

only to ensure its efficiency but also to maintain its popularity. There was no doubt room for improvement in more respects than one. It appeared to him that the salaries paid to the staff-officers were meagre in the extreme. Let them take the Inspecting Field Officer to commence with. If such an officer was necessary at all, his salary, it appeared to him, was totally inadequate; and he believed the Government would have proposed a very much larger salary to that officer but for the fact that the office was created by the then Governor, in spite of the expressed wish of that House to the contrary. Let them either do away with the office altogether, or let it be adequately paid. Some of the other officers, too, if necessary, ought to have at any rate fair salaries. He said "if necessary," for he should be sorry indeed to see the movement starved in order to maintain a staff of useless officers. He did not intend to take any steps in the matter this year, but next year he hoped to see an improvement, otherwise he was very much afraid we should find that our Volunteer movement had become a thing of the past.

The additional votes moved by the COLONIAL SECRETARY were then agreed to.

Miscellaneous (reverted to):

THE COLONIAL SECRETARY (Hon. M. Fraser) moved that the item "Quarantine Stations, £100" be increased to £500. The hon. gentleman said as it was impossible to foresee what expenditure might be absolutely necessary under this head, he thought it better to ask the committee to increase the vote. He only hoped the money would not require to be spent, and, if so, hon. members might rest assured it would not be expended.

The motion was agreed to, without opposition.

MR. S. H. PARKER said, before the Estimates were reported, he should like to ask whether the Government had any intention of establishing a botanical garden in the vicinity of Perth? He thought the time had come when some steps should be taken in that direction.

THE COLONIAL SECRETARY (Hon. M. Fraser) said he was not aware that there was any present intention of establishing a botanic garden, but he hoped that some good work would be done in

the way of acclimatising plants, under the energetic direction of the committee appointed for that purpose, the scene of whose present labors was not far distant from that chamber. Beyond that, he was not in a position to say anything more on the subject.

THE CHAIRMAN OF COMMITTEES then reported that the committee had reconsidered the Estimates, and had agreed to a further sum of £476 15s., making a total of £247,431 16s. 11d.

The report was adopted.

The House adjourned at half-past three o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 10th September, 1884.

Quarantine on South Jetty, Fremantle—Immigrants from the South of France, Switzerland, and Italy—Imported Labor Registry Bill: in committee—Message (No. 36): Refund of £10 to Presbyterian Church—Message (No. 37): Assenting to Bills and Reserving the Governor's Salary Bill for the signature of Her Majesty's pleasure—Election of members of Finance Committee—Joint Stock Companies Ordinance, 1858, Amendment Bill: second reading; in committee—Supreme Court Ordinance, 1861, Amendment Bill: second reading; in committee—Presbyterian Church Bill: recommitted—Beverly-Albany Railway Bill: second reading; in committee—Report of Select Committee on Public Works Loan (Message No. 21)—Adjournment.

THE SPEAKER took the Chair at seven o'clock, p.m.

PRAYERS.

QUARANTINE ON SOUTH JETTY, FREMANTLE.

MR. S. H. PARKER asked the Colonial Secretary why the Government had declared a portion of the new south jetty at Fremantle a place for quarantine? It seemed strange and inexpedient that a spot so near the town should have been selected for such a purpose, and he thought the public would like to know the reasons that had actuated the Government in the matter.

THE COLONIAL SECRETARY (Hon. M. Fraser) said it had been done after consultation with the health officer, who informed the Government that there was no danger that the disease of small-pox would be communicated through the medium of cargo, though brought from infected ports, and it was only for the purpose of unloading cargo that a portion of the jetty had been proclaimed as a place for quarantine. The object was to facilitate trade without at the same time in any way endangering the public health. No communication would be allowed between the crew or passengers of vessels coming from infected ports and the shore, and it was only cargo that would be allowed to be landed, which, as he had already said, the health officer informed the Governor would not be the means of communicating the particular disease against the introduction of which these proceedings were taken.

IMMIGRANTS FROM SOUTH OF FRANCE, ETC.

SIR T. COCKBURN-CAMPBELL asked the Colonial Secretary whether the Government had received a communication respecting a letter from Messrs. Marie, Morem, & Co., of Marseilles, asking if a certain number of immigrants from the South of France, Switzerland, and Italy would be acceptable to this colony; and whether it is true that the immigration regulations are of such a nature as, in the opinion of the Government, to prevent the introduction of these persons? From what he personally knew of the peasants of the South of France and Switzerland, we could not have a better class of colonists.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the Government had received a communication from the firm referred to, through the Government Resident at Albany, and it was referred to the Board of Immigration, which body decided that under the present regulations the proposals must be declined.

SIR T. COCKBURN-CAMPBELL: Can the hon. gentleman tell me why?

THE COLONIAL SECRETARY (Hon. M. Fraser) said he was not prepared at that moment to say why, but if the hon. member wished for further information and would give notice, his question would be answered.

IMPORTED LABOR REGISTRY BILL.

The House then went into committee for the consideration of this bill, as amended by the select committee to whom it was referred on August 18th.

Clause 1.—Repeal of 46 Victoria, No. 21:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) explained that the main principle upon which the select committee had acted was that all contracts with coolie laborers entered into with the approval of a British authority, or of any authority of a European Government of the country where the contract had been made, should, as a matter of course, be countersigned by the Magistrate here, and be deemed a valid contract; but that as to contracts which had not been entered into with the approval of such authorities, it should be necessary to satisfy the Magistrate at the port of landing here that such contracts had been freely and voluntarily entered into by the laborer, and fully understood by him, and that the terms of the contract were not harsh or unfair to the laborer. As to all contracts subsequent to the original contract, the committee recommended that it should be lawful to make them in the presence of any disinterested witness, provided a copy of the contract be sent to the Magistrate of the district within three months. The committee further recommended that contracts with these laborers, after they had been in the colony for two years, should no longer be subject to the provisions of the Act, and, further, that all contracts existing at the time of the passing of this bill, which had been duly approved by the authorities already mentioned, should be considered valid contracts, although not made in accordance with the provisions of the Act now in force.

Clause agreed to.

Clause 2.—Short title:

Agreed to.

Clause 3.—Interpretation of terms:

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved that all the words after "and," in the 4th line (dealing with the definition of "laborer"), be struck out, and the words "brought into the colony as a laborer, or servant, or for any other similar employment," be inserted.

This was agreed to, without opposition, and the clause as amended put and passed.

Clauses 4 and 5 :

Agreed to, *sub silentio*.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved that the remaining clauses of the bill be struck out, with a view of inserting the amended clauses as proposed by the select committee.

This was agreed to.

Clause 6.—“The said contract shall be in writing signed or marked by the employer or his agent and by the laborer, and it shall specify the nature of the employment, the period of the service (which shall not exceed three years), the amount of wages, the times of payment thereof, and that rations be supplied, substantial, sufficient, and suitable for the laborer. The contract shall also contain stipulations by the employer that the laborer shall be provided with fit and proper lodging during the period of his engagement, and that he shall be returned to the port or place of his shipment, at the expense of the employer, at the end of the period of service; and that medical attendance shall be provided by the employer, at his expense, for the laborer when practicable and necessary, unless the illness of the laborer shall have been caused by his own improper act or fault. Provided, however, that the absence of the stipulation as to the return of the laborer to the place of his shipment as aforesaid shall not invalidate any contract bearing the written approval of any British authority, or of any authority of a European Government of the country where the contract has been made. The said contract may be in the Form A in the Schedule hereto.”

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that when this matter was before the select committee, certain suggestions were made, which met the views of the majority, and he might say that the main principle which governed the committee was this—that where a contract with a laborer had been entered into with the approval of a British authority at the place where the contract was made, such contract should as a matter of course be deemed to be a valid contract. The majority of the committee went further than that, and

were satisfied if the contract was entered into, not alone with the approval of a British authority, but, in the alternative, with the approval of the authority of any European Government of the country where the contract had been entered into. To a certain extent the Government here agreed with that; but there might be cases in which the European authority might be an authority of a country which this Government would not be prepared to adopt their labour contracts,—in other words, they might not be an authority we could rely on. The authority might be Portuguese or Spanish, and, without pretending to say what were the relations between masters and servants in those countries or their possessions, this Government might not be prepared to swallow, red hot, any contracts made with the approval of those authorities, without inquiry. So long as it was any approved European authority, the Government would be satisfied; but the majority of the committee were not prepared at that time to accept that suggestion. It was an important matter for the consideration of the House whether we should accept all contracts, made before any European authority, as a matter of course. What the Government said was this—and he threw it out for the consideration of the Council—that we should have the right to say whether we approved of such European authority, before adopting their contracts. In order to carry out this intention, he would move that after the word “made,” in the 32nd line, the following words be inserted: “if such European Government shall have been designated by the Governor in a notice in the *Government Gazette*,” so that all contracts should not necessarily be accepted without inquiry. If the Council would only accept this suggestion, the Government would not oppose the passage of the bill, as amended, through the House; and, without saying any more, he hoped the bill would become law. He threw out the suggestion with that idea in view, and he hoped it would be received in the spirit in which it was made.

