

## LEGISLATIVE COUNCIL,

*Thursday, 4th April, 1889.*

Petition of Messrs. Harper & Hackett—Messrs. C. & E. Millar's proposals for a Railway to Torbay—Constitution Bill: Report stage—Roads Act Amendment Bill: second reading—Electoral Bill: discharged—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

## PETITION OF MESSRS. HARPER AND HACKETT.

MR. PARKER: Sir, in rising to move the resolution standing in my name I desire merely to say that I hope there will be no discussion upon it. I cannot see that any good would result from it. The proposition is to send the whole of the papers Home, to the Secretary of State and leave him to decide, or the Privy Council, which I think is a far more fitting tribunal for such a purpose than this House. I am happy to state that the Chief Justice will be able himself to appear at any inquiry that may take place at Home, if he wishes, as he will be in England. Sir, I move the resolution in my name: That an humble address be presented to His Excellency the Governor, informing him—

1. The Legislative Council has considered His Excellency's Message No. 7, relating to the Petition presented to the Right Honorable the Secretary of State for the Colonies by Messrs. Harper and Hackett, praying His Lordship to inquire into various alleged acts of wrongfulness and oppression on the part of His Honor the Chief Justice, and to grant them due redress; and also the answers made by His Honor to the Memorial, the statements and evidence taken at the Official Inquiry, the Memorandum on the case by His Excellency, and all other papers accompanying the Governor's Message.

2. The Council concurs with the Executive Council in thinking that an authoritative decision on the whole case is required in the interests of the Chief Justice, the Petitioners, and the community.

3. With the papers presented to the Legislature before him Lord Knutsford

will, in the opinion of the Council, be in a position to form a definite opinion on the whole case, and to determine what further action is needed in order that the matter may be authoritatively settled. Consequently the Council deems it unnecessary to do more than respectfully request His Excellency to forward all the papers to Her Majesty's Secretary of State for the Colonies, together with this Address.

Question—put and passed.

## MESSRS. C. &amp; E. MILLAR'S RAILWAY PROPOSALS TO TORBAY.

SIR T. COCKBURN CAMPBELL: It will not be necessary for me to say much with reference to this resolution; the select committee have made a very full statement in their report, and in fact placed before the House all the information which they had gathered in the examination of those well acquainted with the country which this railway is to traverse, and with the nature of the scheme itself. There can I think be no doubt—there was at first no doubt—in the minds of members that this scheme would be a very advantageous one to the colony if there were some guarantee that it would be carried out as proposed,—I mean as to the settlement of the land. The hon. member for Fremantle and the hon. member for Gascoyne were the principal objectors, I think, on the occasion when the proposals were last before the Council. I am perfectly aware that the activity of mind of the hon. member for Gascoyne generally takes rather an objective than a subjective form in regard to most matters that come before the House: but I think it is most useful that there should perhaps be some members amongst us who are not willing to agree to everything as it is put before us, and that there should be a desire for information before the colony is committed to schemes of this kind, and we may know whether they are likely to really be advantageous to the colony. The select committee felt from the first that the objections raised by the hon. member were really very valuable ones. We had not the slightest doubt as to the *bona fides* of the Messrs. Millar; but our past experience had taught us that it was not the original

