

this extra judge should not always stay in Perth, but travel about, and so save the colony a great deal of expense. I think we ought to make this plain to the Government before they bring in their bill.

MR. A. FORREST: I see no reason for pressing the motion to-day, nor do I understand that it is the wish of the Government to press it. I think everyone will agree that it is absolutely necessary, in the interests of the colony, that a third judge should be appointed. Going to law is a very unsatisfactory thing as the Supreme Court is now constituted. If you bring an action, and spend a lot of money, you may find yourself in the same position as you were before bringing it. You may come away a sadder if not a wiser man, but if the two judges disagree you may as well have stopped at home. Nobody gets any satisfaction. It is also very desirable we should have a third judge, so that one of them could travel about and hold a court out of Perth. We have a very vast territory to deal with, and the cost of bringing down a case from Kimberley, Roebourne, or Geraldton, or other distant places, is very great. There are other reasons why a third judge should be appointed, and I think the Government are to be complimented upon having brought the matter forward. It has been what I call a disgrace to the colony the way in which the business of the Supreme Court has been conducted, because nobody could get satisfaction unless the two judges agreed. I do not blame the judges in any way. What is wanted is another judge, so that in cases of appeal there shall be a majority one way or the other.

Progress was then reported, and leave given to sit again on January 5th.

ADJOURNMENT.

The House on rising adjourned, on the motion of the PREMIER, until Tuesday, January 5th, 1892.

Legislative Council,

Tuesday, 5th January, 1892.

Joint Parliamentary Committees on Public Works—Police Bill: in committee—Sharks Bay Pearl Shell Fishery Bill: first reading—Game Bill: first reading—Mineral Lands Bill: in committee—General Loan and Inscribed Stock Bill: in committee—Boyanup-Busselton Railway Bill: second reading: adjourned debate—Boyanup-Mianinup Railway Bill: in committee—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 3 o'clock.

PRAYERS.

JOINT PARLIAMENTARY COMMITTEES ON PUBLIC WORKS.

THE HON. J. MORRISON: I have to ask the Colonial Secretary, Whether, in conformity with the resolution of this House of 19th February, 1891, the Ministers who proceeded to the National Federal Convention informed themselves upon the working of Joint Parliamentary Committees to report on Public Works; and what was the result of their inquiries?

THE COLONIAL SECRETARY (Hon. G. Shenton) replied: Inquiries were made by Ministers, and from what information they could obtain, the joint committee in New South Wales appeared to be working well, but as it had only been introduced in one colony it was impossible to form an opinion as to how far it was applicable to the circumstances of this and other colonies.

POLICE BILL.

The Order of the Day for the consideration of the committee's report on this bill having been read,—

THE COLONIAL SECRETARY (Hon. G. Shenton) moved that the report be adopted.

THE HON. G. W. LEAKE moved, as an amendment, that the bill be re-committed.

Amendment—put and passed.

IN COMMITTEE.

THE HON. G. W. LEAKE moved that the words "or embezzlement, or of aiding, counselling or procuring any larceny or embezzlement," be inserted between

the words "larceny" and "may," in clause 121.

Question—put and passed.

THE HON. G. W. LEAKE then proposed the addition of the following new clause: "Every person who shall steal, or attempt to steal, or who, being a clerk or servant, shall embezzle, and every person who shall aid, abet, counsel, or procure the stealing or embezzlement of any chattel, money, or valuable security the value whereof does not, in the judgment and discretion of the justices, exceed Five pounds sterling, may, upon conviction thereof before any two justices of the peace, be imprisoned, with or without hard labor, for any term not exceeding six calendar months." He said that under the law as it now stood the consent of the person charged, if the amount of the larceny or embezzlement exceeded £5, was necessary before the magistrate had power to deal with the case summarily; but, as an old magistrate, he thought it better to provide the means by which justices could deal with these cases as they thought fit, so long as the term of the punishment was limited to six months. To adopt this clause would, he felt sure, save the country a considerable amount of unnecessary expense. No new principle was imposed by this proposition, for he found that in England magistrates had much greater powers of sentencing than they had in this colony.

THE COLONIAL SECRETARY (Hon. G. Shenton) said he regretted that the Government could not accept this new clause. The matter had received the careful attention of the Attorney General, who considered that it would be inadvisable, at the present time, to clothe magistrates with such power.

Question—That the proposed clause be added to the bill—put and declared negative.

THE HON. G. W. LEAKE called for a division, with the following result:—

AYES.	NOES.
The Hon. E. Hamersley	The Hon. J. G. H. Amherst
The Hon. J. Morrison	The Hon. M. Grant
The Hon. G. W. Leake	The Hon. J. W. Hackett
(Teller).	The Hon. R. W. Hardey
	The Hon. E. T. Hooley
	The Hon. W. D. Moore
	The Hon. G. Shenton
	(Teller).

Majority of four for the Noes.
Clause negative.