MR. BROWN thought he might take it upon himself to say that the suggestion made by the hon. and learned gentleman was not likely to meet with any great

opposition. It appeared to him a reasonable one, but he thought it would be very much better if the Government were to designate these European authorities in the bill itself, rather than in the *Government Gazette*. He thought the Dutch Government might be accepted as an authority whose contracts our own Government might safely adopt, and, as the Dutch had several possessions among the islands of the Malayan archipelago from whence these laborers were likely to be obtained, and as it was known that the Dutch authorities were more careful in guarding the interests of the laborers under their dominion than the Chinese or the authorities at Singapore,—if the Attorney General would say that the Dutch Government would be a Government whose contracts the colonial authorities here would accept, he should have no objection whatever to accept the hon. gentleman's suggestion.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he was not prepared to do that on his own responsibility. He thought the hon. member might trust the Governor to favor all contracts that were reasonable.

MR. BROWN: If the hon. gentleman will go so far as to state that the contracts of the Dutch authorities shall be recognised, I shall be satisfied; otherwise, I must oppose the amendment. The Government themselves in the original bill were prepared to accept any European Government's contracts, but now after further consideration they wish to reserve to themselves the right to refuse to recognise the actions of some European Governments.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he had not come down prepared to say what might be done in the future, and, for the purposes of this particular clause, it was not absolutely necessary to make such a provision in it; but the same principle was to run through the whole bill. As to his making any pledge, he was sure that upon consideration the hon. member would not expect him to do so. He could not, on his own responsibility, mention what authorities might be included or excluded from the operation of the bill. Circumstances might change, and some discretion must be left to the Governor. All he could say was, that

it was the wish of the Government, if possible, to have a workable bill and to do all they could to meet the views of the colonists in this matter; and he did not think, if this discretionary power were left to the Government, there would be any occasion hereafter, at all events under the present régime, to blame the Government. They were desirous to do everything they could to satisfy the public, including the hon. member for the Gascoyne. Dutch contracts, so far as he knew, were very fair and reasonable contracts, and he had no doubt in his own mind that these contracts would be recognised. He could not go any further than that.

MR. BROWN: The hon. gentleman says he has no doubt that contracts entered into with the approval of the Dutch authorities would be recognised,—under this clause, I presume. Of course that is a question of interpretation, and I have no intention of pitching my judgment against the Attorney General's. At the same time I do not forget that the Attorney General, not exactly twitted us, but blamed us for that we opposed a certain bill introduced only two years ago; and that the Government thought it very inconsistent on my part to require such sweeping alterations as I then did. The hon. and learned gentleman placed the responsibility of the existing state of the law upon the members of this Council—a fair position enough. But I accepted that bill upon the interpretation put upon it, and the assurances given, by the Government benches; and, if I accept this clause as it is proposed to amend it, it is upon the interpretation put upon it by the legal adviser of the Government. At the same time I must say that, in my humble opinion, until this *Gazette* notice is made, contracts entered into with the Dutch authorities would be invalid,—at least, so it seems to me.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): All I can say is, if such a contract were made, I should advise the Government that it was a perfectly good contract.

MR. VENN said he was inclined to support the views of the hon. member for the Gascoyne. These agreements, it appeared to him, would be practically invalid, unless the particular Government

with whom they were made were designated by notice in the *Gazette*. He thought the Attorney General was to be congratulated upon the insinuating manner in which he had sought to introduce this amendment without raising discussion. But he thought it was the duty of those who supported the views of the hon. member for Gascoyne to do all they could to protect the employers of these men.

MR. BROWN said it was not the action of the Government they had reason to be afraid of. He had no doubt the Government would recognise all that was wanted; but they were acting very cautiously, and probably under instructions from home. It was the laborers themselves that employers were afraid of, and for this reason—not because the agreement may not have been voluntarily entered into and be a perfectly fair agreement, but because these agreements would not be in the form of the schedule to our Act; and a laborer so engaged would very soon find out that he could snap his fingers at his master, in the same way as these laborers were now doing, simply because their agreements were not worth the paper upon which they were written. He thought if the committee passed the clause as it now stood they would be doing no harm to the laborer. He appreciated the spirit in which the Government had come forward in this matter; but both sides of the House, the Government as well as the elected members, had responsibilities, and, for his own part, being dissatisfied with the amendment, he must vote against it.

THE HON. J. G. LEE STEERE regretted to say that he could not agree with the Attorney General's amendment, for it went against the principle affirmed by a majority of the committee, who considered that an agreement entered into with the approval of any European authority should be a valid agreement. But now it was proposed to restrict these agreements to such Governments as the Governor of this colony might choose to designate. They had no assurance whatever as to what Governments would be designated, and possibly none at all might be designated; consequently the Attorney General's desire, as ex-

pressed throughout the whole of the discussion in committee, would be carried out, by what he might call a side wind.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he was sorry the hon. member should have misunderstood him. What he had suggested in committee was the very proposition which he now made. With regard to the hon. member for the Gascoyne's objection, he believed that all the conditions here proposed to be imposed were embraced in the Dutch contracts, and there was no reason whatever why this Government should not accept them; and, so far as the present clause was concerned, the Dutch authorities would come under the designation of a European Government. He could not undertake to pledge the Government any further, nor would it be right on his part to do so. He might have the strongest moral conviction in his own mind as to what would be recognised and what would not be recognised, but he would not be justified in pledging the Government, without at any rate affording them further opportunity for consideration. The only desire which the hon. member himself could have was to guard against any contract, no matter with whom made, being necessarily accepted, even when made under the authority of a Government whose laws were repugnant to our own laws on the subject.

MR. MARMION said his sympathies in this matter were with the hon. member for the Gascoyne, who, he knew, had given a great deal of time and attention to this measure. At the same time he thought there was something in the arguments put forward by the Attorney General; and, so far as this clause was concerned, they were chiefly dealing with the stipulation as to returning a laborer to his own country, and it was just possible that, unless some such stipulation were made, these men might be thrown upon the Government. With regard to other clauses, no doubt this amendment would have a material effect upon the working of the bill, and he in no way pledged himself to support it.

The amendment was then put, and the committee divided, the numbers being—

Ayes	9
Noes	8
				—

Majority for .. 1

AYES.	NOES.
Hon. M. Fraser	Mr. Burt
Hon. J. Forrest	Mr. Crowther
Mr. Mason	Mr. Davis
Mr. Glyde	Mr. Grant
Mr. Loton	Mr. McKee
Mr. Marmion	Hon. J. G. Lee Steere
Mr. S. S. Parker	Mr. Venn
Mr. Randall	Mr. Brown (Teller)
Hon. A. P. Hensman (Teller)	

The amendment was therefore carried, and the amended clause put and passed.

Clauses 7 to 10 were agreed to *sub silentio*.

Clause 11.—“The said medical certificate may be signed at the port or place of shipment of such laborer by a person authorised to practise as a physician or surgeon by any law in force in any of Her Majesty’s dominions or by any licensed or recognised school of medicine, or it may be signed at the port or place of landing of such laborer by a Government medical officer:”

MR. MARMION said this clause appeared to be inconsistent on the face of it. The medical certificate at the place of shipment might be signed by any medical practitioner, but, at the place of landing, no certificate would do but that of Government medical officers. Why insist upon this distinction, when any doctor would answer the purpose at the port of shipment?

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said it appeared to be a provision in favor of the laborer, and no harm could come out of it. No objection was raised to it by the members of the select committee. We could not of course insist upon obtaining certificates from Government medical officers in other countries than our own.

The clause was then put and passed.

Clause 12 was agreed to without comment.

Clause 13.—“Within fourteen days after the landing of any laborer within the colony, or within such extended time as to the Magistrate in his discretion may seem necessary and proper, the employer or his agent and the laborer shall go before the Magistrate of the port of landing, and the employer or his agent shall produce the contract entered into between the parties as aforesaid, and the employer shall prove to the satisfaction of the Magistrate that the contract has been explained to, and freely and voluntarily entered into by the laborer, and that it is under-

stood by him; provided that the fact of any contract having been entered into before and signed by a British authority or any authority of a European Government of the country where the contract has been made, shall be *prima facie* evidence that such contract has been explained to and freely and voluntarily entered into and understood by the laborer:”

MR. MARMION said that in order to meet the views of the hon. member for the Gascoyne, as expressed when the 6th clause was under consideration, he now begged to move that the words “or Dutch” be inserted after the word “British,” in the 18th line.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) pointed out that the effect of this amendment would be that they would be getting the bill out of gear altogether. The subject had been fully discussed, and the committee had divided upon it, and why should they not adhere to the principle already affirmed? It appeared to him a most inconvenient course to adopt. A contract would be good for some purpose and not good for other purposes. He hoped the hon. member would think better of it, and support the Government in this matter, and also support his own vote. They would get all the clauses of the bill so mixed up as to make a hash of it. Some hon. member, when a further clause came under discussion, might move to insert the French, or Spanish, or Portuguese authority.

