

carry out the wishes of the House in regard to this department, I think it would be very desirable.

Amendments put and passed.

Resolution, as amended, agreed to.

#### ADJOURNMENT.

The House adjourned at 11:45 p.m.

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## Legislative Council,

*Tuesday, 20th November, 1894.*

Goldfields Act Amendment Bill: committee—Medical Bill: first reading—Bunbury Street Closure Bill: first reading—Elementary Education Act Amendment Bill: first reading—Appropriation Bill: second reading; committee; third reading—Lands Resumption Bill: committee; third reading—Insect Pests Bill: Legislative Council's Amendments—Loan Estimates, 1894-5: Legislative Council's Suggestions—Adjournment.

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

#### PRAYERS.

#### GOLDFIELDS ACT AMENDMENT BILL. IN COMMITTEE.

Schedule:

THE HON. J. C. G. FOULKES: During the short time which has elapsed since this House last sat I have given the matter I then referred to some consideration. I find, on looking into the question, that if we give a right of appeal to the Supreme Court some serious questions will be involved. It was my intention to limit the appeal to our Supreme Court, but there is some doubt as to whether we can provide that, because I believe that every subject has the right of appealing from our Supreme Court to Her Majesty in Council. Therefore I most reluctantly postpone bringing forward the amendment I previously referred to. It is unfortunately the end of the session, and I regret

that the Government did not bring forward the Bill earlier, so that we might have had ample time to consider the subject.

Schedule agreed to.

Bill reported.

The Standing Orders were suspended.

#### THIRD READING.

The Bill was then read a third time, and *passed*.

#### MEDICAL BILL.

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

#### CLOSURE OF STREETS IN BUNBURY BILL.

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

#### ELEMENTARY EDUCATION ACT AMENDMENT BILL.

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

#### APPROPRIATION BILL.

#### SECOND READING.

THE HON. F. T. CROWDER: Since the last sitting of the House I have considered this Bill, and do not propose to make any objection to it.

Bill read a second time.

#### IN COMMITTEE.

The Bill was considered in committee, and agreed to without amendment.

The Standing Orders were suspended.

#### THIRD READING.

The Bill was then read a third time, and *passed*.

#### LANDS RESUMPTION BILL.

#### IN COMMITTEE.

Clause 2—Power to take land:

THE HON. F. T. CROWDER: I move to strike out sub-section (e.), which provides that the Government may have the power to take lands for botanical gardens, parks, pleasure grounds, and places for public recreation. I think this gives too much power, and may be used to influence votes at election time. There is no hardship in the clause being struck out, because, when the Government desire to purchase pleasure grounds, they can bring in a special Bill for the purpose.

**THE HON. E. HENTY:** I think, if we are willing to allow the Government to take land for other purposes in the Bill, it is absurd to limit them in this respect. If we do not give the Government power to buy land when they get the chance, they may have to pay a considerable sum for it if it is known they want to purchase a particular piece of land.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** I understand the reason for the amendment is that it will give the Government power to spend money improperly to influence votes, but that argument applies to all the other sub-sections. It must, however, be borne in mind that if compensation is payable the money will have to be voted by Parliament, and therefore the hands of the Government are to some extent tied.

Amendment put and negatived.

The remaining clauses agreed to, and the Bill reported.

The Standing Orders were suspended.

**THIRD READING.**

The Bill was then read a third time, and *passed*.

**INSECT PESTS BILL.**

**LEGISLATIVE COUNCIL'S AMENDMENTS.**

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** It will be observed that the Legislative Assembly has taken exception to the amendment in this Bill moved by the Hon. Mr. Hardey. The object of the amendment was that inspectors should exhibit their authority when called upon. I pointed out at the time that persons were not going to inspect from mere whim and caprice; and, even if they did so, they would render themselves liable to the penalties of trespassers. The Assembly has evidently taken this view, and, as I do not think any harm can be done, I beg to move that we do not insist upon our amendment.

**THE HON. R. W. HARDEY:** I still adhere to my amendment. It may appear a small matter, but I do not see why persons should be allowed to go into orchards and vineyards without showing some authority for doing so.

**THE HON. D. K. CONGDON:** It will be remembered by hon. members that I was the first to draw attention to this matter, and I still think it is desirable

that some authority should be produced by inspectors.

