

G. Lee Steere, the Director of Public Works, and the Mover.

Agreed to.

The House adjourned at a quarter-past eight o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 10th April, 1889.

Message (No. 12): Transmitting telegraphic correspondence with Secretary of State, as to amendments in the Constitution Bill—Message (No. 13): Suggesting amendments in Constitution Bill—Message (No. 14): Copy of correspondence with Secretary of State as to the Petition of Messrs. Harper and Hackett—Message (No. 15): W. A. Timber Co.'s concessions; proposed fresh agreement—M. Violette's proposal for a Railway to Eucla—Fremantle Water Works: Return of expenditure—Adjournment.

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

PRAYERS.

MESSAGE (No. 12): TELEGRAMS RE AMENDMENTS IN THE CONSTITUTION BILL.

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

"The Governor has the honor to transmit, herewith, copy of telegraphic correspondence with the Right Honorable the Secretary of State respecting the Constitution Bill.

"Government House, 10th April, 1889."

TELEGRAMS.

Governor to Secretary of State.

"To Secretary of State for the Colonies, London.

"Perth, 4th April, 1889.

* "Following by favor Sir John Pender:—
"Have the honor to inform you that Legislature of Western Australia, dealing with whole question in most fair and loyal manner, have agreed without material alteration to Bill approved by Her Majesty's Government for introduction of Responsible Government into this Colony. Approval of

"Parliament only now needed. Only amendments worth noticing in your bills are (one)—Legislative Assembly—duration four years, lodger franchise added. (two)—Act not to come into force until lands south of tropic vested in Legislature. Local Act may be wrong place for this provision, but principle has been virtually approved. (three)—Governors, judges, salaries left as at present. (four)—Attorney General pension Three hundred. (five)—Land reserves for natives to be made by Governor in Council. Submitted to consideration that Bill may be accepted, without further negotiations or correspondence. Would urge that Act of Parliament be at once drafted for introduction immediately on arrival of Bill in England. Time all important to Colony. If necessary I am ready to bring home Bill and render every assistance as it passes through Parliament. Desirable that Your Lordship's telegram in reply to this should be communicated to Legislative Council, now waiting for prorogation and anxious to know.

"(Sd.) GOVERNOR, WESTERN AUSTRALIA.

* NOTE.—This Message was passed free of cable charges.

Secretary of State to Governor.

"To Governor, Western Australia.

"London, 6th April, 1889.

"Referring to your telegram of 4th April. (one)—Amendment accepted. (two to five)—Do not agree to amendments—consider it necessary to adhere to previous decision. Present holders not to have increase of salary on full salary."

MESSAGE (No. 13): AMENDMENTS IN THE CONSTITUTION BILL.

THE SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"With reference to the telegram from the Right Honorable the Secretary of State transmitted by Message No. 12 of this date, the Governor has the honor to return, herewith, the Bill intituled:—
"An Act to confer a Constitution on Western Australia, and to grant a Civil List to Her Majesty," for the consideration of the following amendments therein:

"(1.) Preamble, lines 2 and 3 on page 2:—The word 'now' to be inserted after the word 'should.'

"The words 'by a Legislative Council and a Legislative Assembly' to be omitted.

"The word 'such' to be omitted, and the word 'a' inserted in lieu thereof.

"(2.) *Clause 10, line 1*:—The word "seven" to be omitted, and the word "five" inserted in lieu thereof.

"(3.) *Clause 18, lines 2 and 3*:—The words "nor, after Part III. of this Act shall be in operation" to be omitted, and the word "or" inserted in lieu thereof.

"(4.) *Clause 19, line 18*:—The words "nominated or," and the marks of parenthesis, to be omitted.

"(5.) *Clause 21, line 15 on page 6*:—The words "the property qualification mentioned in section eighteen" and "to be inserted after the word" "that."

