months it is generally admitted that it is the best paying line we have, and this line to Bridgetown is only an extension of that railway. Since the construction of the Bunbury railway line the district has progressed very much indeed, and I hope we shall be unanimous in deciding that this line shall be continued further. I call attention to the fact that the land between here and Bunbury is not all good. The best part of the land is between Bunbury and Pinjarrah, and there is very little good land between Perth and Pinjarrah. From here to Pinjarrah is about half the distance. Now, if we have a line able to pay its expenses with only good land half the way, how much more is a line

likely to pay with good land all the way?

THE HON. S. J. HAYNES: It does not pay.

THE HON. J. C. G. FOULKES: We have returns by those responsible for the management of the railway, and we must take it that their figures are correct; at any rate, we must do so until hon. members are prepared to come forward and show that they are wrong. Beyond Bunbury there is any amount of good merchantable timber, which, in itself, will be sufficient to make the line pay; and if we construct this line we shall soon have at least a dozen timber mills at work. By the Schedule of this Bill it is proposed to raise one and a half millions of money, and about two-thirds of it is to be spent in the mineral districts, and a large portion on Fremantle harbour works. Out of the whole amount, only about £150,000 is appropriated to the development of our agricultural resources. Our minerals are drawing a large population to the colony, and we are unable to supply them with food. In the South-West district almost anything can be grown, but the farmers cannot compete against imported articles unless they have cheap and easy means of conveying their produce to market. If we expect people to settle in these agricultural districts we must provide them with the means of carriage. In the Blackwood district the climate is the best in the colony, and suitable for the growth of almost any kind of produce. There are no hot summers, and there is plenty of water, and the rainfall is better than that in any other part of the colony. I ask hon. members who represent agricultural districts, and even those who represent the mining districts, whether they are prepared to take the responsibility of refusing to give the struggling farmers in these districts similar advantages to those possessed by farmers living in the Eastern and other districts? I ask them to deal out the same measure of justice to these farmers as they dealt out to those resident in other districts some years ago. When the lines to York and Northam were constructed the colony was not in half so prosperous a condition as it is now, and we could not afford to risk the expenditure on that railway as well as we can

now. The Hon. Mr. McKernan said that the Ministry did not propose to make this line at present, and he suggested that they should vote against it now, and deal with it later on when the Government brought in the Bill for its construction. I heard it mentioned in another place that that was not quite the extent to which the Government intended to go; it was only given out that the lines to the Murchison and Coolgardie would be undertaken first. Of course we cannot expect all the lines to be constructed at once, and the Government wisely said they would allow this line to stand over until the other two railways were well under way. The Government, by this Bill, are only asking power to raise the money. They do not propose to expend it at present, nor at all until the Bill authorising the construction of the line is passed by Parliament, and the reason they are asking for the money is that the state of the money market in England is at present very satisfactory, and better than it may be in three or four years' time. We must remember that the state of Europe is such that we cannot tell when war may break out; and if it does, we know there will be no money to lend to Australia, on advantageous terms, for some time. It is obvious, therefore, we should take advantage of our present opportunities. Our bonds are now selling at £111, and we do not know what price they will fetch in a few years' time. I am therefore going to ask all country members to deal fairly with these people in the South-West. When I went down there last I was quite surprised to see what improvements the farmers had made since the railway had been constructed to Bunbury. They had been living in isolation for years, and we should have seen none of these improvements unless the railway to Bunbury had been constructed. How much more, I would ask hon. members, are they likely to do when the railway is taken right through to them?

THE HON. R. G. BURGESS: I rise to support Mr. Crowder's proposition. If hon. members will refer to the Blue Book, and see what is produced in this district, I feel sure they will say this line is not a justifiable one. From the returns of the crops in the district in 1893 I see there were only 274 acres of wheat,