THE HON. E. T. HOOLEY moved the insertion of the following new clause:—"Any constable may at any time enter into any slaughter-house, shambles, shop, or other premises where meat is prepared or exposed for sale, and inspect and examine any meat there found, and if in his opinion any such meat shall be unfit for human consumption he shall at once summon the person who has prepared or exposed for sale such meat before a justice, who, on being satisfied that the meat so complained of is unfit for human consumption, may order it to be destroyed; and such person shall also be deemed guilty of an offence, and upon conviction shall be liable to a penalty not exceeding Ten pounds, or to be imprisoned for any term not exceeding one month. Any meat which shall be blown for the purpose of improving its appearance shall be deemed unfit for human consumption." He said that in bringing forward the clause he did not intend to reflect on the butchers, who would not, he felt certain, send out bad meat if they knew it. Still the objectionable custom prevailed of inflating the meat by means of the breath, and slaughtermen were not more healthy than other men. He was sure the butchers themselves would welcome such a provision in the bill.

Question—put and passed, and the Bill reported.

SHARKS BAY PEARL SHELL FISHERY BILL.

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

GAME BILL.

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

MINERAL LANDS BILL.

This Bill was considered in committee, and agreed to without amendment. The bill was then reported and the report adopted.

GENERAL LOAN AND INSCRIBED STOCK BILL.

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

bill was then reported and the report adopted.

BOYANUP-BUSSELTON RAILWAY BILL.

SECOND READING: ADJOURNED DEBATE.

THE HON. J. W. HACKETT said: It fell to my duty, on the last day we sat, to move the adjournment of the debate in regard to the second reading of the Boyanup-Busselton Railway Bill, for the purpose of obtaining plans and further information. In thinking over this matter, I felt I was not satisfied with the information I could obtain at headquarters; but it seemed to me in the highest degree unfair to the people of the Sussex district, who will be served to the number of 1,800 souls by this railway, that it should have been passed as a schedule to the Loan Bill, and then, on the redemption of the promise given by the Government that a further opportunity should be given to this House for its consideration, it should be thrown out. It might be that many of the residents of that district have made preparations for improving their properties, or for subdividing the land taken up by them; and to throw out this Bill without the fullest consideration seemed to me to be a course in the highest degree inequitable to them and unworthy of this House. There was another reason which occurred to me why this House should give the fullest consideration to this matter, and it is that to some extent the very important district lying between the Darling Range and the sea-coast happens to be unrepresented in this Council. The offer of a seat was made, I believe, to one gentleman, who might have been said to represent this district, but he declined it, and so it happens that there is not one member in this Council representing or qualified to speak on its behalf. Under these circumstances I thought it became my duty to inform myself on all matters, for and against, connected with this railway, and I accordingly arranged for a trip down, thus affording myself an opportunity of going over the route and of examining the country for myself. I have done so. Landing at the Vasse, I went over as much of the country, backwards and forwards, and zig-zag about, as I could. The country through which I passed struck me as consisting of the three

qualities which we are accustomed to in this colony. Some of it was bad; a great deal of it was good land; and there was a certain quantity of the most remarkable fertility I know of—not in Western Australia, but in Australia; and I may say that I claim to have a fair acquaintance with two of the richest parts of this continent—the Clarence district of New South Wales and the Western district of Victoria. There is no doubt that a great deal of the medium country, which is of a light sandy character, looks unpromising; but it has this recommendation, that it is based on limestone, and it extends not only along the sea-coast, but right from the Vasse to Bunbury. It is covered with timber, the excellent properties of which are well known, and when it is cleared the result is that couch grass of a most nutritious character springs up. The district also possesses an excellent rainfall, which for the twenty-four years it has been taken shows an average of thirty-seven inches per annum, although last year was an especially dry one. In looking about I was struck with the appearance of the cattle, not only as regards stock intended for the butcher, but dairy stock also, and hon. members, I am sure, will readily agree that this affords one of the strongest evidences that can be given as to the character of the country. I have been assured—and the evidence contained in the second report of the Agricultural Commission bears it out—that this district may yet be destined to be one of the chief fattening localities of the colony. I will say nothing about the production of fruit, because every district in the colony south of Geraldton boasts of its unrivalled capabilities for fruit-growing; but I must say that I was entirely unprepared to hear of the production not only of cereals, but of other articles of common consumption—potatoes and onions for instance—which we import at a cost probably of tens of thousands of pounds annually. I was shown one spot which had produced sixteen tons of potatoes to the acre, and the evidence taken by the Commission shows that the average yield is seven or eight tons per acre; in fact the land is on an equality with the famous Warnambool land, where they do as they do in this district—plough the potatoes in and plough them out. As to onions, I was shown three-

