

Legislative Assembly,

Tuesday, 8th March, 1892.

The appointment of members to seats in the Legislative Council—Papers connected with the floating of the Midland Railway Company—Amendment omitted in the Police Bill—Rabbits on the Abrolhos Islands—South-Western Railway Act, 1891, Amendment Bill: third reading—Appropriation Bill, 1892: second reading—King George's Sound Garrison Discipline Bill: in committee—Alleged Breach of Privilege by Daily News—Railways Act, 1878, Further Amendment Bill: second reading—Mullewa Railway, Trial survey of an alternative route—Amending the Distilleries Act, Governors of High School Appointment Bill: first reading—Adjournment.

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

PRAYERS.

APPOINTMENT OF MEMBERS TO SEATS IN THE LEGISLATIVE COUNCIL.

MR. R. F. SHOLL gave notice that on the following evening he would ask the Premier whether appointments to vacancies occurring in the Legislative Council were made by the Governor on the recommendation of the Ministry. If so, whether the appointees were required to undertake to give a general support to the policy of the Government, or if any condition whatever was imposed upon them; and, if so, what? Or, were the new members absolutely free to vote as they pleased on any question?

THE PREMIER (Hon. Sir J. Forrest) asked whether he would be in order now in raising the question of privilege, as to whether it was competent for an hon. member to put a question like this? It appeared to him, on the face of it, altogether beyond the scope of that House, dealing as it did with the constitution of another branch of the Legislature. He had not looked the matter up, but it certainly did appear to him that such a question was one that should not be put in the form it was proposed to put it. He had only just heard it read, and he would ask for His Honor's ruling on the point, if he might be allowed to do so at this stage. We might next have a question asked in the Legislative Council as to whether the property qualification of the hon. member for the Gascoyne, or some other hon. member, was quite in order, or something like that. He was aware that, as a rule, the Speaker scrutinised all notices of motions and ques-

tions before they were allowed to appear on the Notice Paper, and, if he considered them out of order, he refused to have them placed on the records of the House. It appeared to him that the notice they had just heard read was altogether out of order.

THE SPEAKER said a certain amount of discretion was vested in him as to expunging any words from a notice of motion or question which he considered improper, but, unless the House ordered it, he did not know that he would exercise this discretion so as to strike it out altogether, unless it contained some unbecoming expressions. Of course the members of the Government need not answer a question. The Government were not obliged to answer any question. That was the remedy they had.

THE PREMIER (Hon. Sir J. Forrest) thought the Speaker had power to withhold a question altogether from appearing on the Notice Paper, if he thought it proper to do so.

THE SPEAKER said that under certain circumstances he could do so. He would look and see whether this question was one which ought to be disallowed, before it appeared on the Notice Paper.

THE PREMIER (Hon. Sir J. Forrest) said it seemed to him a monstrous proposition that this House should have the right to inquire into the terms upon which members were appointed to seats in another branch of the Legislature.

MR. R. F. SHOLL said he would recommend the hon. gentleman to look up this question of privilege, occupying the important position he did, before raising any more points of order.

PAPERS RELATING TO THE FLOATING OF THE MIDLAND RAILWAY COMPANY.

THE PREMIER (Hon. Sir J. Forrest): I beg to lay on the table all the papers that the Government have in their possession, within the scope of the motion made last evening, relating to the Midland Railway Company. Of course there are a great many other papers connected with the early history of this undertaking, but which I do not think really have any bearing upon the matter that the House has at present before it. I do not think members would gain any information from them. They are merely

departmental reports, and communications between different Ministers, which of course cannot be produced. I think the papers now laid on the table will give members all the information they require. First of all there is a copy of the Articles of Association, which I may inform the House is not mine; it has only been lent to us by the Company, so that, although I am laying it on the table now, we shall have to return it at the end of the session. Then there is the indenture between the Company and the Trustees, Executors, and Securities Insurance Corporation, vesting the property in that corporation for the benefit of the debenture holders; and there is also the agreement between Sir F. N. Broome, the late Governor, and Mr. Bond, the managing director of the Company, extending, in some small particulars, the dates in the contract. Then there is the correspondence between the Crown Agents for the Colonies and this Government with reference to the floating of this Company, and I think this correspondence is what the hon. member for the Gascoyne had in his mind when he moved his motion last night, because it contains all he referred to. It contains also, I think, all the information referred to by the hon. member for York. I am afraid, when members come to read these papers, they will come to the conclusion that they have some peculiar ways of doing business in London in connection with the floating of companies, and that those who engage in it derive a considerable amount of profit—a very considerable amount indeed. I would ask members to bear in mind, in dealing with these papers, that the facts herein disclosed were made known to the Government of the day here; and members, when they read these papers—although they contain some startling facts, and possibly many things that will astonish them—must come to the conclusion that those who were engaged in this particular business were very open about it, and, so far as I can judge, had no desire to keep anything back. They gave a clear statement of all the circumstances surrounding the floating of the Company. I can only add that if there are any other papers which members think would be of interest to them, I shall only be too glad to ransack the records of the

department again, and see if there is anything more that will afford members any further information, if they want it. But I think there is sufficient here to satisfy members.

MR. PARKER: Last night the hon. gentleman said that the condition with regard to the introduction of immigrants by the Company had been waived. Do these papers show that?

THE PREMIER (Hon. Sir J. Forrest): I am not sure of that, unless the agreement between Governor Broome and Mr. Bond shows it. But I will make a note of it, and I certainly will be able to produce those papers. I am under the impression that the condition was waived upon the suggestion of the Government here; they did not want these immigrants at the time.

POLICE BILL.

OMISSION OF AN AMENDMENT MADE IN THE BILL.

THE SPEAKER: Before we proceed to the business, I wish to inform the House that the Clerk has informed me that when sending down from this House to the other House the schedule of amendments made by this House in the Police Bill he omitted to include in that schedule of amendments one very important amendment, and that was to strike out sub-section 18 of clause 96. In consequence of this omission I am rather in a difficulty as to the best way of remedying it. At present this bill has passed both Houses; it passed this House with that sub-section expunged, but it went to the Legislative Council with the sub-section in the bill, and they passed it; and now the bill is in the hands of the Clerk of the Parliaments, who is not able to present it to the Governor for his assent, because he has to endorse a certificate on every bill to the effect that the bill presented for the assent of the Governor is the same as it passed both Houses. As I have said, this Police Bill passed this House with sub-section 18 of clause 96 omitted, but it passed the other House with that sub-section included in the bill. The consequence is this bill is now hung up in a most peculiar position, and one which is not at all desirable, for I think members will be of opinion that it is desirable this bill should be brought into operation as

soon as possible. I have been considering this question this morning, and I must say it has caused me a good deal of anxiety and trouble, to discover a way out of the difficulty. So far as I can see there is no means of proceeding in a regular way to get out of the difficulty, and we can only do so in an irregular way, and that is by sending a Message from this House to the Legislative Council informing them that this omission was made in the schedule of amendments we sent down to that House, and also informing them that this amendment was made by this House, and asking their concurrence in it. This is the only way I can see out of the difficulty, and, although it is a little irregular, I think it is one we might adopt sooner than let the bill be dropped altogether, until another session.

THE ATTORNEY GENERAL (Hon. S. Burt): As I was in charge of the bill, and as it appears the only way of getting out of the difficulty, I now move "That a Message be sent to the Legislative Council, acquainting them that in Message No. 17, transmitting a schedule of amendments made by the Legislative Assembly in the Police Bill, and asking the concurrence of the Legislative Council therewith, an amendment made by the Assembly was omitted from the said schedule."

The amendment was as follows: "In clause 96, to strike out sub-section 18," and the Legislative Assembly requests the concurrence of the Legislative Council in the said amendment.

Put and passed.

RABBITS ON THE ABROLHOS ISLANDS.

MR. RICHARDSON: In accordance with notice, asked the Premier—

1. Whether the Government are aware of the existence of rabbits on the Abrolhos Islands, or on any other islands of the colony.
2. Whether they will take prompt measures to destroy any rabbits that might exist in any part of the colony.