"(6.) *Clause 69, line 3*:—The words "eight thousand four hundred" to be omitted, and the words "nine thousand eight hundred and fifty" inserted in lieu thereof.

"(7.) *Clause 76, line 11*:—All the words after the word "repealed" to be omitted.

"(8.) *Schedule B*:—The sums named "to be altered as follows:—

"£3,000 to £4,000

"£200 to £250

"£1,000 to £1,200

"£700 to £900

"£8,400 to £9,850

"(9.) *Schedule D*:—The sums named "to be altered as follows:—

"£300 to £400

"£2,050 to £2,150

"With regard to the above amendments, the Governor has to observe that:—

"(1.) The word "now" may be useful "as making the meaning clearer. The other alterations seem required "by the context.

"(2.) To fix a quorum of seven, not "counting the member presiding, for "a Council of only fifteen members, "some possibly (*see* Clause 47) not "yet elected or some writes not re- "turned, may, it is feared, be not "unlikely to lead to practical incon- "venience.

"(3.) It appears desirable to expressly "enact that aliens and infants shall "not be nominated to the Legislative "Council.

"(4.) This amendment seems required "by the context.

"(5.) Required, in consequence of

"amendment (3), to carry out the "intention of the Council.

"(6.) to (9) } These amendments are consequent upon the Secretary of State's telegram, transmitted by Message No. 12.

"The Governor also returns the Bill "intituled:—"An Act to provide for cer- "tain matters connected with the Abori- "gines," for the consideration of the "following amendment therein:—

"*Clause 8, line 4*:—The words "in "Council" to be omitted.

"This amendment is consequent upon "the Secretary of State's telegram above "referred to.

"Government House, 10th April, "1889."

MESSAGE (No. 14): PETITION OF MESSRS. HARPER & HACKETT.

THE SPEAKER announced the receipt of the following Message:—

"The Governor transmits, herewith, "copy of telegraphic correspondence with "the Right Honorable the Secretary of "State, respecting Address No. 7 of the "4th instant and Messrs. Harper and "Hackett's Petition concerning His "Honor the Chief Justice.

"The Secretary of State, having been "informed of the Resolution of Your "Honorable House that his Lordship "should determine the action needed on "this Petition, replies, it will be seen, "that the 'action needed is some deci- "sion in the Colony which may be refer- "red to the Privy Council,' adding that, "if neither the Governor, nor the Execu- "tive Council nor the Legislative Coun- "cil can come to a conclusion on the "matter, the charges naturally fall to "the ground."

"Some further documents* which "have reached the Governor are also "transmitted to Your Honorable House.

"The enclosures to this Message were "communicated to the Chief Justice "before His Honor proceeded upon leave "of absence.

"In the Governor's opinion, it is neces- "sary that Your Honorable House should

* Declaration by Sir T. C. Campbell, Bart., dated 5th April, 1889.

Messrs. Harper and Hackett to Governor, dated 8th April, 1889.

"now pass some definite Resolution respecting Messrs. Harper and Hackett's Petition, upon which it is agreed, and evident, that an authoritative decision is imperatively required.

"There are special circumstances which have contributed to the difficulty felt by the Executive Council and by the Governor in pronouncing any actual decision in this case, and which seem to render it the more desirable that a decision should be pronounced by the Legislature, the constitutional guardian of the administration of Justice in the Colony.

"The Executive Government have, as was clearly best, completed the necessary inquiry, but, for the above reasons, the next step should, it is felt, be taken by Your Honorable House, now fully possessed of the whole case in the printed papers which have been presented.

"Government House, 10th April, 1889."

"Telegram from His Excellency the Governor to the Right Honorable the Secretary of State, dated 6th April, 1889.

"Petition to you respecting Chief Justice. Legislative Council agree with Executive Council regarding the necessity for authoritative decision. Without debate, unanimously decided send papers to you to form definite opinion on the whole case and determine the question of action needed."