MR. BROWN said there were hon. members now at hand who did not vote in the previous division, and he hoped the decision then arrived at would now be reversed. He hoped the Government would observe that a large majority of those who had voted in the previous division were elected members, whose views were entitled to consideration, though they were opposed to the views of the Government.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said it seemed to him that the Government had given way very considerably in this matter. [Mr. Brown: Hear, hear.] He was glad to hear the hon. member assenting to that statement. He thought the Government had met the House in a very fair and liberal spirit; they had

conceded almost everything hon. members had asked for, and he thought the hon. member for the Gascoyne himself ought to be satisfied.

MR. RANDELL said he had always taken considerable interest in these bills, and, so far as his influence went, it had always been exerted in support of the hon. member for the Gascoyne. This was the third bill that had been brought before the House dealing with this subject, and he thought it was the best one—except perhaps that introduced by the hon. member for Geraldton himself (Mr. Brown), and which was vetoed. He thought that good reasons had been assigned why the principle already affirmed should be adhered to, and he thought it would be wise for the House thus far to meet the wishes of the Government in the matter, so that a good bill might now be secured for the country, a bill that would work well. He failed to see why they should withhold their confidence from the Governor; it was not at all likely that any Governor would fail to at once designate, by a notice in the *Gazette*, what European authorities would be recognised in the matter of these contracts, and that the Dutch authorities would be one of those that would be so designated. If the hon. member insisted upon his amendment, the probability was that they would lose the whole bill, which certainly was a great improvement upon the present Act, and its loss would be a loss to the country. If they were working men under Party Government he should perhaps have hesitated before accepting the assurance of the Attorney General on this subject; but, under our present constitution, when our Ministers were not liable to be removed at will, he thought they might, with the utmost confidence, accept the assurance of the hon. and learned gentleman, and leave the matter in the hands of the Governor, in the knowledge that His Excellency would do what was best in the interests of the colony.

THE COLONIAL SECRETARY (Hon. M. Fraser) had hoped that when this bill had been amended by the select committee it would have been accepted by the House as a very proper measure; and he trusted that the hon. member, upon further consideration, would see the non-necessity of pressing his amend-

ment, and jeopardising the whole bill. Should it be discovered hereafter that there was anything objectionable or unworkable about the bill, it might be amended at a future session; but he did hope hon. members would endeavor to meet the Government in a fair and liberal spirit in this matter.

MR. MARMION said, as to throwing the bill out of gear, as stated by the Attorney General, it appeared to him there was no necessity for that, nor any danger, for the bill might be recommitted, so as to make all its clauses harmonise.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): Our position is this,—we have already, I think everyone admits, gone as far as we possibly can, and we wish to be consistent. We do not wish to be invidious, and put forth one country as superior and more to be trusted than the rest. Why should hon. members go out of their way to assume that the Governor would attempt to create a difficulty, when it is admitted on all hands that these Dutch contracts are fair and reasonable contracts?

MR. BROWN said he saw nothing "invidious" in the amendment, seeing that the Dutch Government was the only Government we were at present trading with, in respect of these laborers. No laborers were introduced from Spanish or Portuguese possessions, otherwise perhaps there might be something invidious in particularising the Dutch Government and no other.

The question was then put, that the words proposed to be inserted be inserted, and, a division being demanded, there appeared—

Ayes 11

Noes 9

Majority for ... 2

AYES.		NOES.	
Mr. Brown		Hon. M. Fraser	
Mr. Burt		Hon. J. Forrest	
Mr. Crowther		Mr. Mason	
Mr. Davis		Mr. Glyde	
Mr. Grant		Mr. Hamersley	
Mr. Marmion		Mr. Loton	
Mr. McRae		Mr. S. S. Parker	
Mr. S. H. Parker		Mr. Randell	
Mr. Sheuton		Hon. A. P. Hensman	
Mr. Venn		(Teller.)	
Hon. J. G. Lee Steero			
(Teller.)			

The amendment was therefore carried, and the clause put and passed as amended.

The remaining clauses of the bill were agreed to *sub silentio*.

New schedule agreed to.

Title and preamble agreed to.

Bill reported.

MESSAGE (No. 36): REFUND OF £10 TO PRESBYTERIAN CHURCH.

THE SPEAKER announced the receipt of the following Messages from His Excellency the Governor:

"In reply to the Address, No. 36, of the Honorable the Legislative Council, the Governor has the honor to state that he will order the sum of £10 to be paid, as requested by the Council, to the Commissioner or other Officer of the Presbyterian Church, Perth. The payment can be made from funds already at the Governor's disposal.

"Government House, Perth, 10th September, 1884."

MESSAGE (No. 37): ASSENTING TO BILLS AND RESERVING GOVERNOR'S SALARY BILL.

"The Governor informs the Honorable the Legislative Council that he has this day assented, in Her Majesty's name, to the undermentioned Bills:—

"11. An Act to make it lawful to close up certain portions of Streets in the Town of York.

"12. An Act to amend the Law of Newspaper Label, and to provide for the Registration of Newspaper Proprietors.

"13. An Act to simplify the procedure in amending Deeds of Grant which contain an erroneous description of the boundaries of the land contained therein.

"14. An Act to amend 'The Wines, Beer, and Spirit Sale Act, 1880.'

"15. An Act to regulate the construction of Buildings in Perth and Fremantle, and other Towns within the Colony.

"2. The Governor has reserved the Bill intituled 'An Act to supplement the Governor's Salary,' for the signification of Her Majesty's pleasure thereon.

"3. The several Bills, sealed and noted as necessary, are enclosed herewith.

"Government House, Perth, 10th September, 1884."

ELECTION OF FINANCE COMMITTEE.

THE HON. J. G. LEE STEERE moved for the election, by ballot, of four unofficial members of the House to form the Finance Committee, required by the 16th section of the Audit Act. He took this opportunity of saying that he thought the thanks of the Council were due to the members of the board who had been acting on behalf of the Legislature in controlling unauthorised expenditure. As a member of the select committee on the Excess Bill he had observed that the members of the board had exercised very great care not to advise the Government to incur any more expenditure than was actually required.

MR. BROWN said he cordially endorsed what had fallen from the hon. member for the Swan. A reference to the minute book of the committee would show that their work was no sinecure.

Hon. members having delivered to the Clerk the list of names of the members to serve on the committee,

The CLERK reported to the Speaker the following names as having received the greatest number of votes: Mr. S. H. Parker, Mr. Burt, Mr. Marmion, and Mr. Shenton.

JOINT STOCK COMPANIES ORDINANCE, 1858, AMENDMENT BILL.

MR. BURT, in moving the second reading of this bill, said that the Ordinance which regulated the formation and registration of joint stock companies did not apply to persons associated together for the purposes of banking or insurance, and the object of the present bill was to extend the provisions of the Ordinance to insurance companies. This had been done in England, and, he believed, everywhere the principle was admitted that it was desirable that insurance companies should limit their liability. He thought all that was necessary to be done in order to introduce the principle here could be accomplished by this short bill, which hon. members would see only contained one clause, providing for the omission of two words in the second section of the Joint Stock Companies Ordinance. His attention had been called to the matter by reason of the recent formation of a local fire insurance company, and he thought everyone would be glad to find the colony progressing to

that extent that a local company for fire insurance purposes had received such promises of support. He believed there could be no objection whatever to extend the provisions of the Companies Act to this insurance company or to any other company of the same kind that might be formed here.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said, as the bill was very short, and was brought in for the object stated by the hon. member in charge of it, to encourage local enterprise, he did not propose to offer any serious opposition to the second reading. At the same time he was not at all sure but that the provisions of the existing Act would apply to insurance companies. It was rather a hasty piece of legislation, and, for that reason, he was afraid not very satisfactory. The object in view was no doubt a good one, but he was not at all satisfied that the bill was necessary to accomplish that object. There was every wish on the part of the Government to encourage local enterprise, and if this little bill would meet the circumstances of the case he did not know that there could be any great objection to it. But it was brought forward rather hastily and in a somewhat immature state, and, unless the hon. member was satisfied, perhaps it would be better if the measure were postponed until another session, so that the whole law on the subject might be assimilated with legislation in England and elsewhere.