and the return only yielded 18½ bushels. There were 4 acres of barley, 58 acres of oats, 629 acres of hay, and 94 acres of orchard and vineyards; in all, 1,130 acres under cultivation. How can a railway pay with this? Then it is stated that the district contains the best dairy land in the colony. Now, any man knows that it is impossible to carry on dairying successfully unless a man has land under cultivation as well. He must grow feed for his animals, and we know what has been the result of dairying in Victoria. It does not pay. At present these farmers are only 35 miles from Donnybrook, with a good road, and yet they cannot make things pay. As far as the timber is concerned, I believe there is enough within five or ten miles of the present terminus at Donnybrook to supply England for the next ten years, and therefore we do not want a railway for that. When all the country on existing lines is let out as agricultural areas, we shall have plenty of land to go on with for the next 20 years without constructing further lines of railway to open up more land. Let us settle the land already adjacent to railways before we open up more. Then the sum put down in the Schedule is not nearly enough to construct the line. The Engineer-in-Chief's estimate for the line by way of the Upper-Preston and across to the Blackwood, with a branch line to Bridgetown, is £121,000, and £81,000 for the Collie line; and yet the Government are only asking £80,000. They do not, however, say they are going to take it to Bridgetown, they only say towards Bridgetown. I should not vote against the line if I thought it were required; but I do not see how a railway to that district, in its present state, can be a reproductive work. With reference to what has been said about the good country in the district, I may point out that there is an enormous amount of poison country through which this line will go; and I do not think we ought to construct a railway through country like this for the benefit of those who hold the land, and who, up to the present, have done nothing with it. I do not think I need take up the time of the House further, because I think the figures I quoted will show that this enormous expenditure is not justified on a line to this district. As soon as the country is

wanted for agricultural purposes it will be taken up, and then we can think about building a railway there.

THE HON. C. A. PIESSE: The hon. member argues, that because very little is produced in the district at the present time, there is no need of a railway; but we must remember that there was very little produced in any of the districts of the colony before there was railway communication. It is no use people producing* until they have a market and a means of conveying their produce to market. Even if there were not a single farmer at the Blackwood, the country, in my opinion, is sufficiently good to warrant the construction of this railway, in order to induce people to settle there. It is stated that to some extent the Great Southern Railway taps this country, but I can assure hon. members there is a distance of at least 80 miles which the line does not touch.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I am not competent to form an opinion, or to give my advice to hon. members as to whether this country is suitable for agricultural purposes or not. I have never visited this district, and therefore I think, under the circumstances, it is advisable that members who have been there should give their opinion of the land and its capabilities. It has been said that the Government do not intend to build this railway at once, and that it is proposed to postpone its construction for some years. I may say that that is not the intention of the Government. My impression is that what is intended is to take authority this session to borrow the money, and, as soon as the surveys are complete, to go on with the line; but the Government gave a pledge that the surveys for this railway and the construction should not take precedence of, or interfere with, the construction of the gold-mining lines, which the Government recognise ought to be constructed first. In addition to what I said yesterday about our position in regard to such a Bill as this, I desire to point out that when we find a measure of this kind carried by a large majority in the House which is peculiarly identified with pecuniary matters, and when we find that the measure commends itself to the public generally, I think the Legislative Council will be taking a great deal too much responsibility if it suggests

that an item such as this should be eliminated. We find that this matter has been before the country since the end of May, when the Premier made his speech at Bunbury. The item was carried by a large majority in the Lower House, and it has commended itself to the Press of the country.

THE HON. H. MCKERNAN: *The West Australian.*

THE COLONIAL SECRETARY (Hon. S. H. Parker): Whatever may be said about the various papers, they are always open to insert letters from everyone on a subject like this, and those hon. members who follow the newspapers will have noticed that little or nothing has appeared in opposition to this railway. Not only has there been no opposition in the Press, but there has been no agitation on the subject. One would imagine if this line were so objectionable, public meetings would have been held condemning it, and letters would have appeared in the papers, and that there would have been a strong opposition in the Legislative Assembly, and that the Government would have had the greatest difficulty in carrying it through. The contrary was the result. It was carried with the greatest ease, and with hardly any opposition. Under these circumstances it seems to me that if hon. members should carry the suggested amendment they would be incurring a great deal of needless responsibility.

THE HON. E. McLARTY: I am surprised that there should have been an amendment of this sort, seeing the very large amount of money which has been approved of for the goldfields and so very little for the agricultural districts of the colony.

THE HON. H. MCKERNAN: We are giving you a Land Bank.