promoters of such schemes that always carried them out to completion; and the committee also thought it was absolutely necessary that there should be some guarantee as to the colonisation part of the scheme, otherwise the railway might, by the time that the State got possession of it some years hence, be absolutely valueless, as there might be nothing left for it in the way of traffic. But I may say that Mr. Saddler, the representative of Messrs. Millar, before even we spoke to him on the subject, at once saw the objection, and agreed at once to submit to the conditions of the 54th Clause of the Land Regulations, as regards the settlement of the land, no doubt considering very naturally that the committee would be satisfied with the conditions laid down in our own regulations. But, as I said before, what the committee had to consider was how we were to be guaranteed that this railway at the end of fourteen years might not be useless to the State, and that the Government at that time might not be called upon to take over a line which would merely connect Albany with a worked out timber area instead of a line tapping a successfully settled country. The committee therefore suggested that instead of the concessions being subject to the conditions of the 54th Regulation, the promoters should undertake to bring one-twelfth of the area into cultivation during the first seven years, and another twelfth during the following seven years. There would be no guarantee of agricultural settlement under the 54th Clause; but under the proposed conditions, we should have a guarantee that when the State took possession of the line, one-sixth of the land which had been granted to the Messrs. Millar had been reclaimed, fenced, and cultivated. At first, when I read the report of Mr. Angove, who had examined the country and reported upon it, I thought we ought to require to have one-fourth of the land brought under cultivation, instead of one-sixth. Mr. Angove spoke most highly of the land, as being of excellent quality and wonderfully rich; but it appeared to be land that would take a great deal to clear it, so that there would be a very large initial outlay. The committee thought that, in the circumstances, if they stipulated that one-sixth of the 24,000 acres should be brought into

cultivation they would be obtaining a very fair return, for 4,000 acres would represent a considerable area of cultivated agricultural land, and involve a very considerable outlay. It is quite possible, it is not at all improbable, that a great deal more may be brought under cultivation, for the land is said to be admirably adapted for small holdings; but the committee thought that if they insisted upon one-sixth they would be doing very well. With this proviso in the agreement we thought the scheme would be a very advantageous one for the colony, as it would probably lead to the settlement of an extremely fertile tract of country within easy reach of the port of call of the mail steamers, where there will always be a ready market for fruit and vegetables and products of that kind. I may state that the representative of Messrs. Millar readily agreed to this proposal of the committee. With regard to any arrangement necessary with the W.A. Land Company and the rights of that company, I take it that we have not at this stage anything to do with that. The committee are aware of the 40th and 41st Clauses of the Hordern contract, as to running powers over the company's railway; but this is a question we have nothing to do with at present. The House is merely now called upon to deal with these proposals, and to say whether it considers it would be politic for the Government to enter into this agreement with the Messrs. Millar on the terms now proposed. If this resolution is carried, the Government will be in a position to enter into a contract with the Messrs. Millar, subject to these modifications. I now move: "That an humble address be presented to His Excellency the Governor, in reply to his Message No. 2, informing His Excellency that in the opinion of this House it would be desirable for the Government to enter into a contract with Messrs. C. & E. Millar for the construction of the short line of Railway described in their proposals of the 15th ult., on the terms suggested in the Report of the Select Committee to which the question was referred."

MR. A. FORREST: In rising to support this address, and before I speak to the resolution, I would commence my remarks by saying that I feel sorry that,

about a fortnight ago, I made use of some strong remarks about the hon. member for Gascoyne, when this scheme was first placed before us. The hon. member opposed the scheme at the time, and I made use of some rather rough remarks about the hon. member, but I hope the hon. member took them in a good spirit.

**MR. SHOLL:** I assure the hon. member I don't mind what he says.

**MR. A. FORREST:** Then I will proceed to speak of the resolution. The promoters of this scheme only ask for a very small subsidy for building a railway 12 miles long to connect with the Great Southern Railway, and I think we have a very fair offer before us. The report of the select committee is, I think, a very good report, and I consider they have done their work well. They have gone very fully into the matter, and it is not necessary for me to go into the report, for it speaks for itself. I agree with the report in almost everything: I think they have done well for the colony, in getting the Messrs. Millar to agree to these proposals, especially as to carrying out the provisions of the 54th Clause of the Land Regulations. That means that Messrs. Millar Bros. will have to fence their 24,000 acres.