THE PREMIER (Hon. Sir J. Forrest) replied—

1. That the Government were aware of the existence of rabbits on the Abrolhos, and had taken some means to destroy them. Those engaged in the guano trade also destroyed them.

2. The numbers did not appear to be great. The islands referred to were forty miles off shore and there were no means of the rabbits getting to the mainland unless they were deliberately taken there.

3. The Government would again investigate the matter.

MR. RICHARDSON: Might I ask the Government whether it would not be advisable to offer a reward for the tails of the rabbits existing on these islands, with the view of encouraging their destruction?

THE PREMIER (Hon. Sir J. Forrest): I will consider it.

SOUTH-WESTERN RAILWAY ACT, 1891, AMENDMENT BILL.

Read a third time, and transmitted to the Legislative Council.

APPROPRIATION BILL, 1892.

THE PREMIER (Hon. Sir J. Forrest), in moving the second reading of this bill, said, as members were aware, it was only the Estimates in another form, and it was unnecessary he should offer any remarks upon it.

Motion put and passed.

Bill read a second time.

KING GEORGE'S SOUND GARRISON DISCIPLINE BILL.

This bill passed through committee *sub silentio*.

ALLEGED BREACH OF PRIVILEGE BY THE "DAILY NEWS."

ADJOURNED DEBATE.

The Order of the Day for the resumption of the adjourned debate upon Mr. Canning's motion—"That this House do direct the Attorney General to prosecute before the Supreme Court the printer and publisher of the *Daily News* newspaper, for a false libel upon Marinus Francis Alfred Canning, a member of this House, touching his conduct as a member; such printer and publisher not being a member of this House"—having been read,

THE ATTORNEY GENERAL (Hon. S. Burt) said: I moved the adjournment of this debate so that I might have an opportunity of looking into the alleged libel, and I may say that having given this matter some attention I am very

much surprised to find that the hon. member took the slightest notice of it. I have since read the article referred to, and I really cannot think there is anything whatever in it for him to complain about. Looking at the days we are living in, and considering what things are said now in newspapers, I should never have dreamt of making any complaint about the language of this article if it had been applied to me. All I can see in it is this—these are the words that refer to the hon. gentleman:—"The electors of the city will not fail to note that the *so-disant* Radical reformer, Mr. Canning, was a prime mover in the matter referred to,"—that is, the proposed remission of rents to the Northern settlers. Before I go any further I should like to say that that is not true, to my own knowledge. I think we are all of us quite aware that the hon. member did not take any leading action in regard to this question of the remission of rents or assistance to the Northern settlers. Far from it. I myself was wondering which way he would vote; I thought he concealed very well his opinions on this matter. But I do not think that because a paper chooses to say that you are "a prime mover," you are to take any notice of it. What does it amount to? Simply this: the paper says what is false. Papers do that every day and all day long. If we are going to devote our time to rectifying all the false, or scurrilous, or libellous remarks we see in the newspapers, we shall have nothing else absolutely to do. Still, I take it that one does feel an assertion that is false. I suppose most men, or almost all, do feel it, perhaps, if something false is said about them. But I think they soon learn to pay very little attention to these things, because they find they haven't time in this life to devote to the subject. They are bound to leave it alone. The complaint of the hon. member amounts simply to this, that a paper makes a statement about him which is simply not true. We all know he was not a prime mover in this matter.

MR. CANNING: I am sorry to interrupt the hon. gentleman. He said I concealed my views when this matter was before the House. On the contrary, as I have shown from *Hansard*, I distinctly stated that I could not vote for any

measure of any kind for the remission of rents. I spoke clearly against it, and said it would absorb a portion of the revenue that could not be spared. I do not think there was much concealment of my views about that.

THE ATTORNEY GENERAL (Hon. S. Burt): I may say at once I did not use the words "concealed his opinion" in any sense to give offence at all, only that he was very far from giving any such idea as that he was a mover in the matter at all, and, not only that, but also that he concealed whether really he was in favor of the motion or against it. He certainly gave us to understand that he would not vote for it, because he was interested; but, from the remarks he made, I could not tell whether he was going to give the slightest support to the proposition at all, though my inference was that he would oppose it. When he said he would not vote he did so for the same reason as others of us would, because we were interested. I disclaim any intention whatever of saying anything in any way offensive, when I said the hon. member concealed his opinion. He certainly gave no reasons for us to think that he would support the resolution,—far from it; and I did not really know what he was going to do, except that he was not going to vote for it. But he in no way supported it, and there was not the slightest reason for saying that he was a mover in the matter at all, let alone "a prime mover." Therefore we at once convict the paper of saying what is not true. But papers have to say a great number of things in the course of a very short time, and we cannot expect them to say everything that is true, and I think we shall have to get used to this sort of thing.

MR. RICHARDSON: To their saying untruths?

THE ATTORNEY GENERAL (Hon. S. Burt): Certainly, saying untruths. The world goes round just the same. No one takes any notice of them, and I suppose very few ever read them. I often see myself misrepresented in the papers. Only the other day, on two different occasions, I was represented in the *West Australian* as saying exactly the opposite of what I did say, but I did not think of bringing up the paper for a breach of privilege, or say anything about

it. I haven't time to take notice of these things, and I let them go. This paper (the *Daily News*) goes a little further on the subject than what I have read just now, in these words: "This gentleman, whose pratings as to popular rights and privileges will be fresh in the minds of most, is one of the foremost in legislating for the particular benefit of a class, without regard to the general welfare." Well, that is not true. I do not think he was one of the foremost in legislating at all in this matter. It is simply not true. At the same time, looking to what newspapers do say, all the world over, every day in the week, I cannot think it would serve any useful purpose to direct the Attorney General to prosecute this gentleman, whoever he may be, on the ground that he has been guilty of a false and malicious libel. This is really the only thing in the language of the paper complained of that I can see anything in,—that he was "foremost in legislating for the particular benefit of a class, without regard to the general welfare." It may be said that to stigmatise him as such is libellous. If so, there are thousands of libels sown every day, in the public newspapers. It is the usual thing with them to say of any public men—it may be of the Premier, or of Mr. Canning, or of anyone else—that he does not legislate for the general welfare but for a class, and for himself in particular. That is the language these newspapers are composed of. It is nothing new; it does not strike me as odd; and I do not think this House ought to be called to prosecute a writer who uses such every-day language. If we begin to do this, it strikes me we shall have to go on with it. We must remember that the House is asked to direct its legal officer to prosecute this man before a jury. We would have a jury before us, and I suppose the trial would be in Perth, and it would be a Perth jury, and this is a Perth newspaper. It would be seen that the rest of the article, before we come to these remarks on the hon. member himself, deals with the squatters at the North; and, this being a town paper, promoted for sale in the town and supposed to promote town views, you would not expect a town paper such as this to go and support the Northern squatters. It is not sold among North-

ern squatters. It would not pay to support the Northern squatters; so it condemns the Northern squatters, as a matter of course.

MR. RICHARDSON: Because it pays them.

THE ATTORNEY GENERAL (Hon. S. Burt): Most distinctly. That is newspaper life all the world over.

SEVERAL MEMBERS: No, no!

THE ATTORNEY GENERAL (Hon. S. Burt): Decidedly it is.

MR. R. F. SHOLL: A certain class of newspaper.