THE HON. E. McLARTY: Hon. members are aware that this is not the first time that a line to the Blackwood has been before the public. On two occasions before, both Houses have voted money for different sections of it. A good deal has been said about the expense of clearing land in this district. Some have said it costs about £10 an acre. I do not know where anyone can get authority for this if he knows the district at all. I will admit that the country around Bridgetown is heavily timbered, but even

there the land will repay clearing it. I have had a good deal of experience in clearing land, and I find it more advantageous to spend £8 or £10 an acre in clearing good land, than 30s. an acre in clearing inferior land. If you go East of Bridgetown, the land is altogether different, and I think it could be cleared easily for £3 an acre. In the Blackwood, although the land is heavily timbered, ten acres of it will produce more than 50 acres in the Eastern districts. In the Eastern districts there is a great deal of risk attending the growth of crops. Some years it is dry, and the crops are hardly worth cutting, but we never hear of such a thing as that in the Blackwood. They can produce not only grain but so many other things, including root crops, and it will produce not only at one season of the year but all the year round. In reference to the figures which have been quoted from the Blue Book, I would remind hon. members that we cannot expect the farmers to grow much, seeing that it costs £3 per ton for cartage between Bridgetown and Bunbury, whereas the steamers from the other colonies are able to land their stuff at Bunbury for 10s. a ton. It is not to be expected, therefore, that these farmers can compete with the imported article. If this line is constructed, I am sure a great deal more land will be put under cultivation, and we can then supply our own goldfields with produce; but we shall never be able to do so, so long as the farmer has to cart it along the roads at such a high cost. I have heard it said that railways do not induce settlement, but I challenge that. Since the South-Western Railway has been opened I know of over 40 settlers within a distance of 40 miles, and who are all doing good work upon their land. Men are taking up land in this district and clearing it as rapidly as they can. I think this is undeniably a sign that railways do good. I might remind hon. members that all this has been done within 12 months—the time the railway has been open. If the Blackwood line is constructed, it will induce even more settlement than the Bunbury line has, because there is much better country, and the seasons, as you go further South, are better. We must remember that we cannot always expect to have our goldfields in a flourishing

condition, and the railways which are being built to Coolgardie and the Murchison will in time not pay; we must, therefore, have something to fall back upon. If we construct railways such as this, they will help to pay the interest on these goldfields lines when they cannot earn it for themselves. I think it important that these works—the goldfields lines and the agricultural lines—should go hand in hand. The Hon. Mr. Burges has said that the land in this district only produces 18 bushels of wheat to the acre. I think that is very good.

THE HON. J. W. HACKETT: At York the average is 12 bushels.

THE HON. R. G. BURGESS: Who says so?

THE HON. J. W. HACKETT: The same Blue Book that you have quoted from.

THE HON. E. McLARTY: I think 18 bushels a good yield. Then there is another thing which hon. members seem to have lost sight of: that is, that this line will benefit the tinfields. Up to the present we have exported about £40,000 worth of tin, and, with additional facilities, the amount will soon be brought up to £100,000 worth.

THE HON. F. T. CROWDER: There is no water.

THE HON. E. McLARTY: Then there is no doubt that as soon as this railway is constructed we shall have timber mills all along the railway, and these alone will make the line reproductive. I have thought over the matter well, and I am certain that this proposed railway will be the best paying line we have. I do not advocate it because I represent that district, but because I conscientiously believe this a good work, and one which should be carried out.

THE HON. J. W. HACKETT: I rise, sir, with a full sense of the responsibility which devolves upon this House in regard to this Loan Bill. Those who are determined to take exception to the policy which has been fully considered by the Government, and which has received the hearty approbation of the House peculiarly elected by the people for the purpose of controlling the expenditure and raising of the people's money, are taking a great responsibility, although it is perfectly within the competency of this House not only to make amendments, if the Lower House will accept them, but to reject the

measure altogether, if the Lower House will not accept suggestions. We must remember that the House has a great and important function to perform, the function of examining into and revising and agreeing or disagreeing with the decisions of another place. But we must also remember that the constitution has so directed that Ministers hold their offices at the will of another place only and not at the will of both Houses.

THE HON. F. T. CROWDER: We don't think that.