MR. BURT said that some time ago he drew attention to the desirability of introducing such a bill, and he gave the hon. gentleman a copy of the draft. He knew that the hon. gentleman had not probably had time to investigate the subject, but he (Mr. Burt) had looked through the English Acts—not exhaustively, he admitted—and he could not find any provision specially applicable to insurance companies. Most of them were devoted to regulations affecting banking companies. No doubt the local Ordinance required amending in many other respects, and the probability was that a more complete measure would be brought in next session. He was not in a position to say at the present moment that he should himself bring it in, but, if the Attorney General should not have time to prepare it, he (Mr. Burt) would

be happy to give his assistance in the matter to any hon. member who thought he was likely to be there next year. He hoped the hon. and learned gentleman would not press his objection to the present little bill, otherwise the local company which had recently been organised would have to suspend its operations for another year.

The motion was then put and passed, and the bill read a second time.

MR. BURT moved that the bill be now considered in committee.

Agreed to, without opposition.

IN COMMITTEE:

Clause 1—agreed to, *sub silentio*.

Preamble and title agreed to.

Bill reported.

SUPREME COURT ORDINANCE, 1861, AMENDMENT BILL.

MR. BURT, in moving the second reading of this bill, said this was another very small bill, and its object might be very briefly stated. Clause 16 of the 24th Vict. No. 15 (Supreme Court Ordinance, 1861) dealt with the admission of barristers, and the latter portion of the clause enacted that no person shall be admitted to practise law at the Local Bar until he had proved that, among other things, he had served five years in the office of some barrister in this colony. Under a more recent Act a Board had been appointed for the purpose of examining candidates for admission to the Bar, and that Board was empowered to make rules to regulate admissions to the Bar. He found that one of the rules which ran through all these regulations in the other colonies was one empowering the examining Board, in the case of candidates holding University degrees, to shorten the period which such candidates must serve before their admission; and the object of the present bill was to enable our own Board to exercise the same power. The way he proposed to do this was by repealing the words in the Act which provided that all candidates shall have regularly served five years in the office of a local barrister, so as to give the Board the power of shortening that period in the case of gentlemen who had obtained a University degree, or who had passed a University examination.

THE HON. J. G. LEE STEERE: What guarantee will the public have, if these words are repealed, that there will be any test at all required for the admission of barristers? Although the Act referred to was passed three years ago, I believe that up to the present time no rules whatever have been passed by the Board, and all that is necessary for admission is that the candidate shall be of good fame and character. It appears to me that if these words are expunged there will be no professional test at all.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he believed that as a matter of fact no rules had been framed by the Board; but the Board was in existence, and consisted of the Chief Justice, the Attorney General, and a private member of the Local Bar elected by that body. The Board had had two or three meetings, and had been engaged in considering the question of rules, and been in communication with the other colonies in order to ascertain what their rules were; and he thought he was right in saying that the Board would very shortly put forward its rules for admission. As a matter of fact, he believed no candidates had presented themselves for admission since the Board was established, and he was not aware that there were any candidates at the present moment prepared to present themselves; so that the Board was not at all in default. The House might rely they would not admit anybody, unless he was qualified, to become a member of the Bar. For his own part, he saw no objection to the bill now before the House. It appeared to him desirable that the five years probation should in certain cases be shortened.

MR. RANDELL: Is it likely in any way to act prejudicially in the case of students qualifying for admission?

MR. BURT: On the contrary, it may assist them.

The motion for the second reading was then agreed to, and the House went into committee on the bill.

IN COMMITTEE.

Clause 1.—Repealing portion of section 16 of 24th Vict., No. 15:

Agreed to, without comment.

THE HON. J. G. LEE STEERE moved that progress be reported, and leave given

to sit again, as he intended to introduce a new clause dealing with the payment of a stamp duty by barristers on their admission.

Motion agreed to, and progress reported.

PRESBYTERIAN CHURCH BILL.

This bill was recommitted, and some verbal alterations were introduced, and agreed to, without discussion. (*Vide "Votes and Proceedings," p. 174.*)

BEVERLEY-ALBANY RAILWAY BILL.

THE ATTORNEY GENERAL (Hon. A. P. Hensman), in moving the second reading of this bill, said it was unnecessary for him to occupy any time in doing so, the matter having so recently been discussed. The bill had been brought in, in order to enable the Governor to sign the contract with Mr. Hordern and to do all that was necessary to carry it into effect, also to give the contractor certain powers as to entering upon lands for the purposes of the railway.

The motion was agreed to, and the bill read a second time.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) moved that the bill be now considered in committee.

THE HON. J. G. LEE STEERE: We cannot go into committee on the bill without having the contract before us. It was understood that the contract would be placed before the House.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): The contract, I need hardly say, will be based upon the recommendations already agreed to by the House. I do not know how it could have been understood that the contract would have been placed on the table: it is a very important document, and I think will take some time to put into proper legal shape, as the terms of it are to be found scattered about in various resolutions adopted from time to time by the House.

The motion for going into committee was then agreed to.

IN COMMITTEE:

Clause 1.—Short title:

Agreed to.

Clause. 2.—“The term ‘contractor’ shall mean and include the contractor

and his heirs and assigns, as expressed in the contract : ”

MR. S. H. PARKER thought it would be well to make the definition coincide with the definition of the term “contractor” in the contract itself, where the contractor referred to any syndicate or company formed for carrying out the work.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) : The words “as expressed in the contract” would cover that. The contractor’s assigns would embrace anybody to whom he may assign his contract.

Clause agreed to.

Clause 3.—“It shall be lawful for the Governor, acting on behalf of the colony of Western Australia, to enter into and execute a contract for the construction, management, and working, by the contractor, of a railway from Beverley to Albany; and to do all the things necessary and proper to be done by the Governor as aforesaid for the carrying into effect of the terms and conditions of the said contract : ”

THE HON. J. G. LEE STEERE : What we have agreed to is not a railway “from Beverley to Albany,” but a railway between Beverley and Albany.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) : If you say “between” Beverley and Albany I am not quite certain that you would get a railway for a hundred miles between those two places. What we want is a railway from Beverley to Albany, which also means from Albany to Beverley.

The clause was then agreed to.

Clause 4—Power to contractor to enter upon lands and to do all necessary things, in like manner as the Commissioner of Railways :

THE HON. J. G. LEE STEERE asked the Attorney General whether he did not think it would be advisable to insert the clause recommended by the Secretary of State, in his despatch dated the 24th June, 1884, in which Lord Derby, writing to the Governor said : “Your Government will, I presume, incorporate in any contract that may be agreed to, or in some statutory enactment to which such contract will be subject, such of the provisions of the Imperial Railways Clauses Act and Lands Clauses Act as would be applicable in the case of the

“proposed railway, and to which no reasonable objection could be entertained.”

THE ATTORNEY GENERAL (Hon. A. P. Hensman) : Possibly the Secretary of State, when he wrote that, was not aware that our own Railways Act gives the Commissioner of Railways full power to do what the Secretary of State referred to. Had we not a Railways Act of our own, it would have been very desirable to have introduced a clause, as suggested by Lord Derby.

The clause was then put and passed.

Preamble and title agreed to.

Bill reported.

LOAN OF £525,000 FOR PUBLIC WORKS (MESSAGE No. 21) : REPORT OF SELECT COMMITTEE.

The House resolved itself into a committee of the whole, to consider the report of the select committee appointed to deal with His Excellency’s Message (No. 21) relating to the schedule of works to be undertaken out of the proposed loan of £525,000.

IN COMMITTEE.

