

with the hon. member for Nannine, that there never was an instance, in any colony belonging to Great Britain, in which the Upper Chamber attempted to amend an Estimate.

MR. RANDELL: It may be argued, what is the use of having an Upper House at all, unless they are to consider the matters sent to them from the Legislative Assembly? I think it would have been better to leave out of the resolution the words objected to by the hon. member for Albany. I think it is quite out of the province of the Upper House to question the decisions of this Assembly upon taxation and expenditure. Still, the resolution proposed by the Premier goes too far, for I think that if the words "and the decisions of the Legislative Assembly" be struck out, our case will be simpler and very much stronger; also, that it will not open the door to controversy, if the resolution is read without the words I have mentioned, and without the words objected to by the hon. member for Albany. I think that will be putting the case in the best possible way; but when you put in the other words you detract from the strength of the resolution. That is an opinion shared also by some of my friends on this side of the House very strongly. The case has been put very ably by the Attorney General and the hon. member for Nannine, and I only wish to say it is desirable that we should, if possible, come to a unanimous decision on the subject. It seems to me the powers claimed by the Legislative Council virtually upset the arrangements of Government altogether. If it is conceded that the Council have the power to amend Money Bills, then the Ministry ought to be represented in the Council to a larger extent than they are at present. That the Council should have the power of questioning the decisions of the Assembly and discussing the policy of the Government is a valuable right which they should exercise; but if the words I have objected to are left in the resolution, the Council can reply to us very forcibly.

THE PREMIER (Hon. Sir J. Forrest): To meet the views of the hon. member (Mr. Randell), I think that, with the omission of the words he has mentioned, the resolution will be equally strong, if not stronger. I now move, as a further

amendment, that the words in line 6, "to defeat," and the words in line 7, "the decisions of the Legislative Assembly and," be struck out of the motion. We have already agreed to leave out the words "the policy of the Government," as suggested by the hon. member for Albany.

MR. LEFROY: I fully agree with what has fallen from the leader of the Opposition. I do not think we wish to take away any power belonging to the Council. Of course they have the power to amend certain Bills, but not Money Bills.

Further amendment put and passed.

Motion, as amended, agreed to.

Resolution reported.

Report adopted.

Ordered—That the resolution of the Assembly be transmitted by Message to the Legislative Council.

ADJOURNMENT.

The House adjourned at 12:42 o'clock, midnight.

Legislative Council,

Monday, 19th November, 1894.

Leave of Absence to Hon. T. H. Marshall—Telegraph Office for Perth Railway Station—Southern Cross-Coolgardie Railway Bill: third reading—Mullewa-Coo Railway Bill: third reading—Scab Act Amendment Bill: third reading—Droving Bill: Legislative Council's Amendments—Pharmacy and Poisons Bill: second reading—Goldfields Act Amendment Bill: second reading: committee—Appropriation Bill: second reading—Lands Resumption Bill: second reading—Adjournment.

THE PRESIDENT (Hon. Sir G. Shenton) took the chair at 7:30 o'clock p.m.

PRAYERS.

LEAVE OF ABSENCE TO THE HON.
T. HARRY MARSHALL.

THE HON. E. HENTY, by leave without notice, moved that leave of absence for a fortnight be granted to the Hon. T. Harry Marshall, on account of urgent private business.

Question put and passed.

TELEGRAPH OFFICE FOR PERTH
RAILWAY STATION.

THE HON. R. W. HARDEY moved, "That, in the opinion of this House, it is necessary, in order to meet the growing demands of the travelling public, that a telegraph office be at once provided at the main Perth railway station." I may say that I have been surprised that this work has not been undertaken before. In all the other colonies we find there are telegraph offices at the principal railway stations, but here a passenger by railway cannot send a telegram unless he goes to the one telegraph office of Perth. If an unfortunate passenger loses his luggage, he is unable to take steps to find it, except, perhaps, at great inconvenience to himself. I hope hon. members will agree to this motion, and that the Government will soon take steps to meet the requirements of the travelling public, both at Perth and Fremantle.

THE HON. C. E. DEMPSTER seconded the motion.

THE COLONIAL SECRETARY (Hon. S. H. Parker): The matter has been under the consideration of the Government for some short time, and I may say it is proposed to do even more than the hon. gentleman has asked for. It is contemplated to build a post office, as well as a telegraph office, at Perth railway station. Plans have been prepared by the Works Department for the necessary additions, and a new building will have to be erected, because it has been found that at the station every room is occupied, and there is no available space for a telegraph office at present. Only last week the plans were sent to the Postal Department to see if they were suitable. Under the circumstances, I presume the hon. gentleman will not press his amendment.

THE HON. C. A. PIESSE: I think the Government should go further, and establish telegraph offices at all principal railway stations on the line.