THE ATTORNEY GENERAL (Hon. S. Burt): They print and publish what will pay. This writer, I dare say, is on most affectionate terms with the Northern settlers, as a rule, personally, yet he says they come down here and squander their money in a most lavish way, and, when they have spent it all, come to the Government *in formâ pauperis*, and do this, that, and the other. I hope no Northern squatters take any notice of these remarks. As I say, it is a town paper written for town people, and, inasmuch as the hon. member, as he told us the other night, made a stand against the voting of certain money for improving a certain locality in Perth—which, of course, was voting against Perth interests—people who have land about that locality are naturally annoyed at his action, and they hold him up as one who supports the squatters, which they think will not go down with a Perth audience. But I must say I do not think the language made use of was very much to complain of,—that he was "foremost in legislating for the particular benefit of a class, without regard to the general welfare." I say that is said every day of all of us; and that is the only thing in this article that can be pointed out that is any way reprehensible. Other remarks—that he was a prime mover—are simply untrue; that is all, for he was not a prime mover. I would ask the House whether, looking at the fact that this place is what it is, that we have just commenced a system of Responsible Government and acquired all these privileges, free institutions, and all that,—is it worth while, on an occasion of this sort, on account of these remarks, for this House to direct the prosecution of the publisher of this paper, and to bring his conduct

before a jury, by way of obtaining a conviction for misdemeanor? I think it would be making too much of it altogether. I do not mean for a moment—and no one who knows me will, I think, say so—to make these remarks for any reason because of the particular member who may be involved. I would say the same were it any other member of the House, or one of the Ministry. I would use just the same observations as I am using now. In fact, I rather regret that it should have been the duty of the hon. member for East Perth to bring this matter before the House. I would rather it had been any other person, because undoubtedly some of the papers have been assailing him more than they have others, I regret to say; and, if these papers go too far, they certainly ought to be brought to book. But having considered this matter dispassionately, I do not think that on this occasion there is much ground for instituting a prosecution. If a prosecution were instituted, and it did not succeed, it would place this House in rather an unfortunate position, after we had collectively considered this matter and said it was a serious imputation upon a member of the House. I am not contending that it is no imputation, or that it was deserved at all. There is a great deal that is very reprehensible in the whole thing. But if we instituted a prosecution, and it failed, it would not be a very pleasant thing, this House having considered it and voted it a malicious libel and directed a prosecution. It would be rather unfortunate if we failed before a jury in proving that it was so. I think we would be rather disconcerted at any result of that nature. Therefore before that is courted at all, the matter should be very well considered as to what steps we may take. It is a very large matter to set in operation this machinery dealing with breaches of privilege, unless we are perfectly certain of our ground. Anyone can see libels infinitely worse than this in newspapers any day—I have seen what undoubtedly were libels, and very gross libels. But I do not think this comes anywhere near such an occasion. If you prosecute in this case, we should be prosecuting at least once a week. Of course it remains for the House to say what should be done in the matter. The resolution is that the Attorney General be directed to

institute a prosecution, and, if it is passed, of course it will be the duty of the Attorney General to institute that prosecution; but if the result is against the House it will, as I say, be rather an unfortunate thing. I say honestly, myself, looking through that article—whatever value my poor opinion may be—I do not think it is a case where you would have any chance of success before a jury. Libel, in the present day—there is no disguising the fact—is simply what twelve men in the box choose to define as libel. If you ask for a lawyer's definition, you will be told that a libel is anything that brings a man to hatred, ridicule, and contempt. That is the legal definition. But read any paper, any morning, and if this were the true definition, you would see libels without end. When a public man says anything, there is always somebody to hold him up to ridicule and contempt. We cannot open our mouth without being held up to hatred, ridicule, and contempt. Therefore, that old legal definition of libel is not to the point on an occasion of this sort. The question is, what will a jury say in the box? Will they say this, that this is comment which should be let go for what it is worth? I think they would. I do not think it is a case calling for severe measures. I sympathise with the hon. member; he feels hurt about it no doubt. But, although as a member of this House, I hope I may be able to do all I can on all occasions to support the dignity of the House, and the liberty and privilege of each member of it, still I really do not think that there is sufficient ground here to call for the step which has been asked for in the motion now before us.

MR. RICHARDSON: As the mover of the resolution that gave rise to this motion I may be permitted to say a few words. I think the Attorney General, in somewhat excusing the newspapers on this particular occasion, is very largely accusing them. He has a very low opinion of them evidently, and especially of their veracity. He says they get so accustomed to telling lies that they don't even know when they do it. It is quite evident that his opinion of newspaper writers is a very low one, and that he does not even consider it worth while reading them, much less being affected by anything they say. No doubt

it is a happy thing to be so constituted, and to have such a robust mind as not to be affected in the least by such libels. But everybody are not constituted alike, and some members may feel these things very acutely. Some of us are more thin skinned than others. No doubt these attacks may have this indirect effect, in the case of a thin-skinned member: he may be prevented from saying what he thinks, he may in a way be really afraid of a castigation if he were to speak his mind openly; and to this extent a man's freedom of speech might be seriously interfered with, if it is found that the papers may libel him to their heart's content, and tell as many lies about him as they like, and malign him, and hold him up to hatred and ridicule before the whole community. It would be well if some check could be imposed upon newspapers, to prevent them from going too far. I have read this article carefully since the matter was before the House, and no doubt in addition to maligning the hon. member for East Perth it maligned and calumniated a whole class of this community, the residents of a very large portion of the colony. What I am concerned about is the political and public effect such articles might have. Articles like this appearing in the Southern press of the colony go a long way to estrange the people in the other parts of the colony, and keep up that feeling of irritation which does often arise in the Northern districts against the South. There is a feeling, undoubtedly,—whether right or wrong—in the North that the South has very little sympathy with them, and cares very little indeed for them, so long as they get their rents, and spend it on public parks and the general adornment of the city, and of the Southern towns. So long as they get the revenue coming from the North, they are believed to be quite content to leave the Northern settlers and their troubles severely alone. I have noticed how anxious these papers have lately been to show that this drought at the North has broken up completely. Every little shower of rain, covering a few acres of country, is converted into a splendid downpour, and the drought is said to be breaking up in all directions. The fact of the matter is they do not like to be reminded of any of the troubles

and suffering of these Northern settlers. What I am more concerned about, in this matter, is that the newspapers in the Southern parts of the colony should go out of their way to rake up everything they can that is to be said against the North in the way of misrepresenting it, and tell—what the article here complained of is—a tissue of falsehoods. You cannot call it anything else. Perhaps, as the Attorney General says, they are so used to it that they do not notice when they are telling a lie or not. All I know is, it has a very bad effect. There is no doubt that since their sufferings from the present drought this feeling of irritation at the North has been intensified, and it is a very widespread feeling. They feel that they cannot get justice, and now they are strongly of opinion that they cannot get sympathy, plunged as they are in ruin, many of them, with the whole work of a lifetime swept away by this terrible calamity. Many of these men have worked harder than any navy. I venture to say that if a navy endured the hardships and privations of a Northern settler he would strike at once, and very likely public feeling would go with him. But as to these Northern settlers, the only sympathy they get is a few empty words; and they feel it acutely. There is no substantial sympathy with them in their sufferings and misfortunes. That is what they feel. I am not inventing this feeling; it actually exists, and these sort of newspaper articles—not only in this paper, but nearly as much in the other paper, the *West Australian*—go a great way to keep up that feeling of irritation, and they do a great deal of harm indeed. In alluding to this particular article, I have said that it contains misrepresentation and falsehood, and I think I can prove substantially what I say. In the first place I may say that this remission of rents is something that the members of this House, which is called a "Squatter Parliament"—something which the members of this House who are interested in squatting never asked for, never wished, never desired, and I don't think will ever accept. It was not the resolution that I brought forward at all; it nothing resembles what I asked for then. Furthermore, instead of this proposal being brought forward by a squatting

member, it was brought forward by a member of this House who has nothing to do with squatting, who does not reside at the North, and who has no interest in the North. It was put forward by the hon. member for the Moore (Mr. Randell); and I for one cannot make out why the Government accepted that amendment.

THE PREMIER (Hon. Sir J. Forrest): It was carried by the House without any dissent.

MR. RICHARDSON: It was carried in the House, I suppose, because there was no active opposition to it; it was carried as an amendment, and if it was not that there were good grounds for believing that the original resolution was in jeopardy of being lost altogether, those interested in squatting would never have accepted it. Those who supported it simply supported it because they were afraid the original resolution would have been thrown out, and I think that even now it would be a wise thing if the Government reconsidered the position, and consider whether it would not be a more legitimate action on their part to legislate somewhat more on the lines of the resolution I proposed, which I maintain was a perfectly legitimate resolution.

THE SPEAKER: I must remind the hon. member that he is travelling altogether beyond the question before the House, which is the question of privilege.