**THE HON. C. A. PIESSE:** I agree with the amendment, and I think we should insist upon it. I do not think persons should be allowed to go into gardens, particularly when the fruit is ripe, without showing some authority. It will be no trouble to give the inspector an authority.

**THE HON. F. T. CROWDER:** I agree we should insist upon this amendment. It seems to me that all our amendments are treated in the same way by the Assembly, and I suggest that in this instance we insist upon having our view in the Bill.

**THE HON. C. E. DEMPSTER:** I am disposed to support this amendment, because I think it will do good. As the Bill stands, any person may come into the gardens and do any amount of damage, under the pretence that he was authorised to do it. It would surely be no trouble to give him an authority, and no trouble to produce it?

The committee divided.

Ayes	...	...	6
Noes	...	...	11
			—
Majority			5

AYES.	NOES.
The Hon. D. K. Congdon	The Hon. F. T. Crowder
The Hon. J. W. Hackett	The Hon. E. W. Davies
The Hon. H. McKernan	The Hon. C. E. Dempster
The Hon. E. Robinson	The Hon. J. C. O. Foulkes
The Hon. H. J. Saunders	The Hon. S. J. Haynes
The Hon. S. H. Parker	The Hon. Ernest Henty
(Teller).	The Hon. E. McLarty
	The Hon. C. A. Piesse
	The Hon. J. E. Richardson
	The Hon. F. M. Stone
	The Hon. R. W. Hardey
	(Teller).

Amendment insisted upon.  
Resolution reported.

**LOAN ESTIMATES, 1894-5.**

**LEGISLATIVE ASSEMBLY'S MESSAGE.**

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** Hon. members have before them the Message of the Legislative Assembly which is the answer to the resolution we transmitted to them suggesting that Item 3 "Railway Donnybrook towards Bridgetown" should be omitted. I do not intend to deal with the constitutional question raised by this Message. I have already expressed here my views on this matter, and I

do not intend to weary hon. members by reiterating them. I do ask, however, whether it is desirable for us to further insist upon this amendment. I believe, as a rule, Loan Estimates are only treated by Councils as a whole. In nearly every Council in Her Majesty's Dominions the same practice is followed as appertains in the House of Lords, where questions of this kind are considered as a whole and not in detail. I am not arguing that this House has no right to deal with the question in detail, but I say, although we may have the legal right, it is questionable whether we should always exercise it. Only recently Lord Salisbury said that the House of Lords had never given up the powers they possessed of amending Money Bills, but we know they never do it, although they claim the legal right to do so should they deem it necessary. I believe Mr. Gladstone has also stated that the Lords have never given up the power, but they do not exercise it, and I believe all Councils in Her Majesty's Dominions act in the same way. This House, since it has been in existence, has never dealt with Estimates otherwise than as a whole. No such resolution as that recently passed has ever been adopted in this colony. Whether we have the power or not is not the point, the question now is, whether it is expedient for us to exercise the power we claim to have of amending the Estimates of the Government? The Government are necessarily answerable to the Lower House for them, because their existence as a Government depends upon their having a majority in that House. These Estimates have been passed by the House, and are in accord with the policy which has received the assent of the country at large—a policy which was initiated prior to the recent general election, and a policy upon which the majority of members, at any rate of the Lower House, were returned. It is quite true that when the Loan Bill was before this House strong exception was taken to the amount set down for this railway; but it must be remembered that we passed the Loan Bill, and with this item in it. We have consequently authorised the Government to raise the money.