quarters of an acre which produced no less than seventeen tons, the average yield per acre being twelve tons and upwards. With regard to cereals the land is admirably adapted to the growth of rye, and on this point I am speaking not only from information I obtained personally, but from the evidence given by the members of the Agricultural Commission, the report of which I hold in my hand. Rye, I am informed, has a ready sale at 4s. 6d. or 5s. per bushel; and as to wheat, while undoubtedly the district may not be said to be one of the leading wheat-producing centres, I was informed by a gentleman whose word I have no reason to doubt that he had a paddock, fifty acres in extent, which had been cropped for the last fifty years with one exception (and for which he was very sorry, as it had enabled the couch grass to get a hold), and which was still yielding twenty bushels to the acre. As to butter, I was equally unprepared to hear that a great number of the dairy farmers get 6lbs. of butter per cow per week, a quantity many hon. members will recognise as being excellent for any part of Australia. All these statements can be verified by gentlemen who have given evidence before the Commission. The question naturally arises: if this land is so fertile and productive, how is it that the people are not more prosperous? I must admit that I have seldom seen a place where there is so little ready cash, and in Busselton, as in Bunbury, there appears to have been an absolute decrease in the numbers of the population, as is shown from the 1891 census compared with that of the previous census, ten years before. But as against this I may make the general remark I have made before, that in the history of Australia, Western Australia in particular has shown the necessity for railway communication. Where we have made railways the old towns have gone ahead and new ones have sprung up, but where we have withheld railway communication the districts were either at a standstill or were going back. I was not surprised, during my visit to the South, to find the general view I had formed verified, if not in the form I put it exactly, still in another form which is equivalent to it. In the report of the Commission most of the witnesses lay it down that their inability to make head-

way is either from a want of railway communication or the want of a cash market. The two things go together. I do not wish to weary the House by reading extracts from this report, but I would like to call attention to what two or three of the witnesses—men who may be called typical settlers of the district—said. The names of Gale, Ramsay and Roberts are no doubt familiar to hon. members of this Chamber. Mr. Roberts was asked, "What is your opinion with regard to the proposed railway between Perth and Busselton"? He replied: "I think if we had a railway we could grow almost anything, and supply the Perth market with all they want in the shape of dairy produce, potatoes, vegetables and fruit. We would also be able to send a lot of timber. I am quite satisfied it would lead to the spread of settlement. There's a large area of land suitable for it." Also asked if ham and bacon curing on a large scale could be carried on, he replied that there was no doubt of it, if they had proper facilities for getting their produce to market. Again with regard to dairying he said: "I reckon I lose 6d. a pound on every pound of butter through there being no direct railway communication with the metropolitan market. I am sure that a railway would give a great impetus to the dairy industry and do a great deal towards stopping importations of dairy and other produce." I may say that one of the settlers informed me that he was now sending as much butter per week to Perth as the mail cart could take, but that was a limited quantity indeed. Then Mr. Gale says: "I could sell a great deal more butter than I make. I never sell potted butter under 1s. 6d. I send small parcels of 30lbs. or 40lbs. of fresh butter every week to Perth at 1s. 8d.; I have to send it by the mail cart, for which the charge is 2d. per lb. Of course if we had facilities for sending larger quantities direct to the metropolitan market it would make a difference of at least 4d. per lb. to us, as we could send it all fresh instead of potted." And he is asked, "With cheaper means of transit, what do you think is the lowest price you could produce butter at, and deliver it in Perth?" He replied: "That is rather a delicate question, and I don't care to answer it, but I will say this: I wouldn't fear outside competition

—I mean as regards the imported article." Then he says: "We grow a variety of fruits, and they all do well. But there is no market for them here, and we have no facilities for sending them to Perth. It is just the same with fruit as all other produce—you cannot get it to a market, and I suppose we never shall until we get a railway." And asked whether he thought a railway would stimulate production, he said he did not believe there was a mile along the proposed route between there and Bunbury but what there was good land to be found. Mr. Ramsay and Mr. Roberts gave evidence to the same effect; but there was one gentleman who certainly gave evidence in the opposite direction. [MR. LEAKE: "Name him."] He is the member for the Sussex district, Mr. Cookworthy. I was rather surprised to read his evidence, but he has written me a letter in which he says he thought the whole commission was a joke, and that he did not look upon the matter in a serious light at all. He says he thought their great want was railway communication, and it did not require a commission to find that out. He adds: "I was rather amused by the whole affair, but it only shows how guarded one should be in the language he uses. I did not imagine that what I said would be taken seriously." But, when cross-examined, he said that the district wanted a cash market, and that they could do nothing whatever without it. It may be asked how it is the steamers do not serve this district. The answer is that they only call once a fortnight, and even then at very inconvenient hours; besides which a fortnightly service is of little use to enable them to dispose of their particular class of produce. And then there is the cost, first to the steamer, then to Fremantle, then landing it and carrying it from thence to market. All this swallows up the profit, even if it were three times as much as it is. As to the railway, the evidence I have obtained as to the fertility of the land will induce me to vote for it. Besides this, the country is the easiest over which a railway could be thrown. It is almost level, the only difficult work being one bridge, and low as the tender for the first section of the South-Western railway was, this line will be constructed certainly for £100 per mile less. It is