MR. RICHARDSON: I will come back to that, then. This article is not based on fact, and it misrepresents not only my hon. friend the member for East Perth, but a whole body of settlers; and, in support of that assertion, I was showing that it was not based upon any action in this House on the part of those interested in squatting. The action commented upon was an entirely independent action of an independent member of this House, and which was supported by many members who had nothing to do with squatting or with the North. All I would say is this: although it may not be desirable to go to any great length, such as arraigning the writer of this article at the bar of the House or prosecuting him before a jury, still I do think it is desirable to point out that if members, in doing what they conceive to be their duty, are to put up with such misrepresentations, such needless

calumnies, based on a tissue of groundless assertions altogether wide of the mark, it may interfere with the freedom of debate and with the course of right and proper legislation in this Assembly. In addition to that, it is deplorable to think that such newspaper articles, written by some anonymous scribbler, may lead to an alienation of the loyal feelings of a whole district, and produce a very lamentable state of things. I really do think it would be a very good thing if those who have something to do with shaping the policy of these papers, or with controlling their financial arrangements, would exercise some little check, and not leave their columns open to every scribbler run mad.

THE PREMIER (Hon. Sir J. Forrest): There can be no doubt, I think, that the article complained of was a regrettable article, but I think the good sense of this House will go with my hon. friend the Attorney General, that had it not been for the general tone of this article it would not have incensed members so much as it has. Had it merely attacked the hon. member for East Perth, or had it merely attacked the Premier, instead of attacking the whole Northern community, I do not think this House would have been so eager to rush into the breach. I had occasion myself the other evening to complain of something said by a writer in the newspaper about me, and I must say I felt somewhat annoyed with it at the time; but I did not think of invoking the aid of the Privileges Act, and have this individual arrested and handed over to the tender mercies of the Attorney General. I think the hon. member for York, on that occasion, gave us a little advice,—advice which he does not give his hon. friend on his right now. The hon. member advises him quite differently from what he advised me.

MR. PARKER: Pardon me. What I advised the hon. gentleman was to take no notice of anonymous scribblers. An editorial, a leading article, is a very different thing.

THE PREMIER (Hon. Sir J. Forrest): I don't know. I think, if we can catch him, your anonymous scribbler may be shown to be more dangerous than those responsible for the leading article. In the one case a corporation is responsible, and probably the members of it may

never have seen this article; in the other case the anonymous writer knows he is writing what is false, and if he could be only brought to light we would have the individual responsible exposed. I rather think there was much more reason for the hon. member to have advised the hon. member for East Perth in the way he advised me the other day, rather than in the melodramatic manner in which he spoke last evening about privilege. I quite agree that these strictures upon members of this House are to be regretted, and I admit it always annoys me to see anything written of myself in the papers that is untrue on the face of it, but I believe that as I get older and more accustomed to be criticised, this feeling of annoyance will wear off. But I think the hon. member for East Perth is in this fortunate position, that the whole House is with him in this matter, because this same article in which he was attacked also contained a general attack upon the Northern settlers. They think more of that—I am sure we do—than of the attack upon the hon. member; and had it not been for that attack upon the Northern people, I do not think this matter would have been invested with such importance as it has, or have had the serious aspect it has now. At the same time I would remark that those who desire that the privileges of this House should be respected—and I am sure I do—should be careful that their own actions and language in this House, under the cloak of privilege, should not give cause for offence. The hon. member who last night complained of this article and of the way in which he was written of—and I agree with the Attorney General that what was said about him was not a fact; the hon. member was not a prime mover in this matter of the remission of rents; on the contrary the hon. member seemed to take a very fair view of the position of affairs, and I do not think that any member who spoke on the subject spoke more fairly than the hon. member did; he pointed out the difficulties in the way of dealing with it, and he did so in a way that any disinterested man, desirous of doing what is right, would have done, and he had no right to be attacked as he had been; still I think the hon. member himself transgressed, last night, in placing the matter

before the House. I think his language was very immoderate. He spoke of "deliberate lies" and "liars," and said these people were "scribblers," and he did all he could to hold them up to opprobrium, as a despicable, low lot. I do not know that these people deserve that designation. They no doubt have misrepresented him in this matter; still, I don't know whether they deserve all he said about them. Again, he said the writer of the article might possibly have met a certain distinguished man, Mr. Joe Chamberlain, in the hall of some house amongst the doorkeepers, but never anywhere else—certainly not in the society in which that gentleman moved. That, again, was either treating the matter with levity, or else in a manner I do not think he desired to, or else he was using the privileges of this House to abuse persons who were absent. We also had another instance of very strong language used by another hon. member, the member for York, last night, who was in the mood melodramatic.

MR. PARKER: What is the meaning of that?

THE PREMIER (Hon. Sir J. Forrest): Speaking on another subject, the hon. member spoke about "fraud," about people being guilty of "fraud," and being "swindlers," and so on. I think that is regrettable language to be used in this House, by responsible people, under the protection of the privileges of the House. I think we should be as particularly guarded here in our attacks upon persons not in the House as if we were outside the House, unless it is absolutely necessary to say unpleasant things. We may depend upon this: I am quite sure that if we do not respect the feelings of others outside this House, we shall not be respected ourselves. No doubt we all get off the rail a little sometimes, because we have certain privileges, and cannot be brought up before a jury and charged with libel for what we say in this House. Still, I do not think it is altogether right to call people "liars," or "swindlers," or fraudulent people, or say they were only accustomed to the halls of houses and not the interiors. I think members should be a little more guarded themselves of their language when they attack other people. I can only repeat that I regret the hon. member for East

Perth should have been attacked as he has been. I think he ought not to have been attacked and misrepresented in the way he has been. But I do not suppose there is a man in public life who has not been misrepresented and attacked in a worse manner at some time or other; and I do not think we should be asserting our dignity in any way, but rather the reverse, and holding ourselves up to ridicule, if we were to invoke our rights and privileges to direct the Attorney General to bring these people before a jury for a small matter like this. I do not think this power has been exercised by Parliament in the other colonies—not for many years at any rate, and it is never done in England. Prime Ministers and Ministers of the Crown there, as we know, are abused by the newspapers in the most scandalous manner. I do not want to see the same state of affairs here, still we must remember this: we occupy a public position, and we have the light of day upon us, and we also have the privilege of saying what we like about others, and I think we must not be too thin-skinned, even if we are attacked somewhat unfairly. I give this little bit of advice just in the same spirit as I was advised the other night, by the hon. member for York; and I think if he had advised his hon. friend the member for East Perth, in the manner he advised me, we would not have heard anything about this matter.

MR. PARKER: I do not think the hon. gentleman has any right to imagine that I advised the hon. member for East Perth either one way or the other.

MR. R. F. SHOLL: I would like to say a few words on this subject. I regret to a very great extent that the hon. member thought it worth while to bring this matter before the House. Still, I think members must sympathise with him after the very unjustifiable way he has been persistently attacked by this particular paper with regard to his actions in this House. It has been said that this is a town paper. It must be remembered that the hon. member represents a town constituency, and this paper is circulated in the town, and no doubt these articles and papers misconstruing all his actions are read by the whole of his constituents; and it must be done really with the view of holding him up to the

contempt of his constituents. It must injure him in the eyes of his constituents, if everything that tells in his favor is withheld and all his actions are misrepresented. In this case they were told that he was a prime mover in helping the squatters, against the interests of his own constituents; and I think he has very great reason for feeling aggrieved. It does not affect members representing country constituencies so much, because country constituents know perfectly well that their members will look after their interests, and they know them better than newspaper writers do. But I think newspapers might have a sense of fair play. Of course, members occupying a public position must be expected to be criticised. They cannot expect newspapers to agree with all their public actions, and they must expect to be criticised and severely criticised at times; but they ought not to be accused of doing the contrary of what they have done. After what has fallen from the Attorney General, I think it would be well if the hon. member for East Perth did not go any further with his motion. But I do hope that newspapers, in criticising the actions of public men, will try to deal fairly with them; criticise them severely when they disagree with them, but do not go to extremes, as has been the case here, by misquoting and misrepresenting their actions.