**THE HON. F. T. CROWDER:** On a certain pledge.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** The pledge referred to was that the Government would not allow the Bridgetown Railway to interfere with the other railways, either as regards the survey or construction; and that the Bill authorising its construction would come before this House as a separate measure, and not be tacked on to any other measure, so that this House would have a voice in the matter, and would be enabled to determine whether the railway should be constructed or not. That pledge still remains good. No section of the railway can be constructed unless the Bill passes; but the Government anticipated, from the fact that this House passed the Loan Bill and authorised them to raise £80,000 for this railway, which money cannot be diverted, that this House would offer no further objection to the construction of the line. Under these circumstances the Government were fully justified in coming to the conclusion that this House, although it had strongly opposed the item in the Loan Bill, was not prepared to go the extreme length of throwing out the Bill when it came before it. To my mind the Government would be guilty of gross neglect, after what has occurred, if they did not take the proper steps to have the surveys made, and the permanent way material on hand, so that the contractor, when the Bill passed, would not be delayed in the work. The Government are only taking the same course in regard to this railway as they have in regard to others. They wish to make the surveys, and prepare the plans, and obtain the necessary material, so that when both Houses pass the Railway Bill the Government will be able to enter into a contract and have the line built at the earliest possible moment. I feel sure, after what has been held out to these struggling settlers who are looking forward to this line, that hon. members will no longer offer any objection to it. Under the circumstances I move that the Legislative Council, having considered the Legislative Assembly's Message No. 43, will offer no further opposition to Item 3, Railway Donnybrook towards Bridgetown, £21,950, in the Loan Estimates for the current year, and now sanctions the whole of these Estimates. In taking this course, however, the Council desires it to be distinctly

understood that it in no way surrenders any powers, rights, or privileges to which it is legitimately entitled.

THE HON. F. M. STONE: I beg to move the following amendment:—That all the words after "That" be struck out, and that the following words be inserted in lieu thereof:—

1. The Legislative Council, having considered the Message No. 43 of the Legislative Assembly, begs respectfully to inform the Legislative Assembly that it claims the fullest power to deal with the Loan Estimate in the manner contained in the Council's Message to the Legislative Assembly.

2. The only question that the Council can admit is whether the present matter is one in which the Council should exercise that power.

3. The Council, as to this question, would point out that before consenting to pass the Loan Bill with the items Railway Donnybrook towards Bridgetown, and Collic Coal Railway, the Council had the assurance from the leader of the Government in the Council that separate Bills for the construction of these lines would be submitted to the Council, so that the Council would then have every opportunity of discussing them, and the only sum mentioned as would be spent was £600 in the survey of the Collic Railway, and this was substantially intimated to the Legislative Assembly in the Council's Message No. 31.

4. That by agreeing to the item £21,950, the Council would be pledged to the construction of the railway, Donnybrook towards Bridgetown, and could not discuss the Bill for its construction or deal with it in any other manner than by assenting thereto.

For these reasons the Council must adhere to the resolution contained in its Message to the Assembly."

Hon. members will see that the Message which has been sent down to us by the Assembly has raised a constitutional question. I am glad to find that the Hon. Colonial Secretary has not attempted to go into it, and I shall follow in his wake and avoid it myself. We have already had a lengthy speech from the Colonial Secretary dealing in a very full way with this question, and we have had your ruling, sir, on a very similar question. It is not for me, therefore, being

satisfied with what has already been said, to further argue the matter. The question for us to consider now is, whether it is desirable for us to insist upon the amendment we have made—whether it is desirable we should exercise the powers we are possessed of? Before I sit down I hope I shall be able to convince hon. members that we should exercise these powers. Hon. members will remember, when the Loan Bill came before this House, we sent back a Message disagreeing with one item, and suggesting it be struck out. The Assembly refused to fall in with the suggestion, and we then sent back a resolution asking for reasons. Some reasons were given to us. We proceeded to consider them, and we obtained from the Colonial Secretary an assurance that Bills for the construction of these lines of railway would be brought before us separately, and that we should have every opportunity of discussing them. Now we find that, notwithstanding that assurance, a sum of £21,000 is placed on these Loan Estimates for the purchase of railway material, surveys, and for the preparation of contract, in respect to one of the lines we objected to, and which we had the assurance of the Colonial Secretary upon. When this question was debated in this House the other night, the Hon. Mr. Hackett told us, and I quite agreed with him, that if we passed this item we should be irretrievably committed to this railway. If that is so, what chance shall we have if we allow this item to get into these Estimates? What can we do with the Bill when it is brought before us if we have already assented to the expenditure of £21,000? We cannot turn round and say then we will not pass the railway, because we shall have already agreed to expend £21,000 upon it. That being so, it is clear we shall not, if we assent to the proposition of the Colonial Secretary, have any opportunity of discussing this railway upon its merits. The Government cannot say they have not had notice of our intentions on this subject, because in the Message we sent down to the Lower House we stated that, having had the assurance of the Colonial Secretary that these Bills would be brought in separately, we did not propose to further disagree. In the face of that, the Government now wish us to pass these items,