THE COLONIAL SECRETARY (Hon. M. Fraser) said it would be seen from the detailed character of the schedule of works submitted by the committee, that the pressing wants of each district and division of the colony had been considered, and he could only express the hope that the committee’s views of the requirements of the whole colony in this respect were such as would meet with general favor. The schedule, it would be observed, absorbed £495,000 out of the £525,000 proposed to be raised. About £20,000 of the balance would represent the cost of raising the loan and the deficiency between par and the actual amount realised. The remaining £10,000 the committee considered ought to be reserved for contingencies. With regard to harbor works at Fremantle, for which the committee recommended the appropriation of £105,000, the committee were of opinion that no money should be expended on the work until Sir John Coode, or some other engineer recommended by him, had made a personal inspection of the site, and reported as to the most suitable plans for adoption. The same remark applied to the Mandurah break-

water, for which a sum of £1,300 was included in the schedule. With regard to the telegraph lines included in the schedule the committee were of opinion that some lines—such as those from Pinjarrah to Mandurah, Gingin to Guildford, and Bunbury to Bridgetown—might well be worked on the telephone system, thus avoiding costly working and at the same time giving increased facilities of communication along the lines. Some of the members of the select committee, it would be observed, dissented from the conclusions arrived at by the majority. Mr. Steere, for instance, dissented from the report, inasmuch as it did not in his opinion set aside a sufficient amount to carry the projected harbor works at Fremantle to a successful completion, thus risking, in the hon. member's opinion, the possibility of such an important national undertaking being left in an unfinished state, whilst, on the other hand, the proposed appropriation would, in his opinion, in many instances, cause a merely temporary prosperity by expending money on works which there was not much hope of ever becoming reproductive. The hon. member for the North (Mr. Grant) had also added a rider to the report, protesting, in view of the financial condition of the colony and what may eventually be its position, against the construction by borrowed capital of works which in his opinion were not absolutely necessary. In this category the hon. member placed the Northam and Newcastle railway, the Bunbury railway, "extravagant public buildings at Perth," and harbor works at Fremantle. The hon. member foreseeing, as he said in his rider, the dismemberment of the colony at no very distant date, protested against the lands and revenues of the North becoming liable for the construction of public works which in the hon. member's opinion would in no way benefit the northern portion of the colony. The hon. member, however, was in full accord with the committee in recommending the extension of the telegraph line to Kimberley, as also a tramway and harbor improvements at Cossack, which, with any other public works carried out in the Northern districts, might, the hon. member said, be charged distinctly to northern revenues. Mr. Randell had also expressed his

dissent from one item, namely, the proposal to expend £2,500 in additions and improvements to Government House and domain, believing it was not an expenditure which it was desirable to include in a loan bill. The hon. gentleman concluded by suggesting that the various works recommended by the select committee should be considered *seriatim*, which was agreed to.

Harbor Works at Fremantle, £105,000 :

MR. S. H. PARKER said he must say he fully coincided with the objection urged by the hon. member for the Swan in his rider to the report, with reference to this item. It might be a question whether it was advisable to apportion any part of the proposed loan for harbor works at Fremantle until it had been determined where these works shall be and until the character of the works had been decided upon. The committee, however, had recommended the appropriation of a certain sum for commencing these works, but did not propose that a penny of the money should be spent before obtaining reliable professional advice on the subject. But the sum set apart for the work was evidently insufficient, and the most we could expect from it was a mere commencement. Under these circumstances he thought it would be very desirable to increase this amount, so that once the work is commenced it may be carried through to completion without delay. It might be said we shall probably be in a position to raise a further loan hereafter, but he thought it would be better to include in this loan a sufficient sum to complete the work without running any risk in the future. Therefore he would move, That the sum now proposed to be appropriated be increased by £95,000, making the vote for harbor works £200,000.

MR. SHENTON said that, as the mover in select committee of the course which it was proposed to follow with regard to this expenditure, he might be allowed to state the reasons which had prompted him in recommending that, for the present, only £105,000 should be set apart for these works. Hon. members acquainted with the construction of such works must be aware that they took a considerable time to carry out, and seeing that the scheme of harbor works which it was proposed to adopt was Sir

John Coode's minor scheme, or a modification of it, and that the first part of the work to be constructed would be a viaduct—a work that could only be proceeded with at a very slow rate, no matter what number of men might be employed; seeing also that another portion of the work, the proposed stone breakwater, must necessarily take a long time to finish, it appeared to him that the sum of £105,000 would be quite sufficient for the next three or possibly four years. By that time there was reason to hope the colony would have no difficulty whatever in raising the amount of money that would be required to complete the work, whereas if the whole amount were raised now the colony would have to pay a large sum in the shape of interest upon capital lying idle, while at the same time it would have the effect of preventing many other desirable works from being undertaken for some years to come. As the whole colony must bear its share of the taxation from which the interest upon this loan would be provided, he thought the claims of the whole colony, as regards public works, ought to be borne in mind in apportioning the loan. The various works enumerated in the schedule appeared to the select committee to be works of urgent importance. The schedule originally prepared by the committee involved an expenditure of £650,000, which of course had to be cut down to bring it within the limit of the proposed loan. For his own part, he might add that he was as much interested in the construction of suitable harbor works at Fremantle as any hon. member was, but he thought the sum proposed to be set apart would be as much as would be required for the next three years at the utmost, no matter how many men were employed on these works.

THE HON. J. G. LEE STEERE said he rose merely to reiterate what he had already stated in his rider to the select committee's report, that in his opinion the amount set aside for harbor works not being anything like sufficient to complete the works, we ought not to run the risk of these works being left in an unfinished state, pending the time when the colony may be in a position to raise a further loan. He could not help thinking that many of the other works

proposed would merely have the effect of causing a transient prosperity, and that there was very little hope indeed of their ever becoming reproductive works. Under these circumstances, he should have preferred seeing a sufficient provision made in this loan to carry to completion such an important national undertaking as harbor works; but, seeing that he was in a minority, it would be useless on his part to carry his opposition any further than recording his dissent from the committee's recommendation in this matter. The hon. member for Toodyay said he thought £105,000 would be sufficient to enable us to proceed with a particular scheme of harbor works, but he did not think the hon. member had any right to assume as a matter of course that the particular scheme alluded to would be that which would ultimately be adopted. He thought that was very doubtful indeed, and he should be very much surprised if a much larger amount than this would not be required within the next three years.

MR. MARMION said he was afraid no good object would be attained if he were to address the House, as he should wish to do, at considerable length on this important question. It would be seen by the report of the select committee that he had brought forward in committee a resolution in favor of including a sum of £242,000 in this loan bill for the purpose of carrying into effect Sir John Coode's minor scheme, known as 'design B,' or such a modification of that scheme as might be recommended by Sir John Coode or any engineer deputed by him to visit Fremantle to examine the locality and to report upon the best plan for adoption. In this, however, he was overruled, and, he was sorry to say, received no support from any member of the committee. This, it would be admitted, was rather discouraging, and it did not give him much hope of inducing the House any more than the committee to support his views. Finding that his resolution was lost, and completely lost, he did his best under the circumstances to assist the committee in apportioning the remainder of the loan as judiciously as possible, bearing in mind the claims of the colony at large. When the hon. member for Perth now moved to add £95,000 to this vote for harbor works, he

presumed the hon. member was prepared to show what other works should be omitted from the schedule so as to make up the amount. He was afraid the hon. member would find some difficulty in making such a selection as would meet with general favor. For his own part he could only again express his regret that there was no chance of his own views on the subject being adopted. He knew there was a feeling among his constituents that this question on the present occasion had not received that consideration at the hands of the House which it deserved, considering the national importance of the work, and the fact that above all others it had occupied the attention of successive Councils not only under the present constitution but long before this constitution was thought of. Personally, and as the representative of the constituency most deeply interested in this work, he might state that he was not so particular that the whole amount required to complete the work should be provided in the present Loan Bill as he was that the character and position of the work to be undertaken should be definitely decided upon, for he had that faith in the future of his native land that he believed that before the amount now set apart shall have been expended upon the work which he believed it would be expended upon, the colony would be in a position to borrow such further sum as would be required to carry out the work to completion. Having that confidence in the progress and vitality of the colony, it would ill become him now to occupy the time of the House with the idea, which he felt to be a hopeless idea, of inducing the House to increase this vote. But he thought he would be justified in saying this,—that, in the event of any of these items being struck out, the money so saved should be added to the vote for harbor works, which he hoped hon. members would agree with him must be regarded as the undertaking of the most national importance of any of these works. He might, if he thought any good object would be served by his doing so, refer to the decisions already arrived at in that House as regards the expediency of adopting Sir John Coode's scheme as the scheme most suitable to the requirements of the colony, but he felt he should only

be wasting his own time and the time of the committee were he to do so. He could not refrain, however, from referring to the views which had been expressed on this subject of harbor works at Fremantle, by competent authorities, for the last thirty years, and he hoped hon. members would bear with him while he did so. Col. Henderson, R.E., in a report dated November, 1854, said: "His Excellency will gather that I do not believe that the great desideratum of a safe and commodious port for vessels of all sizes, and available in all weathers, can be obtained by making an entrance into the river. To obtain this object the project originally mooted by His Excellency, and chiefly with a view to which the principal prison was placed at Fremantle, remains to be considered, viz., a breakwater projecting from Arthur's Head into Gage's Road. I have the honor to submit the plan and sections of a breakwater which I am of opinion can be carried out from Arthur's Head with success and security." The whole cost of this proposed work with Imperial labor would have been to this colony less than £15,000. "But" (Col. Henderson said of the Rocky Bay entrance) "as regards the first project, viz., cutting a canal from the ocean into Rocky Bay, the objections are so obvious and the difficulties and expenses appear so great, even on a cursory examination, that in selecting the site of the permanent prison I without difficulty rejected any idea of recommending His Excellency to place it contiguous to the position of the proposed canal. Supposing the canal to be cut, no vessel could enter it except in calm or moderate weather, and by the aid of steam; and it would afford no protection to a vessel making the port in heavy weather. It has been suggested, I believe, to protect the mouth of the canal by a breakwater, but presuming a breakwater to be feasible at that point, the necessity for the immense additional expense of a canal is not obvious. I think the project offers no prospect of success, and an attempt to alter the natural outlet of the river is altogether too hazardous, and would probably result in the destruction of both the natural and artificial channels." That was Col. Henderson's opinion, expressed thirty years ago. Then came Mr. Doyme, from Mel-