MR. QUINLAN: I feel bound to say a word or two, to express my sympathy with the hon. member for East Perth for the manner he has been attacked by this newspaper. But I agree with the remarks of the Premier, who I think gave us very good advice, when he told us to be a little more thick-skinned, and to treat these attacks with indifference. I used to be very sensitive, myself, when I first entered public life. I do not deny the fact; I was very thin-skinned, and I had my share of abuse. But I was told by members to take no notice, and I got over it; and, if I may be allowed to do so, I advise the hon. member to do the same, and to take no heed of these misrepresentations of the newspapers, notwithstanding their spite, but simply "walk round them," and treat them with contempt. I do not think there is anything to be gained by pressing the matter further. It has been brought before the House, and the paper

must see that the hon. member has the sympathy of the House, and that some very strong remarks have been made about it. No doubt the newspapers will take notice of this, and be more reasonable in their criticism in the future. There is no doubt that what has been said about the hon. member was untrue, for I remember the discussion very well, and the hon. member did not act in this matter of the remission of rents as this paper said he did. He took no prominent part in it by any means.

MR. MOLLOY: As one of the members for Perth, I also beg to say a few words on this subject. I think with other members who have spoken that it is to be regretted that this article ever appeared; it is to be regretted all the more when we consider the persistent way in which this newspaper has, of late, attacked the hon. member. We all admit that it is necessary we should have criticism; we all admit the freedom of the Press, and that newspaper writers are entitled to their opinion and at liberty to express their dissent from our opinions. But when we find they are not content with that, but deliberately write what they know to be false, then I think it is necessary they should be brought to book in some way, and that their efforts in undermining members before their constituents, in whom they are interested, should be discountenanced. The hon. member for East Perth, last evening, quoted his remarks made when this question of the remission of rents was under discussion, and proved clearly that he acted quite opposite to what he was accused of having done by this writer, who misrepresented his actions. That this was not done in ignorance is patent, from the fact that this newspaper has its own reporters in attendance in this House, and I presume the writer of this article would have before him the report of the hon. member's sayings. Notwithstanding this, they represented him as saying and doing something altogether opposite to what he did say. They told deliberate lies in respect to this matter. I say deliberate lies, from the fact of their having their own reporters in the House reporting the hon. member's speeches, and, their having the hon. member's words before them, and then, instead of commenting upon his actual

sayings, writing what they did out of sheer malice, and with an object,—that object, as shown from the preceding actions of this paper in respect to the same hon. member, being to defame him before his constituents, who elected him to the honorable position he occupies in this House, and with the object of influencing these persons to take away from him their confidence and not elect him on a future occasion. It is very apparent that this was their object, and, this being so, it is clear they did not write these things because they honestly believed them—it was not honest criticism of the hon. member's doings—but because they wanted to induce his constituents not to elect him on a future occasion. I think this is the more to be deplored, and it says little for the respectability of a paper professing to express public opinion and to teach us the way in which we should go in respect of public matters, that it should come forward and represent a member to the public as doing the very opposite of what he does, and do it simply with the object of defaming him, and creating a feeling of distrust in him, in the eyes of his constituents. I do not say that the hon. member acted wisely in tabling the motion that he did, and, perhaps, now having heard the opinions of his fellow members in this House, the hon. member will not think it necessary to proceed any further with it, feeling assured that he has the sympathy of the House, and that the House has sufficiently marked its disapprobation of these writings, and that it would have the effect of restoring him in the good opinion of his constituents, who elected him to the honorable position he now occupies.

MR. CANNING: If no other hon. member wishes to make any observations on the question before the House, I will say a few words. I have listened, of course, with every attention to what was said by the Attorney General, and the very first reflection that occurred to my mind was that the hon. gentleman gave us excellent advice indeed from the point of view of one who was not himself attacked. We were told—and I think we have heard the same thing before—that being public men we must expect to be attacked. I grant it. We must expect to be attacked; we must expect to be

criticised. I do not know that in that respect I am in any way thin-skinned; I can bear any fair and honest criticism with equanimity, and even if it is unjust and scurrilous I am prepared to make allowance for it when it emanates from certain sources. But a sense of justice to myself compelled me to take the course which I have taken in the present instance, because there I was accused of having done something of very great moment and taken a course which would involve certain consequences, and which was absolutely false, beyond all question. It is generally admitted on all sides that it was absolutely false, and I think this case does not fall within the category of the cases that the Attorney General had in his mind when he gave us such excellent advice, and said we must take no notice of these newspaper attacks, whether they are true or false, and that we must submit to them. No doubt there are degrees in the nature and gravity of these newspaper attacks; there are some of them that one would not think of resenting, there are others which it is difficult to resist from resenting. If a man is walking along a crowded thoroughfare and he is jostled by some rude fellow in the crowd, he does not take any notice of it; he may be jostled a dozen times, and he would be very unwise to resent that rough jostling; he must expect it going through a busy crowd. But if a man turns deliberately round and strikes you in the face, what course is open to you then? Are you to pass on unmoved? Are you to accept the excellent advice of the Attorney General—excellent from the point of view of the man who has not been touched—and take no notice of it? I think most men would be inclined to resent it. Any ordinary man who was deliberately struck by a fellow in a crowd, without provocation, would, I think, be inclined to resent it. I think the same applies to the case we are now discussing. There are limits even to the most philosophic patience. There are limits even to the extent one can endure newspaper attacks without resenting them. I quite agree with the fullest liberty of criticism for the public press, but liberty should not be allowed to degenerate into license. The fullest liberty of fair and honest criticism is a

different thing altogether from an absolute lie, told for an object, that object being to deliberately misrepresent the action of a public man before his constituents and before the community at large. In this case there were all the elements of a false and malicious libel. The falsehood is admitted on all sides, and the malice is so evident that it is hardly necessary to show it. A motive for that malice has been clearly stated in this House to-day by an hon. member, and it is patent to everybody. I must say that the Premier on the whole spoke very fairly indeed, and I think there has been such a strong expression of disapprobation of this article, and its falsehood has been so generally recognised by every member of the House who has spoken on the subject, that I think it is unnecessary to push this motion any further. Some stinging reproofs have been administered to the writer. The writer possibly may not be responsible for the article, but whoever is responsible for its appearance has had some stinging reproofs, and no doubt he has heard a great deal more in the course of this debate than could be pleasant to him, or at any rate than would be pleasant to most people. In deference to the suggestion of some of my friends I will now withdraw the motion. I quite recognise it would not perhaps be worthy of the dignity of this House to put the whole machinery of this House and of the law in motion to punish whoever may be responsible for this article. I admit that, and in deference to the feelings of my friends I beg to withdraw the motion. Before sitting down, I may state, in explanation, that what the Premier said in reference to my having been advised in this matter by the hon. member for York is entirely erroneous. I had no advice from the hon. member for York as to bringing this matter before the House, for he knew nothing about it.

THE PREMIER (HON. SIR J. FORREST): I did not say that the hon. member for York had advised you. I said if the hon. member had given you the advice that he gave me it would have been better.

MR. CANNING: At any rate, I thought it only fair that I should say publicly that the hon. member did not

advise me, and that he did not even know until I was in this House yesterday that I intended to bring forward the motion. I now ask leave to withdraw it.

Leave given, and motion withdrawn.

RAILWAYS ACT, 1878, FURTHER AMENDMENT BILL.