and by a side wind get us irretrievably committed to this particular railway. I ask hon. members whether this is the way the Government should treat this House? If they want us to pass this Bill let us have a free hand, and not be led into the passing of the Bill by what is nothing more than a trick. The Colonial Secretary has told us that the Loan Estimates are never dealt with in any other way by Upper Houses than as a whole. Perhaps not, but in this instance the Council has not been dealt with as other Councils have been by the Assemblies. I have no doubt that if the Council had been treated in a proper way, the Bill for this railway, when it came before us here, might have been passed. Now, it seems to me the Government are doing all they can to urge hon. members not to pass the Bill. The Colonial Secretary says the reason we should pass this item is to enable the Government to get the rails out and have everything ready in case the House passes the Bill; but I do not think that is a fair way to treat the House, especially when we considered it pretty fully, and told the Assembly in no measured terms that, up to the present, we objected to this railway because we had not sufficient information about it. If we allow the rails to be purchased we are, of course, bound to the line; and I think the Government have treated us very unfairly in endeavouring, by a trick of this kind, to get us to commit ourselves. This is not a question of the railway, but a question of whether the Council will assert its dignity and privileges. I have told hon. members how we have been treated, and I ask them whether they are going to submit to such treatment at the hands of the Government? We are told that already we have practically agreed to the railway by passing the item in the Loan Bill, but we agreed to that on the distinct pledge of the Colonial Secretary. Now we are told that if we do not pass this item in these Estimates, the Government will throw up all the works.

THE COLONIAL SECRETARY (HON. S. H. PARKER): The Government do not say that.

THE HON. F. M. STONE: The Government organ states that in a paragraph.

THE COLONIAL SECRETARY (HON. S. H. PARKER): What is the Government organ?

THE HON. F. M. STONE: The *West Australian*.

THE HON. J. W. HACKETT: I thought the *Government Gazette* was the Government organ.

THE HON. F. M. STONE: I imagine the paragraph was inspired—that if we did not agree to these Estimates the whole of the works would be stopped. In other words we are to be forced by a side wind to pass this item. I would remind hon. members that we have agreed to all the other items, and, therefore, if the Government choose to stop all the other works it is not our fault; but I defy the Government to stop other works, and I ask hon. members to take no notice of such threats as have been put forward. I ask them to vote, laying aside the question of the necessity of this railway, for the amendment I have moved, if only for the purpose of showing that the Council is not going to be coerced into passing this item. This Council should be treated in a proper manner, and on the assurance of the leader of the Government in this House, we should be kept faith with. I do not blame the hon. Colonial Secretary; he has always dealt fairly with this House, but I believe in this instance he cannot help himself. The Government have seen fit, backed up by the Assembly, to send down these Estimates with these items included, and I now ask hon. members to vote against it.

THE HON. F. T. CROWDER: I for one shall have much pleasure in doing so. I shall leave the constitutional point to be threshed out by those who study these matters. I, myself, am satisfied to be guided by your ruling, sir, and the opinion of my hon. friend, Mr. Stone, which on this occasion I get for nothing, instead of as usual having to pay for it. I look beyond the constitutional point to the moral aspect of the question, and I ask whether we have been treated in a manner one body of men should be treated by another? If we go back to the Loan Bill hon. members will remember that we refused to agree to certain items. On the 18th October when the Council met, the Colonial Secretary, in moving the resolution that this Council does not insist upon its amendment, made use of the following words:—"The Council will have an opportunity of considering these railways again, and I have