**SIR T. COCKBURN-CAMPBELL:** I said the 54th Clause had been abandoned.

**MR. A. FORREST:** I understood the fencing was to be included. At any rate we have other valuable conditions as to improvements and settlement. That was the objection that several members had to the original proposals, and that objection is now removed. We have it on the best authority that this land is useless to the ordinary small farmer as it stands; the clearing is so heavy. But Millar Bros. will be able to make use of it, and get others to do so, when the land is cleared. If we do not accept this offer we shall have this land lying idle for the next 50 years, as it has been for the last 50 years. I think the House will agree with me that we have now a most advantageous offer before us, and that we ought to accept it. We know that with our other land grant companies we had to give them 12,000 acres per mile, and those railways belong to the syndicates. In this scheme the railway will revert to the State, and we are

only asked to give 2,000 acres per mile. Besides this we shall now have a large area of fertile land settled and cultivated near the town of Albany, and also a large export trade in timber established. It appears to me we could not have had a better offer for the colony. At present this land is of no use at all to us, and never will be until people like these take it in hand who have plenty of capital and plenty of enterprise. I should think there is not a member in this House who will not vote for this scheme now.

**MR. SHENTON:** As I have had an opportunity of visiting the country through which this line of railway would run, I may state that I agree with what has fallen from the hon. member for Kimberley, that unless it is taken in hand by capitalists it is not likely to be ever taken in hand by the ordinary class of farmers. The cost of clearing is too heavy; and, unless it is taken up by people like the Messrs. Millar, it will probably remain as it is for the next fifty years. I consider the proposal one that is worthy of our best consideration as it is now presented to us, with the alterations made by the select committee. It is different from any proposal of the kind we have had before us before: the concession asked for is only 2,000 acres per mile, whereas in the other two Land Grant Railways we had to give 12,000 acres. The present scheme also proposes to give the Government this concession: that in seven years the Government shall have the right to purchase the railway at the rate of £1,000 a mile, or, if the Government does not care to do that, the whole line will revert to the Government at the end of fourteen years. I think we could hardly expect a better offer than that. Take the case that in seven years the colony may have so prospered that it may be advisable to extend the railway farther towards the Blackwood, joining the Government railway already made out of Bunbury, which we all hope to see at some future day extended; if that should be required seven years hence, we would be able to purchase this 12 miles of railway for £12,000, or just about one-third what it actually cost; or if it is in fourteen years, we should get this 12 mile line for nothing. But what I look upon as the greatest advantage of all to the colony is to have a large tract of country, which

will otherwise lie idle, brought into cultivation. We may be sure of this, too, that if this attempt at settlement turns out successful, we shall find other capitalists following in the wake of the Messrs. Millar. In this way settlement will gradually spread towards the Leeuwin; and land now lying idle will be brought into cultivation. Therefore, I think we ought to give every encouragement we can to such schemes as this, when we are satisfied of the *bona fides* of the promoters. Surely it must be to the advantage of the colony to have this land cleared and an export trade in timber opened up, as is here proposed, providing employment for a large number of men. Taking the proposition all round, I certainly am of opinion as to this proposal that it would be most advisable for this Council to recommend the Government to accept it.

MR. SHOLL: If no one else is going to speak I should like to say a few words. I can say that I agree with what is said as to this proposal being a better one now than when it was before us the other day; but I can see many objections to schemes of this kind. Members however have no doubt made up their minds, and it is not much use for me to offer any further opposition to the proposal. It would be simply futile, as I know that a majority of members are prepared to accept it. I will say this, that I do not believe all the advantages which some members seem to expect from the project will be realised. Time will show whether I am right. I think the Government ought to have been able to give us a great deal of further information than they have done about the land and the country where this railway is proposed to be built. I don't know whether even the line has been surveyed yet, and I think, before we are asked to alienate any more land for any railway schemes on the land grant system, the Government ought to satisfy us of the advantage the line was going to be to the colony, which they have not done in this instance. This railway, it appears to me, would lead nowhere, and the one great argument in the minds of some members is that it is going to bring a large area of land into cultivation some day. No doubt if that should be the case, it will do good, and I am glad that the select committee have made it a