THE ATTORNEY GENERAL (Hon. S. Burt): I have now to move the second reading of a bill to further amend the Railways Act, 1878. The question has lately arisen, whether the Commissioner of Railways, under the Principal Act, has power to take land for railway purposes at any time, after the first taking, when the line is first proposed. It would appear from the wording of the 12th section of the Principal Act that this power is limited to the one taking, prior to the construction of the line; and that view is helped a great deal by the words of the 13th section which requires the Commissioner to mark off the land to be taken upon the map or plan of the proposed railway. It would appear from this that the taking under the Principal Act is confined to land taken before the construction of the line; therefore, when the Commissioner wanted to resume some other land required for the additional accommodation required, after a line had been constructed and opened for some years, we found he could not very well do so under this provision. These two sections leave a little doubt, at any rate, about this power, and afford a good argument for saying that the power is restricted to the taking prior to the construction; and, as the preamble of the present bill puts it, it is expedient to settle such doubts. The first section of the bill gives the Commissioner that extended power, and provides that the power conferred on him by the 12th section of the Principal Act may be exercised by him at any time, whether before, during, or after the construction of the railway. It also gives him power to take lands in addition to any land previously taken. I think the House will see that it is very necessary to give this extended power to the Government, in case they require any additional accommodation, when the traffic increases, say at Perth or Fremantle, or anywhere else. As a consequential amendment we

ask to strike out the word "proposed" in the 13th section of the principal Act, so that it will read: the Commissioner "shall mark off the land to be taken upon the map or plan of the railway" instead of "upon the map or plan of the proposed railway," which of course contemplates only the taking prior to the construction of the line. This map or plan is always kept at the Commissioner's office, in accordance with the Act. The 3rd section of the bill confirms the past acts of the Commissioner under the powers conferred by the principal Act. Another matter dealt with is the crossing of railway lines in view of an advancing train. This is an offence punishable by penalty in the Railway Acts of other places, and I think it is very necessary we should have it here. At present trains have to pull up sometimes at crossings, because people walking or driving across absolutely refuse to accelerate their pace. We propose here to provide that any person walking, or driving, or riding across a railway line when a train is approaching, and within a distance of a quarter of a mile—in some Acts it is half-a-mile—shall be guilty of an offence. But the section contains a proviso that it shall be a sufficient defence to any charge of this kind if it shall be made to appear that the approaching engine could not readily have been seen. It may be that the crossing is situated on a curve of the line, where the engine cannot be readily seen as it approaches—such for instance as the Stirling Street crossing; and if the person charged with the offence proves that he could not have seen the train approaching, nor hear it whistle, it will be a defence to the information laid against him. There is nothing much in the two next clauses of the bill, but in clause 7 we propose to give the Commissioner power to enter upon any lands within the limits of any authorised deviation, on either side of the line, shown on the plan referred to. At present the Commissioner is confined to the land that has been marked off on the plan, and, in the event of any deviation from the route so marked, he has no power to enter upon the land within that deviation. It is difficult to say exactly, beforehand, what lands may be required ultimately, and under the present law, until the land

is actually taken, the Commissioner is a trespasser, except for the purpose of surveying it. This clause is part of the procedure in the Railway Acts of the other colonies. There is another new provision, which will be found in the 8th clause, dealing with sidings. At present we have no law regulating the construction, or working, or maintenance of railway sidings, and people have to pay nothing for the use of them. Everywhere else you find people who have sidings provided for them charged a good rent for these sidings, which of course are a great convenience to those engaged in trade. We have very many applications for these sidings at present; and, as I have said, everywhere else the Railway Department makes people pay a rental for their sidings. They are put there absolutely for their convenience and accommodation, and it appears only right and proper that they should pay something for this accommodation. In this way we are losing a considerable amount of revenue now, and we propose to empower the Commissioner to agree with any person or company for the construction and use of any siding, and charge them for it. In the 9th clause, in order to bring existing sidings under the same regulation, we empower the Commissioner to close any of these sidings unless the owner agrees to pay for it. It is not intended to absolutely put an end to any of the present sidings, but simply to drive those who use them to make a fair agreement with the Commissioner for renting them. Section 10 has been introduced in pursuance of a promise I made the other day to the hon. member for York, that the plans referred to in any special Act shall be open to public inspection at the Commissioner's office, at all reasonable times, without charge. Section 11 follows upon the powers given to the Commissioner in previous clauses, as to making regulations for renting sidings and for regulating the use of them. It also gives the Commissioner power to make regulations for organising, classifying, and paying the staff in connection with our railways. I think the bill will be found a very useful one. It supplies some omissions in our present Acts. It is proposed, if possible, by next session to introduce a measure consolidating all these Railway Acts, and to enlarge them,

and put them on a better footing altogether. Additions have been made from time to time in these Acts in a rather disjointed way, and some very necessary provisions have been introduced as the occasion for them arose. It is hoped, as I said, that the Government may be able next session to consolidate all these Acts, and instead of having the whole subject spread over some five or six different Acts, have it all dealt with in one Act. The present bill, however, contains some very valuable provisions, which the Government are anxious to enact this session, and I hope the House will be able to accept it.

MR. PARKER: I only wish to call the attention of the Attorney General to two clauses of the bill, in the hope that he will make some amendments in it in committee, or add some other sections. It will be observed by the first clause that power is given to the Commissioner to take lands for railway purposes at any time,—that is, for all time, or so long as this Act is in force. He may do so 50 years hence, for a line that is already constructed. For instance, fifty years hence it may be necessary to provide additional station accommodation at Perth, and under this clause the Commissioner will have power to resume any lands he may require for that purpose: but I see no provision made for estimating the value of the land and the compensation to be paid for it. The compensation payable at present is assessed as follows: the principal Act says—"In estimating the purchase money or compensation to be paid in respect of any land taken or resumed, regard shall be had solely to the matters following, that is to say, to the value of such land at the time of its being taken or resumed, and without reference to any alteration in such value arising from the establishment of the railway." Evidently this principle of valuation will not be applicable to land taken 50, or even 10, years hence. In the case referred to, the arbitrators will have to take into consideration the enhanced value of the land by reason of the station being there. I merely mention this now so that the Attorney General may draft a clause dealing with the compensation payable for land resumed years after a railway has been built. It seems to me that the compensation payable for lands so taken, ought

to be very different from the compensation payable where there is no railway. Where a railway is established, and stations are built, the surrounding land is daily increasing in value, and I do not think the same principle of estimating compensation should apply in such cases as in cases where no railway has actually been constructed. The same course ought to be adopted as in England. There the arbitrators not only take into consideration the full fair value of the land to the owner—not its value to the Government or the company taking it—but an allowance of ten per cent. on that value is made for the compulsory taking. I think the same principle should be adopted here. Although the land is taken from the individual owner for the benefit of the public, still he is not asked whether he is willing to sell it. It is taken from him whether he wishes it or not. Probably he would prefer to keep it for his children, or for himself until it rises in value, and he desires to get the benefit of this increment for himself or his family. Therefore I think that when land is taken compulsorily in this way, not only should the owner receive the full fair value of the land, but also some further allowance for the compulsory taking, which in England is ten per cent. Another clause I wish to refer the Attorney General to is clause 10, with regard to plans deposited for inspection in the Commissioner's office. I think this clause ought to be made to apply to plans referred to in all Acts already passed; in other words made retrospective. That is all I have to say with regard to the bill.

MR. DE HAMEL: I think we ought to have a little longer time for considering this bill. It has only been placed in our hands a few minutes ago, and we cannot be expected to grasp the full intent and scope of a bill like this in the course of half an hour. I hope that before long some rule will be made so that no bill will be allowed to pass its second reading until seven days have elapsed from its first reading, so as to give members time to consider it.

THE ATTORNEY GENERAL (Hon. S. Burt): I am sure the Government never resist an appeal of this nature, if it is desired to have further time to consider a bill. So long as the House

affirms the principle of the bill, the committee stage can be fixed at any time that will suit the convenience of members.

MR. RANDELL: There are two clauses that strike me, on glancing cursorily at the bill, as likely to work a little hardship in certain cases. Clause 4, if I understand it, refers to persons crossing a railway line when an approaching train is less than a quarter of a mile off. I think a quarter of a mile is too long a distance, in the case of foot passengers. Our trains do not travel at the express speed of trains in old countries; they seldom exceed 20 miles an hour; and I would like the Commissioner to consider whether in a thoroughfare like William Street, where there is a large amount of passenger traffic, and where I believe there is also a watchman, this distance might not be safely reduced. With regard to vehicles it may be a very necessary provision, but I think a shorter distance might safely be agreed upon in the case of foot passengers. Clause 9, too, seems to me to be open to hardship. It deals with the closing of existing sidings. People have spent a considerable amount of money on these sidings, and they depend for their living upon them. I dare say it may not be intended to enforce this provision very stringently, and perhaps there may be some reason why the Commissioner should have power to close some of these sidings. But I think some regard should be had for what may be called vested interests.

THE COMMISSIONER OF RAILWAYS (Hon. H. W. Venn): It is not intended to close any of the present sidings, but simply to bring them under the same regulations as other sidings that may be made in the future.