THE HON. J. W. HACKETT: That being so, it is needful for us to bear in mind that if we invade the scheme of policy of the Government, endorsed as it is by the Legislative Assembly, we take upon ourselves, either directly or indirectly, the duty of declaring that the Government is not one which, in its policy, meets with the approbation and sanction of Parliament. As hon. members know, the usual course, in such an event in the Assembly, is that the Government resign and another is appointed. We have to consider whether such an amendment as that put forward is not, more or less, a vote of censure on the Government for the scheme of policy it has put forward.

THE HON. F. T. CROWDER: Nonsense.

THE HON. J. W. HACKETT: Mr. Crowder politely calls out "nonsense." His constitutional knowledge is no doubt deep and wide, but, perhaps, he has still something to learn on these questions. If the Government scheme of policy is assailed in its fundamental features, in a way which affects its principle, we are not only taking a responsibility, but a responsibility of the gravest description. The question is, whether the Government consider that the development of this South-Western district, by the means they propose, is an essential part of their policy. When we look at the Premier's speech, and consider the measures put before us, and the arguments with which they are supported, there is room for but one opinion, and that was the view of the Government that the country demands, and declares on all sides for the encouragement at once of all its resources and the fostering of all its industries. When we look at the Loan Bill we shall find that there is only a small sum devoted to this one district, the South-Western, and a still smaller sum devoted to the fostering

of one of the most important industries of the colony, the farming industry. For mining there is something like £900,000 set down, but for the one agricultural railway there is only about £150,000 to be devoted from the Loan. If we carry the amendment we virtually say to the Government that the policy which has carried you forward for the last four years, and which you have taken your stand upon, is to be uprooted by the action of the Upper House. That is a position we should all be unwilling to take up, except for reasons of the most overwhelming character. If we found that the Government had unduly favoured one district—and I would not support any Government that did not have as its motto, "West Australia as a whole, and the whole of West Australia"—if we found that the Government had neglected a particular locality unduly, and had passed by one of the great staple industries—the cultivation of the land; if, in a word, the whole scheme of policy were changed upon which the Lower House has been elected, upon which both Houses have been elected, if it could be shown that the Government have been guilty in any of these directions, I would be willing to vote against them, and give my support to those who would tear their policy to pieces. But we find that the opposite is the case. The Government have looked round the whole of the colony, and tried to do all they can for all portions of it, and for all its industries. The Hon. Mr. Crowder then steps forward and says that this policy is unsound, and he asks us to pick out this one district, and this one important industry, and to withdraw one of the fragments of assistance given to that district, and the solitary fragment given to the farming industry by the Loan Bill. This is the only aid to the farmers, with the exception of one or two small items in the Bill. The development of agriculture, and the settlement of the agricultural districts, is the one thing essential if we are to keep going forward. Gold is doing great things for us. It has done great things for all parts of the world where it has been found. But a statement has been repeatedly iterated round the House during the evening, that having come in a moment it might go out in a moment. If we should be so unfortunate, and Heaven help that it may not be so, if

the golden prospects of the Murchison and Yilgarn should come to an end, and the yield fall off, we have only one thing to fall back upon, and that is the farming industry. I take it that Victoria is precisely in an analogous position at the present time. Gold and loans had attracted population and capital to that place, and then had come the collapse. This is our boom time. Victoria's gold yield is not increasing, and she is now falling back on fostering her agricultural, her farming industry. We should do the same at once, and not wait until our boom has broken.

THE HON. F. T. CROWDER: We have plenty of land open.

THE HON. J. W. HACKETT: I am coming to that. I will say that a more heartless argument, and a more ignorant conception of the wants of this country, has never been heard in this Chamber or any other Chamber. The hon. member said there was plenty of land available for cultivation, but for what purpose?

THE HON. R. G. BURGESS: For all purposes.

THE HON. J. W. HACKETT: For all purposes. We might go to the Eastern, the Midland, the Northern, and the South-Eastern districts, but can we grow there potatoes, butter, maize, barley, and oats? We know we can not. As we advance from the coast inland the land improves. The best land for mixed farming purposes is not to be found in Bunbury, but inland from Bunbury, where this railway proposes to take us into the Blackwood and neighbouring districts. No one can go into that country without being satisfied that we have land there which it is impossible to over-estimate. I am not a West Australian. I was not born in this colony, but if I had I should never tire of my pride in such a land. I have been over the most fertile parts of the other colonies, and the land at the Blackwood compares favourably with the best patches in those colonies. No words can describe it. We have nothing else in West Australia like it, and the hon. member should be glorying in it, not decrying it. The hon. member laughs.