“pledged the Government that they will bring in each separate Bill as a separate measure, so as to give the House fuller opportunity to reconsider the vote—[THE HON. R. G. BURGESS: Vote the money first?]-“and to determine whether they will allow the rail-ways to be built or not.” On the 1st November the Hon. Colonial Secretary said:—“Hon. members have the assurance of myself, on behalf of the Government, that the Bills dealing with these rail-ways will be brought in separately, and when they do come before us, if hon. members deem it undesirable that they should be constructed, it will be quite competent for them to lay the Bills aside.” I think no hon. members having any sense, reading these utterances, can come to any other conclusion than that there was a distinct pledge that separate Bills should be brought down, and that until they were the Government guaranteed that no further money, other than £600 for surveys on the Collie railway, should be spent. Having confidence in the honour and integrity of the Government, this Council agreed to pass the Loan Bill. Now the Government, having deliberately tricked the House into passing the Loan Bill, tack a sum of £21,000 on to the Loan Estimates for this railway. Then they say that if we do not pass these Estimates as a whole, they will stop all works. That to my mind is only a way—another trick—to catch votes. It is all very well for the Government to try and throw the responsibility of stopping the public works on to this Council, but as we have agreed to pass all the other items in the Loan Estimates I do not see how any blame can attach to us. All through I think this Council has been treated with great disrespect. I would draw the attention of hon. members to the speech of the Premier at Bunbury. There he said:—“He had assisted in framing the Constitution Act. He regretted to say, owing to various causes—probably owing to the elections coming all at once—there were too many elections to permit of the electors exercising that discrimination which he felt sure they would exercise in the future. It was a matter of the greatest regret to him that the members of the Upper House were, for the most part, inexperienced in legislation and con-

stitutional practice.” And I may add, that in consequence of our inexperience he tried to take advantage of us by tricking us into passing the Loan Bill. Later on, in the same speech, he says:—“Assisted by their loyal supporters, the Government were enabled, by hook or by crook, to get the Loan Bill passed, and it was now law. And notwithstanding all the Legislative Council might do, so far as the present Government were concerned the money had been voted for that purpose, and they would have to walk over their dead bodies before the money would be diverted to other purposes.” I have no wish to walk over the dead bodies of the Ministry. I hope they will be long spared to see the error of their ways, and in the future treat members of this House with more respect than they have done in the past. I should advise the Premier in future to keep away from Bunbury, because no doubt the strong air which prevails there seems to take effect upon him. I have no doubt that had the Government acted judiciously the Bill for the railway, when it is brought down twelve months hence, would have been passed; but now I believe that so far as the Bridgetown Railway is concerned it is a mirage, because it will never be passed, and if that is so, what is the good of our expending £21,000 upon rails? It is not a question now of whether the railway is necessary, but whether hon. members will uphold the rights and dignities of this House. If we go back we shall stultify ourselves, a course which I am not prepared to pursue. I have much pleasure in supporting the amendment.

THE HON. C. E. DEMPSTER: I regret that this matter has caused so much ill feeling, but I hope hon. members will now endeavour to bring about an alteration in the position of members of one House towards the other. I admit that we have not been treated as we deserve to have been. We consider that we are representing the people quite as much as members of the Assembly do, and therefore it is not flattering to us to have every little amendment we make sent back, and disagreed with as unworthy of notice. If we are not required to make amendments, what use are we? If we are here for the

purpose of revising legislation, some attention should be paid to our suggestions. I wish, however, to restore good feeling between the two Houses, and for that reason I shall support the resolution of the Colonial Secretary; and I am able to do so without stultifying myself, because I supported the construction of the railway to Bridgetown. I consider the settlers in that district deserve a railway, and it is as useful and desirable a work as any set out in the Loan Bill. At the same time I must say that I regret, after what has occurred, this item should have been introduced in these Estimates in the way it has been. I think it was unwise on the part of the Government, after the pledge which was given us by the Hon. Colonial Secretary, for them to have inserted this item in these Loan Estimates, especially as I believe that all hon. members, when the matter was brought before them twelve months hence, would have been quite ready and willing to consent to the railway. I think that the course of the Government was ill-advised, and I hope in the future less friction will occur, and that we shall all learn the importance of one House treating the other in a proper spirit.

**THE HON. H. MCKERNAN:** I approach this question with a full knowledge of the responsibility of my position, and I think I shall not misrepresent the views of those who returned me here. Therefore, in the present instance I wish all feeling could be left out of the discussion, and the matter argued out upon its merits. It seems to me a most remarkable thing in connection with this railway, that the Government really go on with the work before Parliament has consented to it. They ask the House to authorise the money to be raised, then they seek to buy the material, and lastly they ask the consent of Parliament to carry out the work. I should like to know whether this is the course adopted in connection with all railways, for, if it is, I must enter my protest against the Government taking such liberties with their position. The Hon. Mr. Stone, in dealing with this matter, has asked us not to treat this question upon its merits, but to decide it upon whether we are going to uphold the dignity of this House. If I liked to occupy the time of the House I could point out many instances

where the grossest insults have been offered to this House, and of which the Hon. Mr. Stone and the Hon. Mr. Crowder have not taken the slightest notice. The amendments we made in the Insect Pests Bill furnish an instance in which one of the greatest insults was offered to this House.