stipulation that this land shall be settled. That removes one great objection I had to the scheme. But the question to my mind is whether there is a sufficient quantity of this land along the line to make the line a reproductive one, after the timber is taken away. Of course the line would be of no use to the Government unless there is plenty of land to cultivate along the line? I understand that the line will run for about seven miles along the coast before the Messrs. Millar can select any land at all. The hon. member for Toodyay and the hon. member for Kimberley stated that this timber will remain there for the next fifty years, as it has done for the last fifty years; but I think that is rather a weak argument, and that it will not hold water, for we must remember that fifty years ago we had no railway nor even a telegraph line in that part of the colony, and no inducement for any one to take up the land. Now we have a railway within twelve miles of this timber forest, and we do not know yet what stimulus this railway may give to settlement in this neighborhood, especially as we are told that it is such good land and so near to a market. We may find capitalists now ready to take up this land and to pay for it. As to the quantity of land asked for per mile of railway compared with the quantity granted to the Great Southern Railway between Beverley and Albany, I do not think it is a fair comparison, if we take into consideration the great advantages that the colony derived from that company and the large amount of expenditure it incurred in the construction of its line, and also the large area of good country it will open up. The object of this other company is simply to get the timber, and it is for that purpose that they are going to build this line. Possibly they would build it whether they got any concession or not, for the sake of the timber trade. I do not see that it is likely to be much good for anything else. The hon. member for Toodyay says it may eventually lead to the Blackwood; but we have no information on the subject, or as to the direction it should go; and that is one objection I have to the proposal. We have no information from the Government to guide us. I think it is the duty of the Government to provide us with every in-

formation before they ask us to accept a scheme of this kind. I may say that I have every confidence in Messrs. Millar, Bros., and that they will carry out all they agree to perform; but what we have to consider is whether it will be a good investment for the colony. There is one point I should like to call attention to, and that is this: they ask that a strip of land three chains in width along the whole width of the railway shall be reserved. We know, of course, that the Government have a right to reserve lands for railway purposes of their own; but the question is whether they have the same power with regard to reserving land for private individuals. Of course that will be a matter for the law officers when they are making out the contract. It seems to me a very different thing to reserve land for public purposes and to reserve land for private individuals. I am not going to oppose the resolution; but thought it was only right that I should make these remarks.

MR. KEANE: I am not going to say anything about the scheme now before us, for I think it recommends itself to every member of the House; but with respect to the remarks of the hon. member for Gascoyne as to the width of the strip of land to be reserved. As to that I do not think that need trouble us in the least, for if this line is to become the property of the State, this land of course will revert with it, and Messrs. Millar will only have the use of it pending that time. I don't think land is so scarce in this colony that we need to be particular about a few chains.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I may say that I am generally in accord with the views of the committee; it seems to me that they have been especially careful to protect the interests of the colony. I should have been quite content, myself, to have granted the concessionaires the land on the conditions of the Land Regulations in force, because it appears to me that if these regulations are not suitable, the sooner we make them so the better. At the time these regulations were discussed many members—I could name them if necessary—objected to the old clause as to special occupation, by which a certain quantity of the land had to be cleared and cropped; and in view of that opposition, and I

think with almost unanimous approval, it was eventually agreed that a certain amount of money should be spent on the land in improvements. The select committee appeared to have considered that this clause would answer the purpose in dealing with this firm; so they propose certain modifications. For my own part I should have preferred the other conditions, and I would have given them the same terms as everyone else under these Land Regulations. I really cannot see why we should make an exception in this instance, for it is an admission that our Land Regulations are not suitable, and, if so, I think the sooner we make them suitable the better. However, I do not think that the modifications of the select committee are any disadvantage to the colony, and very probably the change will entail more expenditure on the part of the Messrs. Millar in carrying out these improvements than in carrying out the improvements under the 54th Clause; and so far as I can see it is simply imposing greater obligations upon them. Probably the colony will be a gainer by it. I cannot agree in the view expressed by the hon. member for the Gascoyne, that there is nothing in the argument that as this land has been idle since the colony was founded it is likely to remain so. If it is not likely to remain so, it is very strange that somebody has not attempted to make some use of it, before now. It seems to me, whichever way we look at this proposal it is an advantageous one to the colony. We are giving what is virtually worth nothing to us at present, and in return we shall have the country settled, and we shall have a railway built for us, besides having a market opened for our timber. Many members of this House have often said that this is the very thing that the colony requires, the expenditure of capital in the settlement of the country, and the cultivation of the soil. I have even heard them say that they would not mind giving away the land so long as it was cultivated and improved. That was clearly shown in the Land Regulations, in which the price per acre is fixed at almost nothing at all, when you come to think of the time allowed to pay the purchase money on the deferred payment system. I say we are almost giving our land away, as it is; and when we get an offer like this to take