bourne. Mr. Doyne was an engineer of some reputation—some hon. members might say not a good one—and he also reported on the feasibility of making a good harbor within the river. What Mr. Doyne said was this: "A tolerably good light draft channel might be maintained in the entrance to Swan river during a portion of the year, but for the remainder it would be uncertain, while it would certainly be blocked up at its mouth by a sand bar or shoals which would preclude the entrance of vessels drawing more water than those which now cross the shoals outside the rocky reef. To obviate this latter difficulty it has been proposed to extend the walled-in channel into deep water, but, in my opinion, this would result at the best in removing the evil a little further out. The river left to nature will probably always possess as good a channel as the present one, and if larger means of transit are required between Fremantle and Perth they can be provided with greater certainty and at a cost which can be estimated, by means of a railway between these points. I observe that a suggestion has been made to cut a channel from the sea through Rocky Bay with a view to opening a new entrance to the river. I have thought this point has been sufficiently disposed of by Colonel Henderson, and needs no further remarks from me." So much for Mr. Doyne. Then again, so long ago as 1874, Governor Weld wrote as under to the Secretary of State: "A fine substantial open-piled jetty at Fremantle has been constructed, and answers purposes for which it was designated, but the large and extremely difficult question of the construction of a really safe harbor at or near Fremantle is yet undecided. Various plans have been proposed, and pressure has been put on the Government to commence works hastily and without engineering advice. At one time one scheme has found favor and another at another, and the merits of the rival schemes of our amateurs have been popularly judged upon the principle of opposing most strongly anything that was supposed to find favor with the Government. Last session a strong wish to do something caused the Legislature to advocate a scheme which many persons think would cause the mouth of the river Swan to silt up and expose the town of Fremantle to danger, lest the river in flood should burst out (as no doubt it did formerly) into the South Bay over the townsite. The question is, however, referred to the Victorian Government Engineer, and the Melbourne Government have been asked to allow him to visit this colony, but I fear the people will not accept his decision"—hon. members would observe how well Governor Weld understood us—"and unless the members of the new Legislature will agree to do so, or, in the event of his not coming, do what I have long since recommended, namely, ask Your Lordship to refer the whole question to Sir John Coode, or some other great authority, and undertake beforehand to abide by it, I see no chance of anything being carried into effect until the warmth and personal feeling which strangely enough is always evoked by this question shall be succeeded by a more reasonable and business-like mood. One of my first acts on reaching this colony was—in accordance with the formerly-expressed wish of the Council and colonists—to send for an engineer of high repute to report. His report only raised a tempest of oburgations, and I must frankly confess failure in my efforts to leave Fremantle with a harbor, and indeed I am far from being convinced that anything under an enormous outlay will avail to give an anchorage and approaches safe in all weathers for large ships." So wrote Governor Weld ten years ago, and he thought it would be admitted that Governor Weld had gauged public feeling pretty accurately. He knew the people would not accept the decision of the engineer sent for on purpose to report on the subject; and was Governor Weld not right? This subject of harbor works had occupied the attention of that House for the past twelve years, and they had arrived at no decision upon it yet. As long ago as 1872, the late Mr. Bickley moved for the appointment of a Harbor Board to report on the subject, and in 1873 the report of the Board was brought up, and referred to a select committee of the House. The Board recommended that certain works should be undertaken, and expressed an opinion that the views of some competent marine engineer should be taken. The Colonial Secretary, who at that time occupied the position of Sur-

voyor General, visited the other colonies and obtained the opinions of some marine engineers on the subject. There was some difficulty in obtaining a personal visit from any of these engineers, but they gave written opinions based upon the information laid before them. Some time afterwards, Mr. Wardell, an engineer of considerable experience, again made a very lengthy report, which Sir John Coode had characterised as a very able report; and the opinion which Mr. Wardell arrived at was that there was no possibility of making a good harbor inside the river. He also condemned Owen's Anchorage and Cockburn Sound; but the harbor works which he recommended would have cost about £800,000, which, of course, was much beyond the means of the colony. In 1875 and 1876, again, a select committee of the House reported as to the best scheme of harbor works to be undertaken, and it was upon that report and the plans suggested by the committee that Sir John Coode based his recommendations, which again were based upon Colonel Henderson's advice, given 25 years previously. He (Mr. Marmion) had opposed this reference to Sir John Coode at the time, feeling it would have the effect of postponing the work for many years, and that Sir John Coode would be sure to recommend some scheme which would be beyond the means of the colony to carry out. His apprehensions were correct, and they were now once more assembled to consider the same object. He felt it would be useless on his part to endeavor to win a single vote in favor of his own predilections in this matter, in view of the opposition he had met in select committee, and to the prevailing feeling among hon. members in the House. But there was one subject upon which he felt bound to speak. It had become a common expression, when dealing with this question of harbor works, to say that it was purely a local question, that the cry for harbor works was simply a Fremantle cry, and merely a desire to have the money expended in the vicinity of that town. He denied it. But he would ask—even supposing such to be the case, would there be anything very strange about it? Would it be anything strange that those who had resided at Fremantle all their lives, who by their industry or enterprise had ac-

quired property there, and who had worked hard to make Fremantle what it is, would it be strange that those whose vested interests were so to speak wrapped up in Fremantle, should manifest a lively interest in this question? Was it strange that the residents of the town who, year after year, and day after day, had brought under their immediate attention the dangers, the losses, the inconveniences arising from the want of these works, should display some anxiety to see some improvement effected? Was it to be wondered at that those who had losses of property and losses of human life brought home to their very doors should manifest some concern and possibly a stronger interest in this matter than those who had not these dangers and these losses so vividly brought home to them? He thought not. For his own part he should never forget, as a resident of Fremantle, that awful night, many years ago, when the whole town was in an agony of suspense concerning the fate of the five brave men, the then harbor master among them, who risked their lives to save the lives of others in distress in this very harbor, but who, brave fellows that they were, lost their own lives in attempting to succour their fellow-men. These were the harrowing scenes that brought home to the people of Fremantle the necessity which existed for such improvements in the harbor accommodation as would afford some protection from such calamities, and as would give the principal seaport of the colony those shipping facilities which it ought to have, and which it would be to the interest of the whole colony that it should have. Away then, he said, with the unworthy suggestion that this was purely a local question, urged upon the country by considerations of local interest alone. He denied it. He repudiated the allegation as unworthy of the town, and unworthy of those who put it forward. He would say no more. He felt that nothing he could say, that nothing he could urge, would dissuade the committee from following out the course recommended to it in this matter. He had simply done his duty, his duty towards those whom he had the honor of representing, his duty towards the town of his birth, his duty towards the colony at large,—for no one could gainsay that this

question of harbor works at Fremantle was a question of national concern and national importance.