**THE HON. F. M. STONE:** Why did not you then draw attention to it?

**THE HON. H. MCKERNAN:** I think I spoke on the question, and no attention was paid to what I said. It was, therefore, sufficient for me to allow hon. gentlemen, if they chose, to stultify themselves. Above all things, I should like to see hon. members consistent; why should not they be as careful in looking after the honour and dignity of the House in other matters as in this. A lot of time has been devoted to the discussion of the constitutional question which has arisen, but, even up to now, no satisfactory solution of the difficulty has been arrived at. I might suggest that we should allow the legislation of the country to proceed for the present, and then ask for a conference with the other House to deal with the matter. This would be far better than wasting time and retarding the progress of the country as some hon. members evidently desire to do. This is not a Chamber in which personal feeling should be indulged in. We should not know the members of another place. It should be immaterial to us who occupy positions there. We should deal with the measures that come before us upon their merits, without reference to what has taken place elsewhere. We should therefore take no notice of what has been stated elsewhere. I might remind the hon. gentleman who seconded the amendment that when he was before his constituents he advocated the construction of this railway.

**THE HON. F. T. CROWDER:** Nothing of the sort! I deny it.

**THE HON. H. MCKERNAN:** Reference to the local print will bear out what I say. I, however, accept the denial, and hope it is correct. Now, in regard to this amendment, I have asked myself whether it is desirable that this controversy should be continued. I have looked at the matter from various standpoints. I have looked at it from the point of view of the hon. members who desire to see the dignity of this House upheld, and I

have looked at it in the interests of the country, and I have come to the conclusion that the time has arrived when hon. members should concentrate their minds, and deal with this matter on its merits. I am in favour of a conference being held at an early period of next session to settle the constitutional difficulty, and having arrived at that conclusion there is only one course now open to me, and that is to vote for the item.

**THE HON. H. J. SAUNDERS:** It is my intention to support the amendment of the Hon. Mr. Stone, and I do so because I maintain that this Council ought to uphold its privileges. I cannot agree with the ruling of the late President of this Council that we should either accept or reject the Loan Bill as a whole. We are now an elective House, returned by the constituencies to see that the Government of the day do not tack upon a Loan Bill works which are not approved by the country. If we are not allowed to throw out any particular item, the Government is given a power I do not think the Constitution Act ever intended them to have. The subject has been very well threshed out that it leaves very little to say. I notice the Hon. Colonial Secretary stated that the Loan Bill had been already approved by this Council, and that the money had been voted, and that if we did not pass this item the money would remain in the bank and be of no use. I think, however, that difficulty could be easily overcome by reappropriating the amount to some other work more necessary than this. I do not wish to detain the House, but I shall support the amendment of the Hon. Mr. Stone.

**THE HON. E. HENTY:** As one of the members of the House who voted against this item, I deem it right to explain my position. Our opinions have been a good deal flouted by the other House. We have sent suggestions down, and they have been sent back to us in a way we should not call altogether courteous. In regard to this matter, I do not think the power under Clause 23 of the last Constitution Act was given to us for any other reason than to enable us to send down a suggestion so that another place might have an opportunity of reconsidering any decision that might have been come to in haste. No power is given to

us to coerce the Assembly into eliminating items we disagree with. We have not, however, been treated in a way we should have been, and therefore feeling is brought into the matter. I think we should be very careful now that no words of ours should lead to this feeling being intensified between the two Houses. We have done our duty, and the Government and the members of another place do not agree with us. I take it we should not dictate to them, and, having given them a chance of reconsidering the matter, I think we should vote with the Colonial Secretary.