20,000 acres of our land and improve it, in the way suggested by the select committee, I think we would do well to accept it. I believe, myself, if the Messrs. Millar had come to the House, and said, "We will take 24,000 acres of your land and undertake to improve and to fence it and bring it under cultivation," a great many members would have been inclined to have given it to them, without any railway at all. But, in addition to that, they say they will build a line of railway through this land, and at the end of fourteen years they will hand over that railway, in good working order, to the Government. I must say, when I first read the proposal I was really surprised, because I thought it was so liberal. At the same time I knew they were business men, and were not likely to offer to do this out of a merely philanthropic spirit, and without a view to some profit for themselves. I knew they put this forward purely as a commercial undertaking, and I hope they may find it a successful undertaking, and a profitable one to themselves as well as to the colony.

MR. GRANT: I think, myself, this is a scheme we may look forward to with great hopes of success. I think we ought to be very glad to see men like the Millar, Brothers, coming amongst us and offering to improve our lands and to make them available for settlement,—land, too, which has been utterly worthless to us and will remain so, unless men like these tackle it with their capital. I think we ought to jump at the offer, and to wish them all success in their undertaking, so that we may have others following in the same path. We know that at present, in Victoria and South Australia they are pretty well worked out, and that the eyes of capitalists and others are directed towards this colony, if we can offer them a better opening. We know that we have the climate and also plenty of land suitable for small holdings and vineyards, and what we want is capital to put the land to the best advantage. We know that if we do this we may attract population to our shores, and settlement. I have been very much averse to any more land grant railway schemes in the present history of the colony, but, considering the action which the Messrs. Millar intend taking, and the terms they offer, I think

we may without hesitation accept it. Once we attain success in farming this particular area of country we know very well that we have millions of acres of the same karri country that might be made available for the same purpose. I say with every confidence, I really trust more to this little land grant railway doing the colony more good than all the others put together.

SIR T. COCKBURN-CAMPBELL: I don't wish to prolong the debate; there are only one or two points upon which I desire to say a few words. The Commissioner of Crown Lands, to whose opinion, of course, we are prepared to defer in such matters, said that he would have preferred to see this land taken up under the conditions of the 54th Clause; but I would point out that the reason we departed from that clause was this: when private farmers take up land there are good reasons why it should be insisted that they shall spend money in improving their land, but not necessarily in cultivation. A great deal of our land could not be taken up if we insisted on this condition: a great deal of it is only fit for vineyards and orchards, and the old conditions could not be complied with. That was the principal reason why the old conditions were altered in the new Land Regulations. But what we had to consider in this case was that we had to take over this railway some years hence, and we have to look what there will be for it to do. Of course when people take up land under the special occupation clause it does not affect us in the same way. But we have to take over this railway, and unless we were perfectly certain that the land would be brought into cultivation, we might have a white elephant on our hand in this railway. This is the reason why we departed from the conditions of the 54th Clause and suggested that a condition of the contract should be that the land should be cultivated. The only other objection to which I need allude is that of the hon. member for the Gascoyne, that no information has been given us with regard to the character of this land which it is proposed to develop by means of this scheme. The Government certainly did not obtain any information, but on the other hand the select committee did, and they have given the result to the House. They

obtained certainly as much information as could have been obtained from the Government. They obtained information from Mr. Angove, who surveyed the line and examined the land. I don't know what further information the Government could have given us if they had any to give. We could not have had more definite information than we obtained from Mr. Angove; and members will see from our report that Mr. Angove says that about a third of the land is a loamy soil, the best in his opinion anywhere within a hundred miles of Albany, that another third has peaty deposits five or six feet deep in the flats, and may be supposed to be very fertile land: while, as to the remainder, Mr. Angove describes it as good land for pasture. In other words, we were told that about two-thirds of the land can be profitably utilised for colonisation purposes. As to the land within the Land Company's reserve, I know the character of that myself, being perfectly well acquainted with the country; and no doubt all along the line from the time it leaves the Great Southern line until it enters this 30,000 acres there is land which I would consider first-class land,—and which at any rate could be utilised the whole distance, and which, no doubt, with this railway communication, will be utilised.