THE HON. R. G. BURGESS: I was laughing at your eloquence.

THE HON. J. W. HACKETT: I think that the hon. member will find most to laugh at in his own arguments. Not

only have we land in the Blackwood district unequalled even at Tipperary, but we have an ideal climate. The rainfall is ample in all seasons; with extreme richness and fertility of soil, with a climate which could not be better, only one thing wanting—the means of getting the produce to market. A railway is all that is needed to encourage families to go on the soil and raise the products which it can so well grow.

THE HON. R. G. BURGESS: They will get it, but when?

THE HON. J. W. HACKETT: I hope they will get it this session. All in the House admit that the country is good, and to oppose the railway to it because at present there are only a few hundred acres under wheat, is as absurd as it would have been to oppose the Eastern Railway because there were only 1,711 head of cattle in the York district then as compared with 7,767 in the Blackwood. Unless facilities are given, it is hopeless to expect men to settle down on this land. The Government has run a short line of railway into this country. I was there eleven years ago, and I paid another visit to the district in the course of the present year, and I was surprised at the difference in the country produced by these stumps of railways. Within the last three or four years the settlement on the Preston alone has increased four or five fold. It ill becomes any of us with a light heart to refuse these appliances, these means of alleviating an existence which are enjoyed by nearly everyone in the Chamber who lives in the temperate regions of the colony, except on the Blackwood. I never go amongst farmers in any district without a feeling of sincere reproach and shame that I should enjoy all these advantages and not extend them to men whose lot is one of rising early and lying down late, who are afflicted day by day with anxieties of which we know nothing, who have to watch the seasons month by month, who have to labour hard and long with but few holidays to make life enjoyable. It is unendurable that we should refuse to give these men the opportunities of increasing their means of subsistence. Whenever I go amongst farmers that is my predominant feeling, and for my part, I will do what I can to assist them. As to the quality of the

land, to show that my language is not exaggerated I will quote from a private letter received in the colony from Sir Frederick Broome, who has had experience as an agriculturist, and knows the colony which he at one time governed. Sir Frederick Broome says: "Your South-West corner is equal to nine times the centre and the other corners of the colony. I am glad to see that the colony is to be extended to Lake Muir. Gold may prove attractive, but the South-West is your mainstay." I will not detain the House longer in commenting on the extraordinary arguments used by hon. members against this line. I will only draw attention to the fact that during the last ten years we have had to import into the colony produce which could have been grown here, no less than £157,000 worth of butter, £55,000 worth of cheese, £38,000 worth of potatoes, and £138,000 worth of oats, and all of these products could have been raised in that part of the colony if the district had but obtained the ordinary facilities other parts enjoy. I earnestly hope that the House will well consider the position before inflicting a cruel wrong on the farmers and agriculturists of the South-West, as well as on the colony itself, and that they will allow that a matter which has received such strong consideration at the hands of the Government, and such powerful sanction at the hands of another place, is also deserving of the approval of the members of this Council.

THE HON. E. H. WITTENOOM: After the display of eloquence on the part of the hon. member who represents the South-West province, I rise with diffidence to say a few words upon this railway, in justice to the colony as a whole. It is with regret that I support the amendment. I feel sure that it would be a pity that the people about Bunbury, after the very pathetic and nice way in which they have been referred to by the Hon. Mr. Hackett, should be disappointed in not getting the line. I feel that it is the duty of the House to apportion out these loans to the different parts of the colony; but we must, in doing that, be just to all parts of the colony. We have heard very glowing accounts of the country down in the Southern districts this evening. The Hon. Mr. Hackett claims that very nearly everything under