"Telegram from the Right Honorable the Secretary of State for the Colonies to His Excellency the Governor, dated 8th April, 1889.

"Referring to your telegram of 6th April, I decline to adopt the course proposed. Action needed is some decision in the Colony which may be referred to Privy Council. If neither Governor, nor Executive Council, nor Legislative Council can come to conclusion on the matter, charges naturally fall to the ground."

MESSAGE (No. 15): W. A. TIMBER Co's. CONCESSIONS.

THE SPEAKER notified the receipt of the following Message from His Excellency the Governor:

"The Governor begs to state that the Honorable J. H. Gordon, of South Australia, acting on behalf of himself and others concerned in the matter, has applied to this Government for a concession, to be substituted for the

"agreement made with the West Australian Timber Company in 1871, of rights to cut timber and construct a railway between Busselton and Bridgetown.

"The Governor transmits to Your Honorable House the document in which the desired concession has been embodied. The other papers are in possession of the Honorable the Colonial Secretary, and can be consulted.

"The Governor will be obliged if the Legislative Council will take Mr. Gordon's proposals into consideration, and will express their opinion as to any agreement which may properly be entered into by this Government.

"The introduction of new capital and enterprise into the Vasse District would be a great and much needed boon to that part of the Colony, and it is this which has led the Governor to bring Mr. Gordon's proposals forward during this special Session. At the same time the concessions asked are considerable, and far-reaching, and the whole arrangement, if entered into, will require very careful settlement.

"Government House, 10th April, 1889."

M. VIOLETTE'S PROPOSAL FOR TRANS-CONTINENTAL RAILWAY TO EUCLA.

MR. BURT: I rise to move the resolution standing in my name—"That in the opinion of this House it is undesirable to entertain the proposals by M. Violette, relating to a North-Western Transcontinental Railway." These proposals having been sent down to the House by His Excellency the Governor I think it is only right that the House should express some opinion on them. As hon. members are aware, they relate to a railway on the land grant system from Roebuck Bay to a point on the South Australian border, known I believe as Mary's Spring. Well, sir, I think that seeing the action this House has taken in the past in connection with proposals of this nature, it cannot be a matter of surprise that we should have more proposals of the kind made to us from time to time—although perhaps this is in point of importance and magnitude one of the greatest that we have yet had submitted to us. That being so, I think it is only due to those gentlemen

who have made the proposals that at any rate they should be told what the House thinks of them, and that the session should not close without some pronouncement being made upon the proposals sent down by His Excellency the Governor; and it is with the idea of bringing the matter to an issue that I ventured to set down the motion that appears in my name on the Notice Paper, namely, that in the opinion of this House it is undesirable to accept these proposals, or to initiate the scheme which is here sketched out. Hon. members know that for my own part I am always rather cautious over proposals of this nature; and they would expect, I think, that if I submitted any motion at all in the matter it would not be otherwise than condemnatory of the scheme. I do not propose to go into the particulars and the details of this scheme, because that should be left I think to the select committee,—if the House considered it necessary to follow the practice we have adopted with other schemes of this nature, refer it to a select committee to report upon it. If the House intends in any way to entertain these proposals, it will be for a select committee to go into the question of details, and to set out the conditions of the contract. But I may say that the outline of the scheme appears to be this: the promoters contemplate the construction of a railway, of 5ft. 3in. gauge, starting from Broome, Roebuck Bay, to a point on the South Australian border, a distance of five hundred miles [Mr. A. FORREST: 1000 miles.] I am taking the figures of the promoters of the scheme, and the total length of the line is set down by them at about 500 miles. Those who know the country think it will be a much longer line than that. The Government are asked to undertake to provide safe and commodious harbor accommodation at Broome for large ocean-going steamers within a few years from the date of the acceptance of this proposal. That is a very important matter. If we accept this scheme it will necessitate this Government undertaking to provide harbor accommodation at this distant part of the colony within the next few years. I don't know what that would cost, nor do I think it matters very much; I am not aware that this House at the present moment is inclined to throw out the