MR. MARMION: It was my intention to have opposed the select committee's report, but I find it would be useless for me to attempt to pull against the stream, when the stream has assumed such dimensions. Still, I am of opinion that members are in a very liberal vein, and that they are doing something which is altogether unnecessary, and that if they had put forward a little more show of opposition, they would have been able to have had this work performed on far better terms for the colony. In order to show that, I have only to ask them to see what has been done to liberalise the terms since the scheme was first placed before us. When we had it before us the other day there was no undertaking on the part of the Messrs. Millar to cultivate a large area of this land. Nothing of the kind. And what has caused this alteration in the terms now offered but the opposition of the hon. member for Gascoyne to the scheme, and I may say my own opposition? Everyone else seemed

quite prepared to accept the terms originally offered: at any rate there was no expression of opinion adverse to the scheme, and many members were prepared to jump at it as it stood. As a general rule, I think we are far too liberal in these matters, and too liable to forget that there are always two sides to every question and to every bargain, and that those who make us an offer are as a rule more desirous of having it accepted than we are to accept it; when I say we, I mean some of us. I think we are too apt to forget that we are the representatives of the people who are the parties to the other side of these bargains, and too much inclined to accept any terms that are offered to us.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I think we ought to be indebted to the hon. member for Fremantle for his outspoken remarks: the hon. member evidently has paid some attention to these papers. I am only going to speak to one or two points, and that in explanation, because I feel that we are now all but unanimous, I think, as to the advantages to be derived by the colony by the acceptance of this proposal as it is now placed before us. Few of us, I think, would be disposed to cavil at the terms of the resolution before the committee. The original proposal was not quite so attractive, especially as to the utilisation of the land. I believe there is some doubt in the minds of some members as to whether this word cultivation is to include the fencing of the land. I find on inquiry as to the intention of the gentleman who, on behalf of the Messrs. Millar, prepared the draft contract, that what is here termed cultivation embraces fencing, clearing, and cultivation; so that any doubt that may have arisen on that point is removed. I merely rose to make this explanation: I entirely go with those who support this resolution which requests the Government to enter into a contract on these terms.

MR. VENN: I think the House is indebted to the hon. member for Fremantle for the manner in which he approached this subject; and for giving the House an opportunity of having a modification of the original terms placed before it for discussion. I think it is a good thing that we have some members in the House who are not prepared to accept all

that is placed before us at all times. The hon. member said the committee were in an excessively liberal vein, and he seems to think that we ought to have been more stringent. Others think we ought to have adhered to the conditions of the 54th Clause; but I would draw attention to this fact, that it would be much easier for the contractors to carry out the conditions of that clause than the conditions which the select committee have imposed upon them. I am afraid that those who are inclined to think it would be better to adhere to the 54th Clause have not had much experience of farming matters. I am in a position to say, having had a very extensive experience, or at any rate a very large amount of information and evidence on the point as chairman of the Agricultural Commission, —I can assure hon. members that there is a vast amount of difference between the 54th Clause and what is here proposed. That 54th Clause, I think, was let down too easily. I can simply say, from my own experience, that I would jump at the chance of not being bound to the cultivation clause, and to spend 5s. an acre on some other improvements. Under any circumstance, I think a cultivation clause is of the very essence of this scheme; it is the very gist of the whole scheme, if we are going to take over this railway at a future day. One thing is very certain, you cannot cultivate land of this character without a great deal of preliminary expenditure, more than a great many members perhaps imagine. If the land is cultivated, as a matter of necessity it will be fenced. I think, however, it is desirable we should say whether this line of railway should be 10, 12, 15, or how many miles long, and that we should indicate where the terminus should be. That is left an open question at present. They may take it somewhere that may suit themselves very well, but not be suitable to us, in view of any future extension of the line. The select committee asked their agent whether the terminus would be at a favorable spot for a future extension of the line, and we referred to the chart and found that whether it terminated at a spot 10 or 15 miles it would be available for future extension in the direction of the Blackwood. There was one direction in which it could not go,