the sun is to be found in that district, and the only thing that mars this grand description is that people see so very little of the milk and honey which ought to come from that part of the colony according to the hon. gentleman's description. My objection to the item is based mainly on the conviction that this line of railway is not needed. Secondly, that we should not incur a single penny of expense without it is absolutely necessary, and then only after it has been shown that the works will be reproductive. It has been urged that the railway towards Bridgetown is needful for the purpose of settling the people on the land, but I contend that there is no demand for the land already open for selection, and which is close to lines of railway. It has been admitted all round that the land settlement schemes have been failures, and also by the paper of the hon. member who had so warmly supported the measure. We have built, at great expense, railways to Southern Cross, to Geraldton, and, best of all, to the Bunbury district; but any one who has travelled upon those lines must have been struck with the quantities of good land which are not occupied. So long as this is the case I will say that there is no demand for the land, and, therefore, if there is no demand for the land along the present line, why spend more money in building other lines to open up more land? Some have said that all these lands are in the hands of private individuals, but I think that persons desirous of settling can get as fair terms from the private people as from the Government. The Hon. Mr. Hackett has reminded us of the respect due to the Government. I wish to say that I have every confidence in the Government. It is one of the most sensible and best constituted Governments in the Australian colonies. I sincerely hope that hon. members will rise above every consideration, and that they will fairly and justly debate every item on the Schedule. In a recent speech of the Premier upon the subject of this railway, he (the Premier) admits that these lines are being built for the purpose of attracting people to the land, a principle which I cannot agree with. I thank the Hon. Mr. Hackett very much for the lecture to which he has treated members on our duty, and if he will continue from time to time to give us advice we shall get

along well. I deny that the item we are now discussing received such complete approbation in the Legislative Assembly as the Hon. Mr. Hackett's speech would lead us to believe. The Collie line was only carried on the casting vote of the Chairman, and the Bridgetown line by 15 votes to 9. I do not think that any one will argue that that is what may be said to be hearty approbation. We are quite alive, I am sure, to our responsibilities, and we do not require the hon. gentleman to lecture us and tell us what we are to do.

THE HON. J. W. HACKETT: The hon. member is misrepresenting me.

THE HON. E. H. WITTENOOM: I think not. I understood the hon. member to put it that we had no right to throw out measures or to amend them because they had been passed with the approbation of the Lower House. He said that the Lower House was peculiarly elected by the people. It is true that the Lower House is elected by the popular vote, but we are elected by the property vote, which is supposed to take in the more intelligent part of the people.

THE HON. J. W. HACKETT: I gave you the reasons.

THE HON. E. H. WITTENOOM: I know we have heard your reasons, and I am giving reasons why I think you are wrong. The Hon. Mr. Hackett went on to say we were spending £900,000 on our goldfields. It was with the greatest reluctance I brought myself to vote for this loan, and I only did so because I came to the conclusion that unless we put ourselves in connection with these goldfields they would practically be of little use to us. One of the reasons given for supporting this line is that the people are isolated, but we find they are only cultivating 1,700 acres, and it seems to me it would be better for the Government to buy the whole of the land at £10 an acre. Then the hon. member says the land is capable of carrying thousands of people. I am prepared to believe it is, but unfortunately the people do not want to go there.

THE HON. C. A. PIESSE: Not without a railway.

THE HON. E. H. WITTENOOM: In the district I represent there was a considerable opposition to one or two of the items, but I would not bind myself to oppose them. In regard to the Press I do not

think it is unanimous, and if one portion is, it is only natural it should be so. I think that another great argument in favour of carrying the amendment of the Hon. Mr. Crowder is that the Government do not seem particularly anxious about this line, as is evidenced by their willingness to allow the line to stand over till the last. In reality I believe that this item was simply to make up that portion of the loan which had to be spent in the Southern districts. The Hon. Mr. Foulkes has said that the only reason he could see why some of the members of the House were opposing this railway line was that they represented the Northern districts. I will repeat the argument against the Hon. Mr. Foulkes, and say that the only reason why some other members vote for the item is that they represent the Southern districts. It is the payment for their seats in the Council.

THE HON. J. W. HACKETT: Did not the Southern members vote for the items appertaining to the North?