**THE HON. D. K. CONGDON:** Like the speaker who has just sat down, it is my intention to support the motion of the Hon. Colonial Secretary. At the same time I must confess to a certain amount of regret that this House should have been treated as it has been by the Government after what occurred on the Loan Bill. I do not consider that the Government should have inserted this item in these Estimates, but should have waited until the Bill was brought in, and the railway discussed upon its merits. For my part, I have always thought that it is in the interests of the colony at large that this South-Western Railway should be continued to Bridgetown. We are told that the country is good, and that the people there have no cheap and easy means of having their produce conveyed to market. I shall vote for the resolution.

**THE HON. E. McLARTY:** As one of those who supported this item in the Loan Bill, I should like to say a few words. I certainly do not justify the action of the Government in placing this sum on the Loan Estimates; for I think, after the pledge given us by the Colonial Secretary that the work would not be undertaken until after other matters had been dealt with, it was, to say the least, injudicious for the Government to bring this matter forward in this form. I in no way justify their action. It causes me pleasure to support the Government when I can, because I have the greatest confidence in their integrity. At the same time I am not a slave to the Government; and I think in this instance that the House has been treated with scant courtesy. Every trifling recommendation made by this House has been treated with contempt, and even the



smallest matters have not been agreed to. I say again that I regret that this amount should have been put on these Estimates, especially as I think, if the matter had been allowed to remain until next session, the railway would have been carried without difficulty.

**THE HON. F. T. CROWDER:** It will not be now.

**THE HON. E. McLARTY:** Those hon. members who are opposed to the railway are not acquainted with the country, and during the next few months they would have obtained information which would have allowed them to support the item. As, however, the session is drawing to a close, and we do not want to prolong the discussion of this matter, I shall support the motion of the Hon. Colonial Secretary, although it must be distinctly understood that I disapprove of this item appearing in these Estimates.

**THE HON. S. J. HAYNES:** So far as I am concerned, I shall support the amendment. In looking at the history of this dispute, it seems to me that this Council has been treated by the Government in a manner which is nothing short of a gross breach of faith. The item in the Loan Bill was discussed in a full House. The members of the district, particularly the Hon. Mr. Hackett and the Hon. Mr. McLarty, urged the construction of the railway, and a large majority of hon. members, notwithstanding what was said, struck out the item because they thought that it was premature. A Message came back to this House stating that the Assembly could not agree to the suggestion, and we asked for reasons. These have been given to us, and we were also given a pledge by the Colonial Secretary that if we passed the Loan Bill we should have a full opportunity of discussing this line upon its merits. Hon. members accepted that assurance and passed the Loan Bill, and now an effort is being made to go beyond that pledge and induce us to pass the railway by a side wind. I am sure, when hon. members saw this item in these Loan Estimates, an honest indignation prevailed among them. The Government knew the item would be objected to, and the Lower House cannot say that we took them by surprise in insisting upon striking it out, because we told them so in our Message No. 43.

If the Government did not intend to ratify the assurance made by the Colonial Secretary, why did not they take the earliest opportunity of informing us that they did not recognise what he had said? They did not do that, but stated that, if we did not pass it, the responsibility would be thrown on this House of stopping the whole of the works of the country. This is all nonsense. We have passed every item with the exception of this £21,000, and the Government must accept the position. Even those members who supported this railway have not seen fit to endorse the action of the Government. Even the Hon. Mr. McLarty seems disappointed because this item appears. With regard to the line itself, I hope a time will come when I shall be able to support it, and when there will be sufficient information before the House to warrant us in passing this measure unanimously; but if we are to allow a tack of this kind in the present instance, we shall allow a precedent which we cannot get back from. We are here to prevent hasty legislation. There has been no outcry for this railway, except from the people in the district concerned, and this cannot be said to be the voice of the country. Under the circumstances, the Council is acting within its rights to ask for time in which to consider this matter. I cannot, therefore, support the motion of the Colonial Secretary because, notwithstanding the reservation at the end of it, we shall be committed to a dangerous precedent. If this House is not prepared to exercise its powers, then we had better abolish it altogether, and have only one House. I hope hon. members will look upon this as a matter of principle, and not vote away the privileges of the House. I do not think anyone will be influenced by the threats which have been put forward that all the other works in the Loan Bill will be stopped if we do not pass this item, because the Government will not stop them. I hope the Assembly will see the wisdom of withdrawing these Estimates, and sending them up afresh with this item eliminated.