also as well for this House to remember that railways on the terms on which they are constructed in this colony are almost as cheap, and I need not say far more convenient, than macadamised roads. This principle has been recognised and prevails throughout Australia. I do not wish to say anything more about the productive character of the district except as to the two timbers. Of the jarrah I need say nothing. There is one mill there at work, and another (and this is a late piece of information) has been sold to an English firm which is prepared to put it in working order, and is ready to say, if this railway be constructed, that they will probably use it and the jetty at the Vasse for the shipment of their timber, instead of spending money on the reconstruction of a good part of their own line and jetty. As to the tuart, it is unnecessary for me to call attention to the fact that this wood has received the highest praise from some of the best authorities. It is said to be an exceedingly valuable timber by no less an authority than Baron von Mueller. He says of this wood: "Tuart timber is extremely hard, twisted and curled in the grain. It is very valuable where great strength is required, for shipbuilding, combing of hatches, engine-bearers, framing for railway carriages, carriage-wheels, &c. It shrinks very little in seasoning, and will not split during the process. It has been known to be exposed over thirty years without being affected, and it is the strongest timber known. Large-size planks and scantlings, from 20 to 40 feet long and two feet wide, can be cut from this timber." It is to be found growing on all the limestone ranges. I believe several hundred loads have recently been placed to the order of the South Australian Government for the construction of trucks. I have one or two other remarks to make, and then I will not trouble the House further. I would point out that the construction of this line is part of a general scheme of public works as laid before the House by the Government. If that scheme succeeds the Government will probably get the credit that is due to them; if not the blame must be theirs. But the Government is perfectly entitled, if the scheme fails to produce the effect they expected, to come in and say that

the failure is due to their well considered and digested scheme having been cut and carved about. That is the plain and practicable view to take, and I ask hon. members to pass the second reading of this Bill unanimously, because it will provide an outlet for the produce of this most important and valuable district, and which, to all appearances, is the only outlet that can be obtained. Secondly, it will promote the sub-division of properties which are now too large, and which is one of the reasons why the district fails to make the progress other parts of the colony have done. It will also unlock thousands of acres of the most astonishingly fertile land any gentleman in this Chamber has known. It will give the inhabitants of the Sussex district the want of that which they ascribe to their backward condition—a cash market—and it will provide the people of Perth, Fremantle, and the more thickly-populated parts of the colony with produce they are now compelled to import at a loss to the colony of many thousands of pounds a year. I have now very great pleasure in supporting the second reading of this Bill.

THE HON. G. W. LEAKE: As I intend to vote against this bill, perhaps it is fair that I should give my reasons for it. It is gratifying to know that there is such a land of promise as described by the Hon. Mr. Hackett, but I think it is merely a "land of promise," and the circumstances connected with it are such that I do not think we are warranted in deducting from a loan of one and a third millions of money so large a sum as £66,000 for a district whose capabilities have been allowed to lie, not perhaps fallow, but unworked for so long a period. The sum I mention is a very large one, compared with what is proposed to be spent in other districts which have already exported largely. When we consider the difficulty of raising this loan, and the discredit in which Australian attempts to borrow now stand in London, I think it would be as well if we were to devote the sum on the schedule for this line to some other object than the mere opening up of this remarkable district. I have no reason to disbelieve a single word the Hon. Mr. Hackett has said, but his remarks certainly appear most extraordinary when contrasted with the

evidence of the member for the district as given before the Agricultural Commission. Notwithstanding this, however, I submit that to construct this railway at the present time would be an unnecessary work, because of the few people settled along its route, and because those that are there can still raise their eggs and butter and their timber, and get them to market by steamer. I think the answer to this bill is that the district should wait. Already the line to Bunbury has been authorised, and before going further we should wait until there is a sufficient overflow of population ready and willing to purchase the subdivisions of property which the Hon. Mr. Hackett has referred to, and in the meantime we could apply this sum of £66,000 to the better furnishing and equipping of matters of instant need, such as the railways to Yilgarn and the Murchison. There we have something more than butter and eggs—we have it demonstrated that we possess as large goldfields as any in the world, and which only require railway communication to develop them. Population should be created first, and then should come this railway, which, it is said, will open up the agricultural land, for the purpose of supplying that population. To my mind it is absurd to build a railway in the hope of obtaining a population. Let me ask, too, from what quarter the population is to be drawn. In the first instance most of the increased population will certainly go to Yilgarn and the Murchison, and in time some of it may drift to this district, which I believe to be quite as fertile as the hon. member describes, but which, unfortunately, at the present time has no population to work it. There is another defect in connection with it which strikes me as being a good reason why we should not now pass this bill. I find the line goes near the tin-fields, but not to them. And again, surely it is important to connect Albany with Geographe Bay (and this £66,000 will go a great way towards it) so that the fruit, potatoes, and other produce grown at and around Busselton might find their natural outlet. I think it would be better to reject the bill *in toto*, even if the Minister who represents the Government should say that a promise would be given that the passing of the measure