Motion, by leave, withdrawn.

SOUTHERN CROSS-COOLGARDIE RAIL-
WAY BILL.

THIRD READING.

This Bill was read a third time, and passed.

MULLEWA-CUE RAILWAY BILL.

THIRD READING.

This Bill was read a third time, and passed.

SCAB ACT AMENDMENT BILL.

THIRD READING.

This Bill was read a third time, and passed.

DROVING BILL.

IN COMMITTEE.

Question—That Council's Amendment No. 4 be not insisted upon—put.

THE HON. F. M. STONE: After consulting with some gentlemen interested in this subject, I do not intend to press the motion.

Amendment, by leave, withdrawn.

Council's amendment not insisted upon.

Question put and passed.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that Council's Amendments Nos. 6 and 7 be not insisted upon.

Question put and passed.

Resolution reported.

PHARMACY AND POISONS BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This is a Bill to establish a Pharmaceutical Society. The chemists and druggists of the colony have been agitating for some years to be placed on the same footing as regards registration as professional men. By this Bill it will be observed that a society is to be established for Western Australia, called "The Pharmaceutical Society," and all pharmaceutical chemists within the meaning of the Act will be members thereof; as also for the appointment of a president and a council. The council will be first appointed by the Governor, and will hold office for three years, after which the members of the council will be elected. The council may appoint a Registrar to carry out the provisions of the Act. By part 3 a register is to be

kept by the society, and in January of every year the council is to cause a correct list of all the licensed chemists to be published. Part 4 deals with the registration of chemists. It will be observed that there is already a pharmaceutical society, and all persons belonging to that society at the time of the passing of this Act will be members, and, in addition to them, there are other persons who come in under the Act. For instance, persons who have served four years as apprentices will be entitled to be registered after passing an examination. The first four parts deal with chemists and druggists. Part 5 deals with the sale of poisons. No person will be allowed to sell poisons without a license from the council, and no persons, other than chemists, will be allowed to sell them unless they reside at a distance of 20 miles from a chemist. Every person who applies for a license will have to produce a certificate showing that he is a proper person to hold one. The Bill also points out the regulations which licensees are to observe when they sell poisons. Part 6 deals with miscellaneous matter; and the last clause of the Bill enables the council to make regulations, with the approval of the Governor. I beg to move that this Bill be read a second time.

THE HON. E. HENTY: I second this motion. I should like to say, however, that I do not think this Bill is complete by any means, and I reserve to myself the right to move some alterations when in committee.

Question put and passed.

GOLDFIELDS ACT AMENDMENT BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): A select committee of the Legislative Assembly was appointed to consider the Goldfields Act and to suggest amendments. In consequence of the report of that committee, the Government brought in this Bill. It has already passed the Lower House, and I am now going to ask hon. members to approve of it. It will be observed that the first portion of the old Act dealt with its Clause 10, which is repealed in this Act and a new clause substituted for it. In the principal Act there is no provision for

allowing a miner to mine for alluvial on leasehold land; but, notwithstanding this, the wardens have always allowed the miners to mine up to within 50 feet of a reef. And it is now proposed to legalise what has been the custom. To make it clear what is to be considered within 50 feet of a reef, the Bill provides that the applicant must mark out a line defining the reef, if required to do so by any miner. Clause 5 gives the Government power to divide the colony into mining districts. A little difficulty occurred recently. It was found necessary to provide more than one warden, without declaring a new goldfield, with a new title. In consequence of some action taken in the Supreme Court recently, a doubt was thrown on the validity of the regulations which had been made, and, in consequence of that, it has been deemed advisable to specially enact that all the regulations made by the Governor in Council are valid. On all the goldfields it has been open for people to dispute the titles of miners, and consequently it seemed to be the duty of the Government to put these doubts at rest. I move the second reading of the Bill.

Question put and passed.

IN COMMITTEE.

Clauses 1 to 4 agreed to.

Clause 5.—Division of goldfield into districts, and establishment of District Courts:

THE HON. E. HENTY: I believe the Wardens are all good men, but they have been given too much power; and I think we in this colony should follow the precedents of our neighbours, and provide for a higher Court of appeal against the decisions of the Wardens. In the other colonies a person can appeal to the Supreme Court, and yet we make the decision of the Warden final, subject to an appeal to the Minister. Any Warden may make a mistake. At present we have Wardens we can trust, but that may not always be so. I should be glad to see a provision inserted in the Bill giving the right to appeal to the Supreme Court.

THE HON. H. MCKERNAN: Then that would not be a final Court of Appeal.

THE HON. E. HENTY: Of course the case might afterwards be taken to the Privy Council, if it were of sufficient im-

portance; but I do not see why we should not give the fullest right of appeal.