Mr. BROWN said it was to be expected that so large a question as that now before the committee should elicit considerable discussion, and he regretted very much they should have to approach its consideration at so late an hour in the evening (midnight). He thought it would be admitted that the hon. member who had just sat down had dealt with the whole subject in a masterly way, and delivered probably the best of the many good speeches which the hon. member had ever spoken in that House. The hon. member had arrived at the conclusion that the time had now come when this question of harbor works should be finally decided, and that they should at once pledge the colony to carry out a particular scheme, or some modification of that scheme, or spend nothing at all upon harbor works. He regretted his inability to agree with the hon. member in the conclusions he had arrived at. Personally he preferred the larger of Sir John Coode's two schemes. He was not one of those who took a gloomy view of the future of the colony, and if it should be proved, after personal examination of the locality either by Sir John Coode himself or his deputy, that the larger scheme was better adapted to our requirements than the minor design, he thought it would be a great mistake to expend £242,000 upon a scheme that would not give us what was required for the chief port of the colony, accommodation for vessels of the largest class. He believed the colony had sufficient vitality in it to enable it to provide for itself any great public work that may be necessary. He did not say that it could do so under the present form of government, but he did say that if Western Australia had a fair chance given to her she could provide for herself all the public works that were necessary for her, and would be perfectly able to find a sufficient sum for harbor works of such a character as would meet our requirements to the full. The hon. member had quoted an opinion expressed by Governor Weld, to the effect that the people of the colony were not likely to abide by the report of Mr. Doyne or the report of Mr. Wardell. But the reason for that was

not far to seek. The people of the colony were not likely to abide by the schemes referred to, for a very good reason,—because at that time those schemes were considered altogether beyond the means of the colony to undertake. They had since then had Sir John Coode's opinion, but the opinions expressed by that eminent authority were not conclusive opinions. There were data and information wanting which Sir John Coode himself told them prevented him from expressing a definite opinion on the subject. In these circumstances he thought the select committee had acted wisely in recommending that for the present only £105,000 should be set apart for harbor works, and that none of this money should be spent until Sir John Coode himself, or somebody in whose report he would have full confidence, had personally visited the colony and examined the locality of the proposed works. That did not pledge the country to the adoption hereafter of any particular scheme. He looked upon the views expressed upon this subject by the hon. member for the Swan and the hon. member for Perth as amounting to this—that if we lose the present opportunity we shall never have another, that the colony will never be able to raise a further loan to complete these works. If he thought that was the case, he should vote against the raising of any loan; but, believing as he did that Western Australia had a future before it, that Western Australia had vitality in it, he felt perfectly justified in supporting the proposal that only an instalment of the amount that may be required to complete these works should be raised at present. The hon. member for the Swan said he believed the remainder of the money would be required before three years. He did not know how the hon. member could say that, seeing that they had not decided upon the character of the particular work to be undertaken. Some time must necessarily elapse before even the money now voted could be expended, if the recommendation of the committee as to a personal inspection of the locality by Sir John Coode should be followed out. Possibly a year or two might elapse before the work would be actually commenced, whatever scheme might eventually be determined upon; and, seeing

the necessity which existed for carrying out other works, in different parts of the colony, he did think it would have been unwise to have locked up a large portion of this loan until the money should be required for harbor works at Fremantle.

Mr. CROWTHER said he could not give a silent vote on this subject. He congratulated the hon. member for Fremantle upon the admirable speech which he had delivered in support of his own particular views upon this matter, but he thought the hon. member for the Gascoyne had swept away some of the sophistries with which the hon. member had supported his position. If he (Mr. Crowther) had his own way he would not have had this loan at any price, to be apportioned as it was proposed to apportion it; but, seeing that he was not likely to have his own way, it was not his intention to offer any serious opposition to any of these items, although he objected to several of them. Seeing however that the select committee had devoted a large amount of attention to the subject, and seeing, as he had already said, that he had no chance of having his own way in the matter, he thought the best thing he could do was to bow as gracefully as he could, under the circumstances, to the inevitable. He considered it very doubtful indeed whether they would be justified in expending a large sum of money in improving the harbor at Fremantle, for it was a question to his mind whether in years to come Fremantle would occupy the position of chief port of the colony. There were many indications pointing northward as the scene of the future development of Western Australia,—not the least of which was the recent announcement of the discovery of gold. Governor Robinson, he knew, regarded it as quite within the range of possibility that the site of the capital would hereafter be changed, and the Secretary of State so far coincided with that view when he requested a separate account to be kept of the revenues and expenditure of the northern portion of the colony. Altogether we had something like 3,500 miles of a coast line, and a glance at the map would show that Champion Bay occupied a more central position relatively to our extreme northern boundary and the extreme southern boundary of this coast line than

Fremantle did. The question then arose whether in the future Fremantle harbor would simply be looked upon as the harbor of Fremantle, and not the harbor of the colony. His own opinion was that other ports would yet become of quite as much importance to this colony as Fremantle, and he doubted whether we should be justified in incurring any very large outlay in improving this open roadstead. Freights were not higher here than to the other colonies, and in some respects were lower, and he thought the committee had acted most wisely in recommending that no expenditure should be incurred upon these harbor works until we had the advice of some recognised authority, who had a character to lose, and nothing to gain but the fee he earned for his advice. As he had already said, personally he objected to the proposed apportionment of this loan *in toto*. He objected to Swan River becoming involved in a loan of half a million of money to be scattered broadcast all over the country, without regard to the national importance of the works upon which it was proposed to expend it. And if the hon. member for Perth's amendment were carried, and £95,000 were added to this first item, what was to become of the other unfortunate items? He was speaking to His Excellency the Governor on the subject of this loan that very day, and His Excellency assured him he had no intention to attempt to float more than £150,000 of it now. That being the case, he should like to know by what rule of arithmetic the hon. member for Perth proposed to get £200,000 out of that sum for harbor works at Fremantle. He said again, he thought the committee had acted well in recommending that none of this money shall be spent until we have a guarantee that when expended it will have been judiciously expended.

The amendment submitted by Mr. PARKER was then put and negatived, and the original vote agreed to.

Telegraph Line, Roebourne to Derby, £35,000 :

Mr. CROWTHER said, although he had not the slightest hope of carrying it, he should move that this vote be struck out. There was a steamer already calling regularly at these northern ports, and in all probability another steamer

would periodically call there, and he did think that these two steam services would provide all the facilities which the present handful of settlers in the Kimberley District would require for some years to come.

Mr. GRANT considered this the most important item in the schedule. It was a work in his opinion of absolute necessity. He might say that he was not particularly anxious for this loan at all; but, if there was one work more than another which would justify our raising a loan at all it was this telegraph line. They had everything to gain by it. In ten years time Kimberley and the North district would be of more importance than all the rest of the colony put together. There was the making of a magnificent pastoral country, and there was sugar country, and there was gold too. What had they to show in these southern districts? He would commence at Albany,—what had they there? A little sandalwood, but there was no prospect of the trade in sandalwood reviving. There was no agricultural land in the district worth speaking of. Coming on to the Vasse, what had they there? Only a few wood-cutters, from whom the colony derived no profit. They then came to that great place called Bunbury, which was said to be a fine agricultural district. But what did they find? Why, that the district was not able to supply its own paltry wants, in the shape of butter, potatoes, and the common necessities of life. They had no sheep there to create a large export of wool, and he believed there was only one man in the district who had sent up any cattle this season to Fremantle. What did they think of a district like that? The York district, again, which was always so highly spoken of. To his mind, if they took the whole valley of the Avon, it only amounted to a small station. It was not a great agricultural country, and he was sure it was not a great pastoral country. Toodyay was very little better, as regards exportable products. Going northwards, to Champion Bay, no doubt that was a mineral district, but the mineral industry had been so depressed of late years that there was little or nothing doing. Its pastoral area was increasing tolerably fast, towards the Murchison, but its farming

interest was somewhat depressed, though no doubt they had some fine farming country at the Irwin, and that was all that could be said in its favor. But let them go further north, to the Gascoyne, and see the prospects there. Every year the pastoral industry was developing, and there were more and more sheep every season; and he considered wool to be the bone and sinew of the colony. In a few years hence they would have not far short of a million sheep in the district. The prospects at Kimberley were still brighter; and, if it was intended to give that part of the colony fair play, they must construct this telegraph line.

The motion submitted by Mr. CROWTHER, to strike out the item, was then put and negatived.

Railway, York to Beverley, and Spencer's Brook northward, £160,000:

Mr. SHENTON expressed a hope that there would be no dissentient voice raised against this item. Although the amount was not so large as that mentioned by His Excellency the Governor in his message, still he hoped it would suffice to carry out a work that they all wished to see completed, and that there would also be a sufficient balance, after constructing the line from York to Beverley, to extend the line from Spencer's Brook northward, in the direction of Newcastle, via Northam.

The item was agreed to without opposition.

Tramway Road, Harbor Accommodation and Improvements, Cossack and Roebourne, £20,000:

Agreed to, without comment.

Railway from Geraldton to Greenough, £60,000:

Mr. CROWTHER expressed his regret that the select committee had not seen its way clear to appropriate out of the loan a sufficient sum to have extended this line to Dongarra. He was convinced in his own mind that such a line would be a reproductive work, and he did not say that without figures to support him. [The hon. member quoted a variety of statistics, chiefly agricultural, on the subject.] These figures, he said, showing as they did the capabilities of the district, even in the absence of railway facilities, were such as fully justified the inhabitants of the district in expecting that the

implied promise of the Governor—that they should have a railway should have been carried out. But, as he had already pointed out, it was no earthly use kicking against the pricks. The majority, in their wisdom or otherwise, had ruled otherwise, and if he spoke about it until doomsday he did not suppose he would be able to convert a majority into a minority. He would therefore say no more, beyond that he regretted exceedingly that a sufficient amount had not been set apart for carrying the line, as it ought to be carried, right on to Dongarra.

The item was then put and passed.