would not interfere with the expenditure on the Yilgarn and Murchison railways. I do not mean that the bill should be thrown out altogether, or that the scheme for connecting Perth with Busselton should be abandoned, but only that the matter should be deferred. Surely a population cannot be created by building a railway; it must flow there, and is more likely to do so by the development of Yilgarn and the Murchison than by expenditure in this district. Besides this, £66,000 is far too large a slice of the loan for these few people to expect. I say again that I do not propose that the scheme should be abandoned altogether, but that it should be deferred until matters more pressing and of more importance shall have been decided. I therefore move that the bill be read a second time this day six months.

THE HON. J. G. H. AMHERST: As I am somewhat in accord with the remarks of the hon. gentleman who has just sat down, I beg to second the amendment which he has submitted. I do not say that this railway should be shelved altogether, but I do think that any further action in regard to it should be deferred until we are sure that we are able to raise the whole of the money authorised by the Loan Act of last session. As my hon. friend has said, there are many matters of more importance than this which should be undertaken without delay; and, especially after the evidence we have before us in the report of the Commission, I can see no reason why the people of the Vasse should not wait a short time longer before they get this railway. While some of us were enjoying ourselves during the holidays my hon. friend, Mr. Hackett, was going over this land flowing with milk and honey, although he only occupied one day in going over the length and breadth of the country over which this railway was to go.

THE HON. J. W. HACKETT: It is a very short railway.

THE HON. J. G. H. AMHERST: If my hon. friend could do it, it is not very difficult for the agriculturists to do it. We are already building a line to Bunbury, and that will bring them within a fairly easy distance of a station, or it would not be very difficult for them to ship their produce at the Vasse and take

it to Bunbury, and thence forward it by rail to Perth. Possibly within the next two years we may be able to see our way clear to build this line, and for my part I shall be glad to see it done, when we have sufficient money in hand to do it, without neglecting more important works. I must say, however, that it is not very encouraging to hon. members to read the evidence which was given before the Commission by Mr. Cookworthy concerning this railway. He said he would be very sorry to invest any of his money in it, and he further added that he did not believe a railway between Busselton and Perth would pay for a generation. When asked why it would not pay on account of poultry raising, he replied: "I don't know whether it would pay to make a railway to send a few fowls. And another gentleman said: "I should be sorry to give false evidence to get a railway, but if the money was to come out of my pocket I should say let it stand."

THE HON. J. W. HACKETT: Read what the successful men say.

THE HON. J. G. H. AMHERST: My hon. friend has already done that. The people of the Vasse are, no doubt, a contented lot, and for the present I think it would be a pity to stir them up. Perhaps, however, in two or three years time the colony may be sufficiently advanced to give that land which is flowing with milk and honey the railway the people desire.

THE PRESIDENT: Before this question is debated further, I hope hon. members will pardon me if I intervene for a few moments. I do not wish to give my personal opinions on this matter, although I may say that my ideas of this country are not quite of the rosy color which has characterised the remarks of the Hon. Mr. Hackett. I knew something of the district in former days; but I am aware that my knowledge was imperfect, it having been derived from having been to Busselton two or three times by various roads, which is not the best way of seeing the country. I am, I repeat, willing to allow that my knowledge of the district is imperfect, and I am forced to the conclusion from what I have heard from the members of the Agricultural Commission that my former

ideas were defective. However, that is neither here nor there, for I do not wish to intervene in this debate on account of my own personal views. But hon. members will allow that it is within my province to lay before them what I consider to be the constitutional aspect of such a question as this. We have only recently obtained Responsible Government, and, as we continue to work it, I feel more and more how very inexperienced we are—even those of us who may think they have a fair knowledge of constitutional practice; and it behoves us all to be extremely careful, therefore, as to what we do and how we act if we wish to establish this House with influence and power in the country, and to maintain for it that respect in which Upper Houses elsewhere are held. On this particular question I am afraid hon. members are rather inclined to act upon what they think is best in their opinion than upon constitutional practice and precedent. In regard to Public Works Bills, a doubt has been raised as to how far it is competent for this House to deal with such bills by way of amendment; but this I have been able to set at rest. It seemed to me to be a question whether public works bills could be amended in such a way as to increase the expenditure contemplated by the Assembly, and I find that in New South Wales the Upper House never makes amendments in them which would add to the burdens of the people. But in all the other colonies of the Australian group public works bills are dealt with by way of amendment just as any other measures. But when it comes to throwing out a public works bill it is a different matter. The practice of elected Upper Houses differs somewhat from that of nominated Houses, and the reason for this is obvious. It has often amused me to hear of persons speaking of elected Upper Houses as if they were democratic Houses, and of nominated Houses as if they were conservative Houses. Now it is in the ABC of constitutional knowledge that elected Upper Houses are far more combative than nominated Houses, because their members are returned to represent certain class interests—the interests of the propertied people—as against the interests of the mass of the people, while in nominated Houses it has always been