THE HON. J. C. G. FOULKES: I think this matter is one of great importance; and, in order that we may fully consider it, I move that we report progress. I notice in the discussion which took place in another place that the Attorney General said there was no objection to giving the right of appeal to the Supreme Court in an important case; but against this there are many persons who say that this would mean increased litigation. I have no desire to increase litigation, but I do not think that giving a right to appeal to the Supreme Court would increase it. To show my *bona fides* in this matter, I believe in not allowing any legal practitioner to attend the appeal. I suggest that the papers should be sent down to the Judge, who should give his decision upon them. At present there is an appeal to the Minister, but it may happen that the very firms of some members of the Ministry may be acting for the litigants, which is open to suspicion. I do not think any suspicion attaches to any member of the present Ministry, because we know they possess our confidence, but it may not always be so. I have seen a notice stating that the office of one of the Ministers of the Crown is the registered office of half-a-dozen mining companies. We do not know when the interests of these companies may be brought up for consideration by the Executive Council. If we allow this to be done, I do not see why the Judges of the Supreme Court should not enter into partnership with individuals, and have the cases their firm are interested in brought before them to deal with. This would be most undesirable, and would create suspicion. We want justice free from all suspicion and doubt; and I therefore suggest we report progress, in order that we may consider the matter.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I agree with the hon. member in this, that too much power is given to the Warden. Wardens have power to adjudicate on claims and disputes without any appeal from their decision, and these are powers which not even the Judges of the Supreme Court possess. I should be glad to see the hon. gentleman bringing in a clause giving the right of appeal; but that has nothing to

do with the clause now before the committee. We do not propose, I take it, to limit the power of the Warden in the first instance, but, at present, the Warden is supreme, and neither the Minister or the Government can interfere. I do not think it quite fair of the hon. member to say that one of the Ministers has at his office half-a-dozen mining companies. I am certainly a member of a firm which carries on business as solicitors, and these notices are put outside the office simply to comply, in the case of foreign corporations, with the Companies Act. These companies must have a registered office where notices can be served, but it does not follow that the solicitors whose offices are made use of know anything whatever about the companies' business. As far as I am concerned, the only business we have had with these companies is to put their names on our door in order to enable them to comply with the Act. I may point out that neither in this House nor in the other House would it be possible to obtain Ministers who would give up all their time and liberty, and forsake their business, for the sake of holding office. As far as I and my colleagues are concerned, we are not in a position, pecuniarily, to be able to give up our business altogether to the public service. There is no reason why we should not go on with the Bill, and when we come to the end we can report progress, so that hon. members may consider a clause which would give the right of appeal.

THE HON. F. M. STONE: I am strongly in favour of having a right of appeal, but I wish to have a superior court that we can go to without delay.

Amendment, by leave, withdrawn.

Clause passed.

The remaining clauses were agreed to.

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

Question put and passed.

APPROPRIATION BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This is a Bill which provides for the annual supplies for the service of the year ending the last day of June, 1895. The various amounts, in

detail, are set out in the schedule, which have been gone through by the House whose peculiar province it is to deal with these accounts; and I think hon. members may rest assured that there are no extravagances proposed by the Government. There is no reason why the Bill should not become law at once. I move that it be read a second time.

THE HON. F. T. CROWDER: I move that the debate be adjourned until the next sitting of the House.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I think the hon. member should give some reason for his motion. I do not suppose the hon. member proposes to interfere with the details of the Bill.

THE HON. F. T. CROWDER: The reason is, I want more time to consider it.

Question—That debate be adjourned—put and passed.

LANDS RESUMPTION BILL.

SECOND READING.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This is a Bill, Mr. President, to empower the Government to take lands for certain purposes: for opening, altering, or diverting roads; for the erection of State schools, or for the accommodation of shipping, or harbour works, or for the construction of and approaches to bridges, botanical gardens, parks and pleasure grounds; for public buildings; for the construction of tanks and dams; and for other works or purposes incidental to any of these purposes. Where land is so taken, the mode of computing the compensation payable is provided by clauses 9 and 10 of the Bill. Clause 11 provides that when compensation is payable under this Act, the provisions of sections 16 to 19 and sections 21, 23, and 25 of the Railway Act of 1878, and the second section of the Railway Act of 1882, and sections 3 to 7 of the Railway Act of 1893 shall apply, and be followed as nearly as practicable. The real purport of the Bill is to enable the Crown to resume lands required for public purposes, and in case such resumption is made the usual compensation becomes payable. I move the second reading of the Bill.

THE HON. F. T. CROWDER: I do not intend to oppose the second reading

of the Bill, but in committee I shall move that Section 2, sub-section (e), which provides that the Government may resume land for gardens, parks, or pleasure grounds, be struck out. This is too great a power to give to any Government, and it may lead to jobbery. If the Government require land for such purposes, they can easily bring in a Bill to authorise them to resume any particular piece of land. At present we have a straightforward Government; but we do not know who may come into office, and we may get men who, in order to gain votes, may purchase land belonging to private individuals at prices far above its value.