MR. QUINLAN: I only rise to offer a suggestion with regard to the principle upon which compensation should, in my opinion, be based. Compensation is generally a very big item in connection with railway construction, and I would suggest that the principle of "betterment," which is the law in America, and which they propose to adopt in Victoria, should receive the attention of the Government here during the recess.

Motion agreed to.

Bill read a second time.

THE MULLEWA RAILWAY.

TRIAL SURVEY FROM MINGINOO.

MR. DARLOT: I beg to move "That in view of the large amount in excess of that voted by this honorable House last session for the construction of a line of railway from Geraldton to Mullewa, it is advisable that the Government, during the recess, have a trial survey made from Minginoo to Mullewa, with a view of affording members fuller information on this important subject before coming to a decision." In bringing this motion before the House, I do so with the object of seeking information. When the loan schedule was brought down last year, a sum of £100,000 was placed on it to build a line of railway from Geraldton to Mullewa. From information obtained since, the Government have found that this sum will not be enough; they now find it will take some £87,000 to build a line only half that distance, so that they now virtually ask us to sanction the building of a railway which may cost double what this House agreed to vote for it. The object of my motion is so that, during the recess, the Government should have a trial survey made of another line, going from Minginoo to Mullewa, instead of from Geraldton to Mullewa. I believe that a railway could be built from Minginoo to Mullewa for almost the amount originally voted (£100,000), or very little more. I do not think this other line would interfere with Geraldton in any way—certainly not to any great extent—and I am sure it would confer as much benefit on the Murchison settlers, and also other settlers north of Mullewa in the same way. Of course there would be a greater expense in the way of haulage to Geraldton, but against that the settlers would benefit by being able to truck their fat stock at Mullewa and bring them on to Perth. At any rate, all I ask for now is that the Government should make a trial survey of this other line, and it is with that view that I have brought forward this motion.

THE PREMIER (Hon. Sir J. Forrest): During last session, when the Government introduced this Loan Bill, and on many occasions since, both in this House and in other places, this railway from Geraldton to Mullewa has been spoken of as one of the best lines that the Gov-

ernment had put before the country, or ever introduced into Parliament. It has also been pointed out to us that we should lose no time in getting our surveys completed and in commencing the work. Since last session, as members are aware, a very promising discovery of gold has been made to the eastward of Champion Bay, so that the reasons that actuated members in voting for this line last session are much stronger now than they were then, because there is every prospect now of a large mining population occupying the country to the eastward, who would be served by this line. We may be told that these goldfields are not yet thoroughly established; but, so far as we know at present, all the evidence goes towards establishing the fact that there is an extensive and important goldfield in that locality; and it seems to me that if we were to give our adherence to this proposal now before the House we should be going back from what we have already done in this matter, and which we have done deliberately. The only reason that can be urged in support of it is that this line will cost somewhat more than was expected. After all, I do not think anyone can complain as to what it is likely to cost, even now, as compared with the cost of other railways that have been built in this colony. Even according to the estimate of the Engineer-in-Chief—of course that is an estimate based upon accurate information, but still it is an estimate that we may rely upon as being on the safe side; that has been our experience in the past; these gentlemen are generally very careful to be within the mark—but even according to the estimate of the Engineer-in-Chief the cost of this line will not be more than £2,700 per mile; and I think we may fairly hope that will not be exceeded. On the contrary it may be taken that the cost will be somewhat less. So that if for the sake of argument we say that this railway will cost from £2,500 to £2,700 per mile, it will not cost more than the estimate for the railway we are building from here to Bunbury. Therefore, I do not think members need be afraid of the cost. We may rely upon it that it will be done fairly cheap, and certainly much cheaper than railways built hitherto in this colony. The reason the Government advocated the line from Geraldton to

Mullewa was that Geraldton is the only port of that part of the colony. It has a fairly good harbor, and we are about to expend a large sum in improving it, and providing better accommodation; and we also propose in this railway to build a line that will meet our requirements for all time, and bring the important pastoral districts eastward into direct communication with a port of shipment. If these districts progress as we expect they will, not only in pastoral wealth but also in mineral development, this other line from Geraldton, via Dongara and Minginoo, will never suit the circumstances of the country. Who ever heard of a railway going 130 miles for the purpose of accomplishing a distance of sixty miles, when there was no necessity for it. Yet that is what would be the effect of having the line suggested by the mover of this resolution. Anyone desirous of going from Geraldton to the Murchison goldfields or to the pastoral settlements of that district would have to travel 130 miles, and, when he had done that, find himself only 60 miles from Geraldton. Besides all this, we have already committed ourselves to this other route. Not only did we agree to it when the Loan Bill was passed; we have also passed the necessary special Act to authorise its construction, and that measure was also passed by the other branch of the Legislature, and is now only awaiting the Governor's assent. Therefore, if we go back now and retrace our steps, it will be necessary to repeal that Act, and start afresh, and go through the whole process again. I cannot myself reconcile this motion at all with the feeling that we have had constantly expressed, that this is a work that should be done as quickly as possible. Instead of that we are now simply courting delay. We are asked to commence the whole thing afresh, to make fresh surveys, fresh estimates, and to delay the commencement of the work until next session. By that time I hope to see half of this railway completed. I think we should go on with the work of construction, instead of spending more money in surveys. We have already had four or five routes traversed and sections made, and, after a great deal of trouble, the Government have arrived at what they consider the best practicable route from

Geraldton to Mullewa. I could understand this motion if we were going to build a railway from Mullewa to Perth. But that is not what we want. We want to get from Geraldton to Mullewa, and not from Mullewa to Perth. The people in that part of the country will go to Geraldton, not to Perth; and why should we ask them to travel 130 miles when they can go in 60? It has been said that sheep could be trucked from Mullewa to Perth if we had this other line. But that is not our object in building this railway. Our object is to provide communication between the pastoral settlements eastward and their only port, and also with the goldfields. I can see no object in having this line from Minginoo to Mullewa unless it is, as has been said, for the conveyance of sheep and live stock to Perth, and to ignore Geraldton altogether. But that is not the view which the Government have. We must look to the future, and not merely to the present. Even at present, Geraldton is the centre of a large district, and it is the established port of that part of the colony, and, in all our railway projects for this part of the colony, we must not lose sight of that fact. So far as the Government are concerned, we have in no way changed our minds about this line; we think this is the proper route for this railway to take, and if members are not prepared to give the Government authority to build it right through to Mullewa, we propose, as I said the other day, to spend our £100,000 in building it as far as it will go. I hope, however, members will agree to the motion I then submitted, and which will come on again presently. We have already agreed upon this undertaking, and I believe we have the concurrence of all those who live in that part of the colony. Last year, when this line was under discussion, this other route was then proposed by some members, but afterwards withdrawn, and the general feeling is undoubtedly with us in this matter. The matter was thoroughly discussed last session, and it is only now, when it is found that the line will cost somewhat more than we then estimated, but still much less than we have been accustomed to have our railways built for in the past, an attempt is made to reopen the whole question. The Government have no

interest whatever in this line beyond that which always animates us in all other matters—the public good. We believe that the public interests will be best served by this line, and we also believe it will be more acceptable to the districts concerned.

MR. R. F. SHOLL: When this work was before us last session, I think members were not quite certain, a great many of them, whether it was advisable that this line should be built at all. At any rate, I feel positive that if they knew it was going to cost £60,000 or £70,000 more than was put down for it, it would have been struck out of the loan schedule altogether. It is true that, since that time, the Murchison goldfields have been discovered, and no doubt that affords some additional inducement why this railway should be built. We all agree, in fact, that a railway should be built in that direction; the only question is, whether, if we can get a line that will answer the purpose just as well built for this £100,000 or instead of £160,000 or £170,000, it would not be wise on our part to consider whether we should not have a trial survey of the cheaper line made. With regard to the sheep and live stock traffic, it has been already pointed out that this Minginoo line would answer the purpose in every way, so far as sending stock down to the Perth markets is concerned; and, as for the passenger traffic to the goldfields, it is not likely that people would take the steamer at Fremantle and go to Geraldton, and start from there to these goldfields. They would prefer to go direct by rail from Perth. We know very well that pretty nearly the whole passenger traffic between here and Albany now goes by the railway, and not by sea, and it would be the same with this other line. The Government have asked us to authorise them to go on with this work, whatever it may cost. That appears to me an extraordinary way of doing things. Until the £100,000 already authorised is expended, I do not think we ought to be asked to sanction the expenditure of any more money.