interests of Fremantle or Albany, or other ports of the colony, for the purpose of making a harbor for ocean-going steamers at Broome. The concession or subsidy which the promoters ask from this Government is 35,000 acres of land per mile of railway, in blocks of not less than 20,000 acres; and, in order to preserve the syndicate's right of selection, it is proposed that the Government should reserve an area of 200 miles north and south of the proposed line of railway. It is estimated that it will take about twelve years to build this railway, and the land within the reserved areas is to be shut up from sale during that time under the terms of the contract, or until the line is completed. The syndicate propose that they should introduce immigrants in such numbers as they may think fit, and to settle them at their risk upon the land, and that an additional grant of 50 acres be granted to them in respect of each adult immigrant, the land to be selected within the reserved area, 200 miles north and south of the line, bounded on the west by the sea coast and on the east by the boundary line of the colony of South Australia; and on the south by the tropic of Capricorn. If any existing boundaries interfere with the syndicate's selection, they ask to be allowed to take up their land on the northern side of the line of railway. The House will see that this is a very large scheme indeed, and that it would lock up a very large proportion of pastoral country at the North. The syndicate, I observe, also propose in the first instance to build a temporary narrow-gauge railway in advance of the main line of 5ft. 3in. gauge; and it appears that on that narrow gauge they propose to convey the necessary material for the construction of the broader gauge which is to follow. If it is true, as is stated in the proposals, that a railway of a similar gauge in Victoria has cost £13,031 per mile on an average, and this line is only 500 miles long, it is simply a question of arithmetic to demonstrate that it will cost this syndicate over £6,000,000 to build it; and, if the distance is double 500 miles as the hon. member for Kimberley alleges, of course it will mean an outlay of something over £12,000,000. But really I do not think it matters very much how much it is to cost, if the scheme were otherwise

one that we could entertain as a practicable scheme. For my own part I do not see the utility of this line to Western Australia in any way. I can see that it might possibly serve the interests of, I may say, all the other colonies—certainly the interests of the other colonies before our interests. It would facilitate the delivery of the European mails in Adelaide, Melbourne, Sydney, and in Queensland, undoubtedly; but I rather think it might tend to delay the delivery of our own mails. But even if it accelerated the delivery of our own mails, in my humble judgment I do not think we should be serving the interests of this country, or doing that which the country would approve if we consented—and not only if we consented, but if we gave any encouragement whatever to proposals such as these, for the construction of a railway from Broome to the boundary of South Australia. I think it is far too early, even at this late period of the nineteenth century, to start with the consideration of a railway and commodious harbor works at Broome—for the purpose of connecting that port with South Australia—Broome, which, until very lately, was a townsite that existed only on the map, but which within the last few months has received a small accession of population in the shape of a few telegraph clerks—a place where there is scarcely a householder, or even a lodger yet settled, and where the surrounding country is said to be of a most inhospitable character, for a very considerable distance inland. That being so, I take it that the feeling of the House will be in accord with the terms of this motion—that it is undesirable to entertain these proposals. Therefore, I ask the House to agree with me in passing the motion, and in disposing of the matter.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Sir, on the opening day of the session I laid on the table of the House the papers containing the scheme put forward by M. Violette for the consideration of this Government, as regards the construction of this line of railway. Since then the Government has had under its earnest and careful consideration the whole matter, and has come to the conclusion that it is not prepared to accept or to entertain the scheme, and M.

Violette has been informed, by letter from myself, to that effect. Therefore, on behalf of the Government, I am in a position to support the motion now before the House.