THE HON. E. HENTY: I shall support the Hon. Colonial Secretary. I cannot see any objection to giving the power the Hon. Mr. Crowder complains of. Every effort should be made to obtain land which will provide lungs for the city, and in order to obtain it the Government must have some power to resume.

Question put and passed.

Bill read a second time.

THE COLONIAL SECRETARY (Hon. S. H. Parker) moved that the President do now leave the chair, for the purpose of considering the Bill in committee.

THE HON. F. T. CROWDER: I have just given notice of the amendment I intend to propose; and I ask that we defer going into committee until the next sitting of the House.

THE COLONIAL SECRETARY (Hon. S. H. Parker): It is usual to go into committee after the second reading, and I may say that I do not ask for notice of such an amendment as the hon. member suggests.

THE HON. J. C. G. FOULKES: I have no objection to go into committee, if we report progress when we come to clause 8. The reason I wish to stop at clause 8 is that the Bill deals with compensation payable to owners of land taken for railway purposes. There are various cases pending over land taken for the Bunbury Railway, and, if this Bill is brought in now, it may affect these cases.

THE COLONIAL SECRETARY (Hon. S. H. Parker): This Bill does not refer to land taken for railway purposes.

THE HON. J. C. G. FOULKES: On that assurance, I have no objection to go on with the Bill.

THE HON. F. T. CROWDER: I do not see why the Hon. Colonial Secretary wishes to rush this Bill through. I ask hon. members to defer the committee stage until the next sitting of the House.

Amendment put and passed.

Progress reported.

ADJOURNMENT.

The Council, at 9.5 o'clock p.m., adjourned until Tuesday, 20th November, at 7.30 o'clock p.m.

Legislative Assembly,

Monday, 19th November, 1894.

Scale of Fees chargeable under Transfer of Land Act—Effect of absence of the Governor from the colony during Constitutional difficulties—Streets in Bunbury Closing Bill: first reading—Leave of Absence for Mr. Piesse—Proposed appointment of a select committee to inquire into allegations respecting the teaching of dogma in Assisted Schools—Constitution Act Further Amendment Bill: Reserved for Her Majesty's pleasure—Medical Bill: consideration of committee's report—Perth Waterworks Purchase Bill: second reading—Droving Bill: Message from Legislative Council—Elementary Education Act Amendment Bill: in committee—Revoking of Civil Service Commission: adjourned debate—Adjournment.

THE SPEAKER took the chair at 7.30 p.m.

PRAYERS.

SCALE OF FEES CHARGEABLE UNDER TRANSFER OF LAND ACT.

MR. HARPER, in accordance with notice, asked the Attorney General whether the Government would take such steps as might be necessary to establish a scale of fees to be charged by surveyors under the Land Transfer Act, and to provide that such fees shall not be recoverable until plans shall have been certified by the Inspector of Plans

in the Land Titles Office? His reason for asking the question was because there had been a great deal of dissatisfaction expressed outside with regard to the fees charged and the manner in which matters were brought before the office, and the difficulty of getting the business through.

THE ATTORNEY GENERAL (Hon. S. Burt) replied that he would look into the matter during the recess, and would consider it thoroughly. He was not prepared to say that a scale of fees could be established without an amendment of the Transfer of Land Act.

EFFECT OF ABSENCE OF GOVERNOR FROM COLONY DURING CONSTITUTIONAL DIFFICULTIES.

MR. HARPER, in accordance with notice, asked the Premier whether, in the opinion of the Government, the settlement of the constitutional difficulties between the Houses of Parliament was likely to be in any degree delayed by the absence of His Excellency the Governor from the colony?

THE PREMIER (Hon. Sir J. Forrest) replied that the Government was not aware of any reason for thinking so.

STREETS OF BUNBURY CLOSING BILL.

Introduced by **MR. VENN,** and read a first time.

LEAVE OF ABSENCE.

On the motion of **MR. TRAYLEN,** leave of absence for a fortnight was granted to the hon. member for the Williams (**MR. PIESSE**).

ALLEGED TEACHING OF DOGMA IN ASSISTED SCHOOLS.

MR. HARPER, in accordance with notice, moved: "That in consequence of the allegations and denials made in this House respecting the teaching of dogma in Assisted Schools, it is desirable that a select committee be appointed to inquire into the facts, and that no vote on the Elementary Education Bill should be taken till the select committee shall have reported." He said: Various allegations have been made on this subject in the course of debate, and these allegations have been categorically denied by one or two members, and it seems to me desirable that the House should be put in