considered to be the duty of members to guard the interests of the people at large. The New South Wales Legislative Council, some few years back, took upon itself to throw out a number of bills of this kind; in fact reduced the proposed expenditure on public works by a large amount. But, under what circumstances did that House do so? They were railway bills, but they were not part of the well-defined and carefully-considered policy of the Government of the day. They were bills for what are called political railways, which were forced upon the Government, and which Ministers accepted practically to buy support, and in some instances members did not know anything about these lines. It was a back-scratching process among members that brought the bills about, and it was these bills that were thrown out by the Upper House, with the applause of the country. The result of this was, I believe, the establishment of that committee on public works in which the hon. member, Mr. Morrison, takes so much interest. But it has never been the constitutional practice (and I am not stating my own opinion only, but an opinion gathered from a careful study and consideration of the best authorities) for Upper Houses to interfere with a ministerial policy which has found far and wide acceptance with the people. The question is, how does this statement of facts apply to the present circumstances? We have now the first Ministry under Responsible Government in power—a Ministry which, after due consideration, and without pressure from outside, but acting upon the known wishes of the people, has met Parliament with a certain definite works policy. It has been called a "Works Ministry," and it is a fact that their main policy is a scheme of public works for the development of the colony. It cannot be denied that throughout the country, with a few exceptions, this policy has been received favorably. We have had no complaints about it, and in another place it has been accepted by a large majority of the representatives of the people. In these circumstances there is only one portion of the scheme which this House might, in certain circumstances, if it acted constitutionally, be justified in interfering with, and that is the portion dealt with last session. It is of course

possible that there might be such a divergence of opinion in regard to that portion of the ministerial scheme, that this House might be called upon to bring about delay, so that the matter might be further considered; but I do not think hon. members can say that there is any very great difference of opinion with regard to this railway, at any rate there is none as far as I can see, after paying attention to what has been said elsewhere on public platforms and in the press. This being so, is it the province of this House to interfere with the will of the people? The whole ministerial scheme seems to have been received with very general appreciation. And, under the circumstances, it is a question, I repeat, whether it is the province of the House to interfere with what appears to be the will of the people. It may be considered by some members that the railway is not required, but, when they find a complete scheme of public works, such as this, approved of by the public, with a full knowledge of what it means, and after abundant time for its consideration, I do not think that to deal with it, as some hon. members propose, would help to establish well-deserved confidence in this House. I have now ventured to inform hon. members of the constitutional practice in such cases; it is for them to apply it in whatever course they deem most proper.

THE HON. J. MORRISON: I shall, notwithstanding what has been said on this matter, vote according to my own ideas, and support the Hon. Mr. Leake in his amendment that this bill be read a second time this day six months. The Hon. Mr. Hackett has held out to us that dreadful bogey once more as to our position; but I maintain that we are here as independent members.

THE HON. J. W. HACKETT: What does the hon. member refer to as a bogey?

THE HON. J. MORRISON: You said it would be a dangerous thing for us to throw this bill out.

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

THE HON. J. MORRISON: At any rate I take that for what it is worth. The first reason I have for voting against this bill is that it has passed through another place without a division. There was certainly a short discussion, which

shows that there are others who hold the same opinions as we do that this railway is premature. I do not say that ultimately we may not go in for this line, but there is the financial aspect of affairs to be considered at the present time. Our loan is not yet floated. At the present juncture we have only raised £250,000 out of £1,336,000. When a thing is promised it should be carried out, and as we are not sure that it can be done, I am averse to seeing the bill now pass. Besides, I think the Government will be well off to be relieved of an item such as this, and in opposing it I consider we are only doing our duty to the country. I need hardly, I think, refer to the evidence given by the leading gentlemen resident at Busselton, for the Hon. Mr. Hackett has visited the country. I must say he did very smart work, and the people must have spirited him from one piece of good land to another. The evidence of the witnesses before the Agricultural Commission shows that the best of the land is along the coast, and that further back it is worse. Another reason why I cannot support the line is that we are already running a railway to Bunbury. Busselton is only 30 miles further on, along the coast and there is a good jetty there. Now in this colony we have plenty of coast, and in constructing further railways we want to strike inland as much as possible, and not run along the coast as this line would do. After leaving Bunbury we go on to Boyanup, and from there to Minninup, and from there I should like to see the line taken to the tinfields. Then again if we run on to Busselton we must make some sort of a harbor there. I am aware that there is some good land in the district, but I never knew it was such as the Hon. Mr. Hackett found it in his day or two's ride. It has been said that when we passed the loan schedule we committed ourselves to the different items in it. I object to that. If we are bound now to pass them why are they sent to us at all? Are they not sent here to allow this House to protect the interests of the country against hasty legislation. Certainly I never contemplated that when we passed the loan schedule we were binding ourselves to all the different items. It is said that if these works fail the Ministry will be to

blame, and will have to leave office, and if they succeed they will get the *kudos*. But what satisfaction, I ask, is it for us to oust the Ministry after the money has gone? The Ministry go out, but the money has been wasted and cannot be recovered. However, I do not think the present Ministry is likely to run on such lines, and I think, too, that the public works policy of the Government looks more promising than it did twelve months ago. Most of the works seem to be correct, but as regards this one you have only to ask the people in the district to find out that it is not required.

