

to be given to the agreement Ministers may find themselves in a very peculiar position.

The amendment was not seconded.

THE SPEAKER: Hon. members are still at liberty to discuss the Reply.

THE ATTORNEY GENERAL (Hon. S. Burt): I may, perhaps, be allowed to say a few words in reply to the hon. member who has just sat down. I find myself in this embarrassing position: The hon. member for East Perth starts with something he is debarred by the rules of the House from proceeding with, and the motion he makes this evening does not come before us for want of a seconder. I have been waiting for an opportunity to answer the hon. member, but unfortunately I cannot do so because his motion cannot be put to the House. Perhaps, however, hon. members will allow me to say a few words bearing upon the hon. gentleman's remarks. Now in the first place let me say that the hon. member is doing nothing but raising a storm in a teapot. It is all very well to address this Assembly on high points of constitutional law; but I ask the House whether the matter is really not in a nutshell. We know what the law is. We do not dispute the quotations the hon. member has read to us. Perhaps it is as well that we should be reminded that the Government is bound by certain usages and laws with regard to the expenditure of money; although, at the same time, let me say that any Government which make themselves slaves to usages and laws, and loses the substance while going after the shadow, are not worthy of being called a Government. The case of the Midland Railway Company was one of very great importance at this time, and the hon. member has suggested that the action of the Government was unjustifiable. The House may not be aware that this agreement for guaranteeing an advance of money to the Midland Company was made by the Government at a time when the directors of the Company in London were advertising Western Australia throughout England, by setting forth the advantages of settling on their land in this colony, and they were doing this to make the market easier for their financial operations. On the top of all this was about to fall the abandonment of the Company's

enterprise, through inability to raise money by selling their debentures to carry on the work of construction. The money market at that time was absolutely blocked for raising money for any scheme in the colonies, as I know of my own knowledge while visiting London. What would have been the result if this railway scheme had stopped? Being absent from the colony at that time, I was apprehensive that my colleagues might not have the pluck to seize the opportunity for coming to the relief, not of the Midland Railway Company but of Western Australia. There was no risk at all of any money being involved, for the guarantee is tied up by the agreement in such a way as to ensure the completion and equipment of 150 miles of this railway by next February, which is the contract date. Therefore, before the Government can be called upon to find any money whatever, they will have an equipped line of 150 miles. Out of the 6,000 acres of land per mile which the Company are entitled to as progress payment for work completed, the Government get a total of 200,000 acres as security for this advance; and surely it will readily be seen that if this enterprise comes to an end, and the Company go into bankruptcy at the end of February next, the Government will really obtain 150 miles of railway, not for £60,000, but for about £47,000. But probably the money market in February next will be in such a state that the securities which the Government hold will be in a favorable position, and that the Company will be able to proceed with the completion of the line to Geraldton. If the Government had been too nervous to take the responsibility required at the moment, they would not have been worthy to hold office, and I was very glad to hear that the Government had taken it. Hon. members have only to satisfy themselves that this guarantee, this assistance, was really required; and if that is so, they need not waste time in considering whether the guarantee given by the Government was constitutional or illegal. If we had permitted a disaster to happen, while looking about for the law, we certainly should not have been worthy of the confidence of either this House or the country. Was this a case of urgent necessity? If so, we need go

no further and commence to split hairs about the legality or otherwise of what was done. The Government thought it was such a case. They took the necessary action and accepted the responsibility, and to-night we abide the decision of the House on it. As to the so-called illegality about our having spent money without the sanction of Parliament, we have spent no money at all, although, to listen to the hon. member, a stranger would think that we had spent £60,000.

MR. CANNING: It is the same thing.

THE ATTORNEY GENERAL (Hon. S. Burt): We are giving a guarantee. If the Company does not pay it, we shall have to, but before we do that we shall have the means without asking this House for a sixpence. Whether the value of the security is what we say it is is another matter; but we do say we have done nothing that will oblige us to come to this House for anything. We have guaranteed the money, and if the time ever comes to pay it, we will be able to put our hands on the money to do it with. Therefore, as I have said, the hon. member has done nothing other than raise a "storm in a teapot." I do not blame the hon. member. I rather rejoice that there is someone who will keep an eye on the Government, and give us some expectation that whenever we do anything like this we shall be brought to book for it. I am glad the hon. member has raised the question, although he has made too much of it, as is shown by the fact that he has not been able to find a seconder for his motion. The hon. member too has used such large language. His saying that the collective wisdom of the great British nation had condemned such a thing as this; that it was a violation of our Constitution, and so on, was a mere exaggeration of this small issue; for if the Government had committed a serious breach of the Constitution, not only would the great British nation have condemned it, but a nation greater than Great Britain—Western Australia—would condemn it and the Government also. It has been said that Ministers should not make whips to scourge their own backs; but about what? About a thing which every member of this House knows we were justified in doing. I say it for the last time: the question is whether the circumstances

were such as to warrant the Government in doing as they did. If that be decided in the affirmative there need be nothing more about it. Of course we cannot say what will be the outcome of all this; but as far as practical men could judge, as we had to at the time the occasion arose, and as far as we can judge now, we see no risk of any kind whatever.

Question—That the Address be adopted—put and passed.

#### ADJOURNMENT.

The House adjourned at 9:20 p.m.

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### Legislative Council,

Friday, 11th December, 1891.

Sessional Committees—Police Bill: second reading—Adjournment.

THE PRESIDENT (Sir T. Cockburn-Campbell, Bart.) took the chair at 8 o'clock, p.m.

#### PRAYERS.

#### SESSIONAL COMMITTEES.

The usual Sessional Committees were appointed, on the motion of the Hon. the COLONIAL SECRETARY.

On the motion for the appointment of a Library Committee,

THE HON. J. W. HACKETT asked whether some rules were not agreed to by committees representing the Legislative Council and the Legislative Assembly.

THE PRESIDENT said there had been a conference on the subject; but he could not furnish particulars of what had been done at that moment.

THE HON. J. W. HACKETT said he would like to know the conditions under which members of the Legislative Council could use the library.