MR. A. FORREST: Sir, I will not detain the House more than a few minutes. I merely wish to say that the proposal of M. Violette and his friends would certainly not have my support, even if it had received any encouragement from the Government. As the representative of the district more particularly concerned, I wish to raise my voice in the strongest manner against such a scheme as this, which means that the whole of that district should be locked up or given away to these people, and there would be nothing left for anybody else. It would take, so far as I can see, over 20,000,000 acres of land—which is about the quantity of land leased in the district, and which I suppose embraces all that is of much account. Under these circumstances I hope the House will not in any way entertain this proposal, or give any encouragement at all to the promoters of this scheme. It would be better for this House to give the district away than to entertain a project like this, which would have the result of placing the whole of the land in the hand of this syndicate, leaving nothing for anybody else. I say it would be better for us to have the district cut off from this part of the colony, and avoid all responsibility in connection with it than to hand it over to these gentlemen, as is here proposed. I am very glad to find that the Government have come to the decision they have done—to have nothing at all to do with the scheme. I hope the House will support the resolution of the hon. member for the North, and show these gentlemen that they are not likely to receive any encouragement in such a scheme as this from this Council.

Motion put and passed.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Does the honorable member intend to move an address to His Excellency the Governor?

MR. BURT: I see no necessity for an address. The hon. gentleman has informed the House that the Government have already forwarded an answer to M. Violette's application, informing him of

the decision of the Government in the matter.

EXPENDITURE ON FREMANTLE WATER WORKS.

MR. PEARSE moved that a return be laid on the table, showing the amount of money that had been expended on the Fremantle Water Supply Works on labor and material, and the amount of the available balance.

Motion agreed to.

The House adjourned at eight o'clock, p.m.

LEGISLATIVE COUNCIL.

Thursday, 11th April, 1889.

Roads Act Amendment Bill: third reading—Defence of Fremantle: adjourned debate—Enlargement of Council Chamber—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

ROADS ACT AMENDMENT BILL.

Read a third time and passed.

DEFENCE OF FREMANTLE: MESSAGE (No. 3).

ADJOURNED DEBATE.

On the order of the day for the resumption of this debate,

MR. SHOLL said: I consider it undesirable at the present time to take any action in this matter of erecting these guns until we have the benefit of some scientific opinion as to a proper and well-defined scheme of defence for Fremantle. I think it is very desirable to have the port of Fremantle defended, and properly defended; but I think it a pity to fritter away money in erecting these guns on any particular spot until we know that is the best spot for placing

them, in view of extending these defence works at some future date; also as to whether these guns are powerful enough for the purpose they are wanted. I think that the class of vessels that are likely to visit Fremantle would carry much heavier guns than these, and, in that case, our forts would not be of much use to us. In fact, they would be more likely to do more harm than good, for they would simply irritate an enemy, and very likely lead to the bombardment of the town. I think everyone recognises that Fremantle ought to be protected, but the point is this, whether it would not be better for us to wait and have a scientific officer acquainted with fortification to tell us exactly what is required before we begin to potter with these defence works. The present position of the colony is not one in which we would be justified in incurring any useless expenditure,—which in my opinion this expenditure would be. Probably, in a few years, the work now proposed to be done would have to be undone, to make way for other and more extensive works. For this reason I intend to vote against it.

MR. PARKER: I don't know that there would be anything gained by further postponing this question. We have before us, I think, all the information we are likely to gain, at any rate until we have this professional advice that hon. members wish to obtain. I do not know whether members are aware of the expense or the cost to the colony this visit from a skilled officer of engineers is likely to be; it appears to me that it would be something very considerable; and that if we call in the services of an engineer well qualified to advise us on our fortifications, we may find that his ideas are like some other opinions we have had, somewhat beyond our means to carry them out. It is suggested now that we should put up these two guns, which are very good guns according to Colonel Phillimore, who says they are the best kind of muzzle-loading guns that we could have, unless we went to very great expense indeed. I cannot help thinking, myself, that in case of war, we would not be likely to be visited by any very large vessels, heavily armed; for in the first place, Fremantle is not the safest of harbors to approach or to anchor in; and, in the second place, it