THE HON. E. H. WITTENOOM: Yes; that was so. If the Southern members had any intelligence at all they could not do otherwise. I have listened carefully, as I always do when the Colonial Secretary has anything to say, but I cannot agree with some of his arguments this evening. The hon. gentleman has impressed upon us the fact that the measure had been before the country, and that it had met with no opposition from the Press or from the people. With reference to the Press, I do not think it is unanimous, and, in respect to one paper, it is only natural it should be. With reference to the people, I have, myself, heard much diversity of opinion expressed freely on the matter; and I think that this is borne out by the members we find here this evening opposing the measure, seeing that they represent a large section of the people. The Hon. Mr. McLarty has stated that the land through which it is proposed to make the line could be cleared for from £3 to £9 per acre. I do not think this is quite right. I visited the district some time ago and made inquiries on the matter. I saw some land under cultivation then, and, on asking what it cost to clear it as it stood, I was told fully £10 per acre. I repeat I oppose this railway line, firstly, on the ground that it is not required, and that there is

no demand for the land. It is no use to settle people on the land who do not want to settle. Next: that in spending so much money, it is our duty to watch every item and see that nothing is spent except on reproductive and necessary works. I shall support the amendment.

THE HON. E. HENTY: I have felt constrained, after listening to the arguments, to vote against this item. I have carefully abstained from taking any side until I heard the arguments, and after listening carefully to those who know what they are talking about, I feel that the weight of evidence is against this item. I should like to point out that the sum allotted cannot be sufficient to carry the line to its proper destination. If a sum sufficient to carry it right through to Bridgetown were proposed, I should, perhaps, feel myself bound to support it. We are all alive to the great responsibility which devolves upon this House in a matter of this moment, but I think we are all equal to taking the responsibility.

The committee divided on the amendment.

Ayes 12

Noes 6

Majority for ... 6

AYES—12.

The Hon. R. G. Burges
The Hon. E. W. Davies
The Hon. C. E. Dempster
The Hon. R. W. Hardey
The Hon. S. J. Haynes
The Hon. Ernest Henty
The Hon. H. McKernan
The Hon. J. E. Richardson
The Hon. E. Robinson
The Hon. F. M. Stone
The Hon. E. H. Wittenoom
The Hon. F. T. Crowder
(Teller).

NOES—6.

The Hon. D. K. Congdon
The Hon. J. W. Hackett
The Hon. E. McLarty
The Hon. S. H. Parker
The Hon. C. A. Piesse
The Hon. J. C. G. Foulkes
(Teller).

Amendment agreed to.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that progress be reported.

Question put and passed.

ADJOURNMENT.

The Council, at 10.30 o'clock p.m., adjourned until Tuesday, 9th October, at 4.30 o'clock p.m.

Legislative Assembly,

Thursday, 4th October, 1894.

Mr. Maher's proposal to supply Coolgardie with water—Anomalies in Railway Fares—Explosive Substances Bill: first reading—Dentists Bill: third reading—Petition of J. G. Drake-Brockman: consideration of—Brands Bill: laid aside on the order for going into committee—Estimates, 1894-5: further considered in committee—Adjournment.

THE SPEAKER took the chair at 4.30 p.m.

PRAYERS.

MR. MAHER'S PROPOSAL TO SUPPLY COOLGARDIE WITH WATER.

MR. THROSSELL, in accordance with notice, asked the Director of Public Works, — 1. Whether the Government had received certain proposals from Mr. Maher relative to the supplying Coolgardie with water from the Avon or Swan Rivers? 2. Had the Government made any inquiries from its professional staff as to the feasibility of such scheme? 3. If so, would the Government make public such professional opinion? 4. Had the Government any intention of entering into any arrangement with Mr. Maher on the matter?

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) replied as follows:—1. Yes. 2 and 3. No. 4. A private Bill will be necessary; and, if it is introduced and the terms are approved, the Government would assist its passage.

ANOMALIES IN RAILWAY FARES.

MR. SOLOMON, in accordance with notice, moved, "That in the opinion of this House anomalies in the Government railway fares, such as the following, should be at once rectified:—If a person takes a return ticket from Fremantle to Guildford direct he has to pay (first class) 4s. 5d. If he takes a return ticket from Fremantle to Perth it is 2s. 6d. If he takes a return ticket from Perth to Guildford he pays 1s. 9d., or a total of 4s. 3d., 2d. less than if he takes a return ticket direct from Fremantle to Guildford, the same scale applying to more distant places in same table."

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn) explained that the apparent discrepancy in the