**THE HON. C. A. PIESSE:** I am a strong supporter of the Government in their progressive policy, and I recognise they have done much good for the country. I am also a strong supporter of this railway, and, although I was in a minority

when the Loan Bill was considered, I did not consider the construction of this railway as hopeless. Although a strong supporter of the Government, I must say I feel indignant at the manner in which this House has been treated by the Assembly. All through the session the suggestions which we have made have been treated as if they had emanated from a lot of boys. We have been told that we are a youthful lot. I feel rather indignant at this, but do not think much good is to be gained by keeping the controversy going; therefore, I hope the proposition of the Colonial Secretary will be carried. At the same time, I should like to see some attention given by the Assembly to the suggestions which come from this House. Although we may be a young House, we are willing to do the best we can. I do not blame the Government, but rather the members of the Assembly. However, we shall do no good for ourselves nor for the Assembly by creating more friction; and I shall, therefore, support the motion of the Hon. Colonial Secretary.

**THE HON. F. T. CROWDER:** I move that we report progress.

**THE COLONIAL SECRETARY (Hon. S. H. Parker):** I shall be only too delighted to report progress if any reason can be shown for doing so. We have a very full House, and I believe every member has expressed his views and is not likely to change them. It seems to me, therefore, that now is the best time to decide the question. I regret, therefore, I must oppose the motion.

**THE HON. F. M. STONE:** I think we should report progress. Hon. members seem to be tired, and there is no necessity to hurry the matter.

The committee divided on the question that progress be reported.

Ayes ... ..	7
Noes ... ..	10

Majority ... ..	3
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<b>AYES.</b>	<b>NOES.</b>
The Hon. R. W. Hardey	The Hon. D. K. Congdon
The Hon. S. J. Haynes	The Hon. E. W. Davies
The Hon. J. E. Richardson	The Hon. C. E. Dempster
The Hon. E. Robinson	The Hon. J. C. G. Foulkes
The Hon. E. J. Saunders	The Hon. J. W. Hackett
The Hon. F. M. Stone	The Hon. Ernest Henry
The Hon. F. T. Crowder	The Hon. H. McKernan
(Teller).	The Hon. E. McLarty
	The Hon. C. A. Piesse
	The Hon. S. H. Parker
	(Teller).

Motion negatived.

**THE HON. J. W. HACKETT:** I move that the question be now put.

Question put and passed.

The committee divided on the question that the words proposed to be struck out stand part of the resolution.

Ayes ... ..	10
Noes ... ..	7

Majority ... ..	3
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<b>AYES.</b>	<b>NOES.</b>
The Hon. D. Congdon	The Hon. F. T. Crowder
The Hon. E. W. Davies	The Hon. R. W. Hardey
The Hon. C. E. Dempster	The Hon. J. E. Richardson
The Hon. J. C. G. Foulkes	The Hon. E. Robinson
The Hon. J. W. Hackett	The Hon. H. J. Saunders
The Hon. Ernest Henry	The Hon. F. M. Stone
The Hon. H. McKernan	The Hon. S. J. Haynes
The Hon. E. McLarty	(Teller).
The Hon. C. A. Piesse	
The Hon. S. H. Parker	
(Teller).	

Resolution agreed to and reported.

Ordered—That the resolution be transmitted to the Legislative Assembly.

**ADJOURNMENT.**

The Council, at 10-20 o'clock p.m., adjourned until Friday, 22nd November, at 7-30 p.m.

**Legislative Assembly,**

Tuesday, 20th November, 1894.

Opening of Tobacconists' and Barbers' shops on Sunday—Medical Bill: third reading—Closure of Streets in Bunbury Bill: second reading; in committee; third reading—Elementary Education Act Amendment Bill: consideration of committee's report; third reading—Perth Waterworks Purchase Bill: in committee—Imported Labour Registry Act Amendment Bill: second reading; adjourned debate; in committee—Insect Pests Bill: Message from Legislative Council—Adjournment.

**THE SPEAKER** took the chair at 4-30 p.m.

**PRAYERS.**

**OPENING OF TOBACCONISTS' AND BARBERS' SHOPS ON SUNDAYS.**

**MR. WOOD,** with leave without notice, asked whether the Government were aware that tobacconists and barbers were allowed