THE HON. J. W. HACKETT: Eight witnesses for it and two against it.

THE HON. J. MORRISON: Take the member for the district. At question 2949 he is asked, "You don't think at any rate there would be a largely increased population if a railway were made between here and Perth." He replied: "I really don't see that there would. Nearly all the dairy land is in the hands of private individuals." Then we have heard about the enormous quantity of butter that is produced, but Mr. Cookworthy says, at question 2945, "There is not a large quantity produced—not more, I should say, than 4 or 5 tons annually."

THE HON. J. W. HACKETT: That is on the direct route.

THE HON. J. MORRISON: Mr. Cookworthy further says: "There are not many places about here where they can produce it: Mr. Gale's, and Cattle Chosen and my own place, and Mr. Layman's and Mr. Reynolds'—that is about the extent of the butter-producing area."

THE HON. J. W. HACKETT: I asked about that, and I find that Mr. Cookworthy who gave that evidence, lived close to the Vasse.

THE HON. J. MORRISON: Of course I have only the printed evidence to go on, and on that I intend to support the amendment of the Hon. Mr. Leake.

THE HON. E. HAMERSLEY: I shall oppose the amendment, for as far as I can gather every hon. member who has spoken is of opinion that the railway should be constructed, except that they do not think the time is opportune. I, however, cannot see what advantage is to be gained by waiting, seeing that we have already voted the money to construct it.

THE HON. J. G. H. AMHERST: Let us do it when we have the money in hand.

THE HON. E. HAMERSLEY: We virtually have the money. It is said that railways do not pay, but if they do not directly, they certainly do indirectly. Let us do away with all our railways, and then see in what position we should be with our combined import and export trade. Most of it would die away. I believe in the policy of the Government as a whole, and I do not intend to vote against this part of it.

THE COLONIAL SECRETARY (Hon. G. Shenton): Sir, one of the previous speakers asked why the Government had brought in this Bill, and I can only say, in reply, that it is because it forms part of the public works policy of the Government. It is one of the works provided for in the schedule to the Loan Bill, and one which we wish to see carried out. One of the reasons why the Vasse District has not made the rapid strides which other districts have, is because of its isolation. It has been stated that the people there have plenty of means of communication owing to the steamers calling there once a fortnight. But the interval is too long, and when they do stop it is only for a short time, and quite insufficient to enable the settlers to send their produce to market. Moreover, the produce is of such a nature that a fortnightly service is of very little use. As stated by the Hon. Mr. Hackett, what the district wants is a cash market, and if this railway be built this want will be supplied. We have only to look round and see the enormous quantities of potatoes and other produce brought round by the steamers to show us what the colony is losing, and I feel sure it only wants a railway to this district to enable the settlers to successfully compete with those places whence this produce comes. Thousands of pounds go out of this colony every year for articles which we could grow. Some opposition has arisen to the passing of this bill on the ground that it might interfere with the construction of the other and more important railways to the Yilgarn and to the Murchison: but I now state on behalf of the Government that we undertake that the contract for this work shall not be let until the funds are available, nor shall its construction be com-

menced until the Yilgarn and Murchison lines are in hand. I think an assurance such as this ought to at once remove the opposition I have indicated. Then, looking at the matter from a constitutional point of view, this bill has passed through the Lower House practically without opposition. No exception has been taken to it on the part of the public, and it is portion of the Government policy. Our object in including this in our schedule was to open up this producing country, and, as I have stated before, we have good reasons for it when we look at what has been done on the Great Southern Railway. There we see that the railway has been the means of causing new towns to spring up and fresh lands to be opened up, and surely in the Vasse district, where the land is good and the climate salubrious, and where there is almost double the rainfall there is on the Great Southern Railway, we may expect a similar development. The Government have not brought in this bill for the purpose of doing a little "back-scratching," as it is termed; the present Ministry have not stooped to that low level yet. We bring the bill forward on far higher grounds—as part of the policy for developing the colony of Western Australia. Mr. Leake asked why we should not spend this money on works of greater importance; but I submit it is not within the province of this House to make any change of that kind. We cannot introduce a bill to appropriate loan money. The Government bring the bill forward feeling assured that they are doing the right thing, and they are prepared to accept the responsibility. Our reason for pressing it forward now is that it is part of the schedule to the Loan Act, and after the assurance I have given on the part of the Government, that the work will not be undertaken until the money is in hand, or until the other railways of more importance are commenced, I think it behoves this House to agree to the second reading. We admit that the lines to Yilgarn and Mullewa are of paramount importance, because they will develop our goldfields and create a population, which this Vasse district can subsequently supply with many necessary articles of consumption. I ask hon. members to vote for the second reading of this Bill.