Railway from Bunbury to Timber Ranges, £40,000:

MR. S. H. PARKER said, that before moving to strike this item out he should like to have some information as to what object the line was intended to serve, or what probability there was of its becoming a reproductive work. It was all very well for hon. members who had sat on the select committee to vote for the appropriation of these amounts, but he would remind the House that those who were not on that committee had nothing whatever to guide them in coming to a decision as regards these items.

MR. VENN did not know what information the hon. member wanted. He must be aware that the select committee had given their most careful attention to the various items in the schedule, and he might rely that they arrived at no conclusion without good and sufficient grounds for doing so.

MR. S. H. PARKER moved that the item be struck out.

MR. VENN could only regard the hon. member's opposition to this vote as factious opposition. The hon. member must be as well aware as he was what the objects were in constructing this line. He would tell the hon. member one of them: the line was intended, for one thing, to stimulate and develop an important local industry, now languishing through the want of facilities for transport. He alluded to the timber industry. At a very low estimate 10,000 loads of timber would be carried on this line annually—it was more likely to be four times that quantity—but, taking it at the lowest estimate, and reckoning freight at 10s. a load, this would go a great way to pay the interest on the cost of construc-

tion and the working expenses of the line. Nor was this all. He looked upon this line as the first section of a line to be hereafter extended to the Blackwood district, and he was satisfied in his own mind that all the expectations as to the benefits to be derived from railway communication would be fulfilled as regards this particular line. If there was a reproductive work among all the items in the schedule this was it.

MR. GRANT did not see why the colony should be asked to build a railway for the convenience and profit of the proprietors of one or two timber mills. There might be some good agricultural land in the district, but it was a strange thing to him that the farmers of the district could not even supply their own requirements in the shape of butter and other necessities of life.

MR. S. H. PARKER understood that all the timber mills in the district had been abandoned, and that there was no probability of the district being ever able to compete in this respect with other localities more favored for the development of this particular industry. Moreover he objected altogether to the construction of any more railways simply with the object of developing any particular industry. They had seen the result of such speculative undertakings at Champion Bay, where a line was constructed simply in order to develop the mining industry,—with what result was known to every hon. member. He was very much afraid if this railway were built it would result in the same dire consequences as that “unhappy railway” at the north had resulted in. Moreover, from the newspaper reports of meetings held at Bunbury in support of this line, it would appear that the only object in view was to get this money spent in the district, whether the railway was required or not.

MR. VENN said the hon. and learned member, true to his profession, had sought to twist the few remarks he had made, in order to endeavor to make a good case out of a bad one. The hon. member said all the district wanted was to get the money spent there, irrespective of its requirements in the shape of a railway. He defied the hon. member to prove his statement. He repudiated the hon. member's insinuation altogether.

The hon. member said the timber industry had been abandoned, but the hon. member did not say why it had been abandoned. The hon. member knew as well as he did why it had been abandoned. The hon. member knew that the present depression was simply owing to the absence of those facilities which this railway would supply. But it was not alone the timber industry that would benefit from this line. There were no more fertile lands in Western Australia than the lands through which this line would pass, and it would penetrate a country of as good a quality as any in the colony, and there could be no doubt this railway would receive a considerable amount of traffic from these lands. As to the statement that the district did not produce enough butter for its own consumption and had to import it, the hon. member who made that statement made a statement which was entirely false, and the hon. member knew it was false.

MR. S. H. PARKER: Sir, I rise to order. The hon. member charges another hon. member with making a statement which he says the hon. member knew was a false statement.

THE CHAIRMAN OF COMMITTEES: The hon. member is decidedly out of order in stating that another hon. member knew that a statement he was making was a false statement.

MR. VENN said he should be sorry to say anything that was offensive to any hon. member, but he felt sure that the hon. member who made the statement knew in his own mind that it was false. [Mr. Brown: Fallacious.] Well, fallacious. The hon. member knew it, for he had himself told him that the district exported butter largely to Fremantle.

MR. GRANT said he had received his information on very good authority.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the question of constructing this railway had been before the House on a former occasion, and a survey of the proposed route had already been made, and a tracing laid on the table. He believed that for the length of line proposed to be constructed—apart altogether from its connection with the timber ranges—there was no part of the colony where a line starting direct from a port went through so much fair, if not

good, and in some places excellent agricultural land. More or less, right through its whole length, the land along the line was above the average quality of agricultural land in this colony, and he thought the district, apart from its timber, had a just claim to ask for this railway.

MR. BROWN said he intended to support the item. If there was a chance of advancement for the colony, he thought it was only reasonable to expect that a place like Bunbury, that had supported a considerable population for the past fifty years, would, if it had improved facilities such as railway communication, make more rapid progress. His own opinion was that any place which was unfit to have a railway was unfit for settlement. He looked forward to the day when Bunbury, as the seaport of an important district, will be connected with the proposed grand trunk line between Beverley and Albany.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he had not intended to have troubled the House with any remarks; but when he found hon. members who knew little or nothing about the district taking up the time of the House, he thought the House might bear with him while he spoke a few words on the subject. He knew the district well, and he believed it was one of the best districts in the colony. It was a district that was capable of carrying a large population; the climate was delightful; and the country in the neighborhood of the proposed terminus of this line was in his opinion one of the most beautiful spots in the colony. It was a well-grassed and fertile locality, occupied by a hard-working industrious class of people, who, with a very small area of land under cultivation, had succeeded in maintaining themselves and their families respectably. Eventually this line would open up a large extent of the best agricultural land in the colony, and, with improved means of communication, the success of the district might be regarded as assured. The vote met with his entire approbation.

MR. S. H. PARKER thought he might fairly congratulate himself upon having succeeded by his motion in eliciting at any rate some little discussion, and brought forward some arguments in

favor of this proposed railway ; otherwise the item would have gone forth without a single word in its favor. After the light which had now been thrown on the subject he did not intend to press his motion to strike out the item.

The question that the item stand part of the schedule was then put and passed.

Progress was then reported, and leave given to sit again.

The House adjourned at half-past one o'clock, a.m.

LEGISLATIVE COUNCIL,

Thursday, 11th September, 1884.

Development of Kimberley Sugar Lands—Appropriation Bill, 1885: first reading—Sanitation (Message No. 8)—Mr. Hordern's Railway Contract—Loan for Public Works: Further consideration of Schedule (Message No. 21)—Joint Stock Companies Ordinance, 1885, Amendment Bill: third reading—Supreme Court Ordinance, 1881, Amendment Bill: further considered in committee—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

DEVELOPMENT OF KIMBERLEY SUGAR LANDS.

MR. VENN moved the following resolution: "That this House is of opinion, "that to encourage the growth of sugar "cane and other tropical produce in the "Kimberley District, north of the Leopold Ranges, it is desirable to offer "further inducements than provided for "in the existing Land Regulations, and, "with a view of testing certain areas in "that district, it is of opinion the Government might well offer and give a "liberal bonus, in land, to any individual, "firm, or syndicate who shall *bonâ fide* "initiate the growth and cultivation of "sugar, rice, or other tropical products "in the Kimberley District, from lands "purchased from the Government, and "who shall, within a period of (say) five

"years from the date of purchase of "such land, produce Sugar or other tropical products to the export value of "(say) £5,000; and the House is further "of opinion, that to mark the sense of "the value of such enterprise to the colony,—acres of land in fee might "well be allotted to whatever individual, "firm, or syndicate may be the first to "achieve such results, and that such "lands might be selected by the parties "in question, either adjoining the lands "already held by them, or from any sugar "lands in the Kimberley District north "of the Leopold Ranges." The hon. member said although he had only given short notice of this resolution, the matter had occupied his mind since the commencement of the session; but he had not felt in a position to move in the matter until now, and he regretted that at so late a period of the session hon. members might probably not be able to give the matter as much consideration as they would wish to give it. We had a large area of land, portions of which were reported to be good sugar land, north of the Leopold Ranges, and it had been suggested that this land should be locked up, pending the result of certain test experiments. He had opposed that proposition, believing it was a wrong course to adopt, though he had no doubt that the object in view was to protect the interests of the colony. He would point out that in supporting the present resolution hon. members would also attain the object they had in view, and attain it without resorting to any experimental tests, but by a practical proof, which might be of substantial value,—much more so than any scientific tests, when climatic conditions might differ and vary. He was referring now to the resolution moved the other day by the hon. member for the North, who had laid great stress upon the great value of sugar lands in Queensland. But the present value of sugar lands in Queensland was the result of many years patient labor and of the expenditure of a large amount of capital; and he thought it would have been better for Queensland now if it had given encouragement to capitalists embarking in this industry at an earlier period of its history, which was the direction in which this motion tended. He had no intention, nor did the resolution contemplate