THE PREMIER (Hon. Sir J. Forrest): We do not want to spend it now; we only want authority to incur this liability.

MR. R. F. SHOLL: I think the hon. gentleman's resolution says that in the

event of the £100,000 proving insufficient, the Government should be authorised to proceed with the work. It seems to me to be putting the cart before the horse, to ask this House to sanction this expenditure before it is required, and before we know what will be required. This is not like a case where the expenditure could not have been foreseen, and I think it is adopting a very bad principle. After all, we should arrive at the same object if we had this other line, namely, to benefit the Murchison district. That, I take it, is the main object of this railway; and if we can attain that object with an expenditure of £100,000, I do not think we are justified in spending another £60,000 or £70,000 to attain it, when we have so many other calls upon us in the shape of public works.

MR. CLARKSON: I shall support the motion of the hon. member for the Murchison. When this railway came before us in the Loan Bill, I ventured to express an opinion that the line could not be constructed for the amount set down; and I am sorry to see that my opinion has turned out to be correct. Geraldton must be a very important place if it actually requires another line of railway—much more important than I thought it was. It already has two lines, and now it wants a third. It would then have a railway from the North, a railway from the East, and a railway from the South. It cannot very well have one from the West, or else it would have railways from every point of the compass. I can hardly imagine that Geraldton is such an important place as all this. However, had it been found possible to have built this Mullewa line for the £100,000 set apart for it, I would not have felt justified in opposing it now, as I consider myself to a certain extent pledged to support it. But when we are told it will cost very nearly double, I think we have very good reason for asking for a little more information, and a little delay before we authorise the Government to proceed with a work that is going to involve the country in this very large expenditure. The motion before us, I think, is a very reasonable one. This other line would benefit the Murchison and Gascoyne squatters—who are the people chiefly to be considered in this

matter—far more than the line from Geraldton, for this reason: it will bring their fatstock and their wool straight down to Perth, instead of sending them round to Geraldton. Taking all things into consideration, I do not think the House would be justified in sanctioning this extra expenditure, which at present we do not know what it may amount to. The matter has assumed a different complexion since we agreed to this line last year, and I do not know that the decisions of this House are like the laws of the Medes and Persians, irrevocable. I think if we find we have made a mistake, or are likely to make a mistake, we are at liberty to retrace our steps. I think this question is entitled to our most serious consideration, more especially when we find it brought forward by the hon. member representing the pastoral district most largely concerned.

THE PREMIER (Hon. Sir J. Forrest): What about the goldfields?

MR. CLARKSON: All the gold they find can be sent down to Perth, just as well as sending it to Geraldton. Geraldton already has one white elephant of a railway in the Northampton line, and I object to giving it another one.

MR. LOTON: We must admit, I think, that Geraldton is the natural starting place for this line to the Murchison, and the only real argument I have heard in favor of the line from Minginoo to Mullewa is that it would be a shorter distance and consequently entail less cost in the transport of sheep and live stock, so far as Perth is concerned. But the question of the conveyance of fat stock from the North-west districts to the Perth market is not the main question to be considered in connection with this line. What about the conveyance of all the stores, all the station requisites, for the settlers inland, and what about the goods to be consumed on the goldfields, and the machinery required for those goldfields? Are all these to be sent from Perth? Or are they to be sent from Geraldton, which is the natural emporium of the district? Is everything—except fat stock for the Perth market—to be sent an extra 60 or 70 miles (virtually double the distance), from Geraldton, at a correspondingly extra cost, simply in order to have this line start from Minginoo? I remember

there was a long debate on this subject of extra haulage when we were dealing with the starting point of the Yilgarn Railway, and great stress was laid on the fact that one route involved 15 miles more haulage than the other. But what is 15 miles compared with 70 miles? It appears to me that Geraldton must be the place for this line to start from, and for this reason I cannot see my way to support the motion before the House. In saying this, I am not committing myself at the present moment to the other motion dealing with the additional vote required for this line. That we shall deal with upon its merits.

MR. A. FORREST moved the adjournment of the debate until the following day.

Agreed to.

Debate adjourned accordingly.

GOVERNORS OF HIGH SCHOOL BILL.

This bill, which was received from the Legislative Council, was, on the motion of the Attorney General, read a first time.

AMENDMENT OF DISTILLERIES ACT.

MR. PATERSON, in accordance with notice, moved—"That in the opinion of this House it is desirable, during the recess, that the Government consider the question of amending the Distilleries Act, 35 Vic., No. 6, or otherwise, to facilitate the distillation of spirits, to be used for the general purposes of wine making, and thus to prevent the waste that now occurs in an industry which is rapidly becoming of great importance to the colony." His object was to call attention to the fact that the present Distilleries Act was not workable. It was not taken advantage of by wine-growers, and he thought it was necessary in the interests of those engaged in this important industry that some steps should be taken during the recess to bring in a more suitable Act next session. It was too late to do anything in the matter this year, because the wine season had gone by; but he thought the Government should make inquiries between this and next session as to the provisions of the Distilleries Acts in the other colonies. The South Australian Act seemed to him to be the best, and most suitable to

our requirements. He believed it was the intention of some of those who were interested in this matter to make inquiries, so as to find out which of those Acts would best answer our purposes here, and to offer some suggestions to the Attorney General, so that he might embody these provisions in our own Act.

Motion—put and passed.

ADJOURNMENT.

The House adjourned at ten minutes to 5 o'clock, p.m.

Legislative Council,

Wednesday, 9th March, 1892.

Police Bill: error in—Report of Select Committee—
Newspaper reports: error in: personal explanation
—Custom Bill: third reading—King George's
Sound Garrison Discipline Bill: first reading—
South-Western Railway Act Amendment Bill:
second reading: committee—Geraldton Harbor Im-
provements—Adjournment.

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

PRAYERS.

POLICE BILL: ERROR IN.

THE HON. J. W. HACKETT brought up the report of the select committee appointed to consider Message No. 39 of the Legislative Assembly, which was read as follows:—

"Your Committee, having carefully considered the matter referred to them by your Honorable House, have arrived at the conclusion that the Council cannot deal with a Message from the Assembly asking it to concur in an amendment to a Bill which has passed through all its stages in both Houses of the Legislature.

"Your Committee have discovered no precedents bearing upon the circumstances which have arisen, but they

"advise that a Message be sent to the Assembly, informing it of the conclusion above stated, and further, of the Report of the Clerk of Parliaments on the subject of the amendment to which Message No. 39 of the Assembly refers.

"Should the reply of the Assembly show that the action taken by that body in regard to sub-clause 18 of clause 96 of the Police Bill was in accordance with the report of the Clerk of Parliaments, it will be for the Council to determine whether, in order to meet the difficulty which has occurred, it shall authorise that officer to amend the Bill as the Assembly had desired.

"T. COCKBURN-CAMPBELL,

"Chairman."

THE HON. J. W. HACKETT: I may mention with regard to the report which has just been read that four members were appointed as a committee, but inasmuch as the Honorable the Colonial Secretary could not attend, the report is the report of the three constituting the Standing Orders committee of the House. I beg to move that the following message be sent to the Assembly:—

"The Legislative Council informs the Legislative Assembly that it is unable to deal with Message No. 39 of the Assembly, asking it to concur in an amendment to a Bill which has passed through all its stages in both Houses of the Legislature.

"The Council, at the same time, apprises the Assembly of the fact that it has received a report from the Clerk of Parliaments stating that an amendment appeared to have been made by the Assembly affecting sub-clause 18 of clause 96 of the Police Bill, which amendment had not been communicated to the Council for its concurrence, the consequence being that he was unable to place the enjoined certificate upon the Bill prior to presenting it to His Excellency the Administrator for Her Majesty's assent.

"The Council desires to know what was the precise action taken by the Assembly in regard to the sub-clause of the clause above mentioned."

I have only to add that the committee made due and diligent examination of the precedents which might guide them, but it was found that they were unable to obtain any assistance in that direction