THE HON. J. MORRISON: The hon. gentleman said there was no opposition in the other House. I think there was a division.

THE COLONIAL SECRETARY (Hon. G. Shenton): No great opposition.

THE HON. J. MORRISON: But still there was opposition.

THE HON. M. GRANT: After the guarantee I have just heard on the part of the Government that the lines of more importance shall be undertaken first, I shall be willing to support the second reading of this Bill. It must, no doubt, be of immense benefit to the colony to have its agricultural land opened up, so as to keep down importations. To be always importing means that we shall always be in a state of poverty, and if this district is able to supply us with potatoes, butter and cereals it is as well that we should encourage it; although I agree that it is better that we should undertake the railways to the goldfields first, inasmuch as they bring about population. I came here to-day half prejudiced against this line, but after what I have heard, and after the guarantee of the Government, I shall vote for it. If we get gold and then have to send it away for produce, there is no gain to us, and we should do all we can to grow as much as we require at least, even if we have nothing to send away. It has also struck me that this district has not had very much spent on it in the past, and, therefore, this £60,000 is perhaps only what is due to it.

THE HON. E. T. HOOLEY: I came here to-day undecided as to what course I should take on this Bill. I came to get information, and I may say I have obtained it, and a very pleasant surprise it was to hear from my hon. friend Mr. Hackett that the district had such great capabilities, for I had no idea there was such a quantity of good land there. He compares it to the best in the Australian Colonies—to the land in places I know. He speaks of 16 tons of potatoes to the acre, and of an enormous quantity of onions that was grown on three-quarters of an acre of land. If there is such land as that let them have a railway; although at the same time I do not think I should have voted for this bill at the present time unless we had had the assurance of the hon. the Colonial

Secretary that the work would not be pushed on until the other railway contracts were let. I should have taken that course because I think the other railways were of more importance, inasmuch as they will bring population, and then, having the population, we shall want to supply the necessaries of life. I have therefore much pleasure in supporting the second reading of the bill.

Question—That the words proposed to be struck out stand part of the question—put and declared carried.

THE HON. G. W. LEAKE called for a division, with the following result:—

AYES.

The Hon. M. Grant
The Hon. J. W. Hackett
The Hon. E. Hamersley
The Hon. E. W. Hardey
The Hon. E. T. Hooley
The Hon. G. Shenton
(Teller).

NOES.

The Hon. J. G. H. Am-
herst
The Hon. W. D. Moore
The Hon. J. Morrison
The Hon. G. W. Leake
(Teller).

Majority of two for the Ayes.

Bill read a second time.

BOYANUP-MINNINUP RAILWAY BILL.

This bill was considered in committee and agreed to without amendment. The bill was reported, and the report adopted.

ADJOURNMENT.

The Council at 5:10 p.m. adjourned until Thursday, 7th January, at 8 p.m.

Legislative Assembly,

Tuesday, 5th January, 1892.

Plans and papers to accompany bills transmitted to the Legislative Council—First Offenders Bill: in committee—Titles of Public Officers Bill: second reading—Bills of Sale Act, 1879, Amendment Bill: further considered in committee—Third Judge of the Supreme Court: Provision for salary of a—Adjournment.

THE SPEAKER took the chair at 2:30 p.m.

PRAYERS.

PLANS AND PAPERS TO ACCOMPANY BILLS TRANSMITTED TO THE LEGISLATIVE COUNCIL.

THE SPEAKER: I would like to ask the wishes of the House with reference to forwarding to the Legislative Council plans and papers relating to railway and other bills, which may help them in considering such bills when forwarded to them by this House. According to parliamentary rules and practice all papers and plans laid on the table of this House cannot be removed; they are the property of the House. But members of the other House complain, and, I believe, justly, that when they receive bills connected with public works, they have not the plans and papers which were placed at the disposal of members here when dealing with these bills, and that they are thus placed at a disadvantage in not having at their disposal that information which I think the members of this House will agree with me they ought to have. I am informed it is the practice in New Zealand, when any bills are brought in with reference to any public works of which plans and papers are laid on the table of one House, to transmit those plans and papers to the other House when the Lower House has done with them. It seems to me that is a very admirable arrangement, and, if adopted here, it would save a great deal of expense in making separate plans and maps for each House. I think, if it is the wish of the House, we should adopt that practice here.

THE PREMIER (Hon. Sir J. Forrest): Acting in accordance with your Honor's suggestion, I beg to move that the following message be sent to the Legislative Council:—"The Legislative Assembly,