or, at any rate, in which the engineering difficulties would be very great; but it is in a direct line with any future extension that may be decided upon, either to Bridgetown or Bunbury. At the same time I think it is very desirable that the Government should determine what distance the line should go. With these few words I shall support the motion very cordially, in the assurance that it is rather a good thing for the colony. With other members I thought the time had arrived when the House should no further sanction indiscriminately every land grant proposal that came before it; but this particular scheme appears to offer such unusual facilities for settlement and the right kind of colonisation, and such a useful expenditure of money, that I think we may safely accept it.

MR. DE HAMEL: The hon. member for Fremantle seems to repent that we did not adhere to the conditions of the 54th Clause, and thinks it would have been a better thing to insist upon the expenditure of 5s. an acre in improvements than to require the contractors to cultivate their lands. I cannot agree with the hon. member in that, and I am very sure that it would have entailed less expenditure on the Messrs. Millar. Say that this line is to be 15 miles in length; that would give them 30,000 acres of land, and the expenditure of 5s. an acre on that land would amount to £7,500. But let us look what it will cost them to bring this land under cultivation. They have to cultivate one-sixth of their land within the next seven years, and another one-sixth in the following seven. Anyone who knows this country and the amount of clearing it will require, will agree with me that it would cost the ordinary farmer about £20 an acre to clear and cultivate such land. Of course people like the Messrs. Millar, with the means at their disposal, will be able to do it at much less cost; but, putting it down at £10 an acre, they will have to expend £50,000 on it within the next fourteen years. The committee felt that this would be infinitely better for the colony than the conditions of the 54th Clause, while, on the other hand, it would be much more stringent upon the contractors than to require them to spend 5s. an acre in improvements under the clause which the hon. member for Fre-



mantle appears to regret we did not retain in the agreement.

The resolution was then put and adopted.

#### CONSTITUTION BILL.

On the order of the day for the consideration of the committee's report,

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that the amendments made in the bill be agreed to.

Question—put and passed.

Clause 53.—“Every man shall be entitled to be registered as a voter, and, when registered, to vote for a member to serve in the Legislative Council for an electoral division, who is qualified as follows,” &c.:

THE ATTORNEY GENERAL (Hon. C. N. Warton) moved that the words “a member,” in the third line, be struck out, and that the following words be inserted in lieu thereof: “each of any number of candidates not exceeding the number of members to be elected.” He said he had considered the wording of the amendment very carefully. He had some words of his own, but he preferred those of the hon. member for the North.

Amendment put and passed.

Some verbal amendments were also made in the preamble, and agreed to, without comment.

Third reading ordered for Friday, 5th April.

#### FEDERAL COUNCIL: INCREASED REPRESENTATION.

##### ADJOURNED DEBATE.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said the hon. member for Sussex, who moved the adjournment, was not now present to resume it; he was not aware whether the hon. member intended to offer any opposition to the address.

MR. BURT did not know that the hon. member for Sussex intended in any way to offer any opposition, but the hon. member probably thought this was a very important subject, and that members might wish to speak to it, and that the hon. member himself, occupying the position he did in the House, desired to do so. But as they were now drawing to the close of the session, and as the hon.

member was not in his place, perhaps it would not be advisable to adjourn the debate. He thought there could be no difference of opinion as to the desirability of increasing the number of members of the Federal Council, or as to the basis upon which it was proposed to determine that increased representation; and he thought it would only be wise on our part to accept it.

MR. VENN said he should not like this address to pass without saying a word or two in cordial support of it. He thought there could be but one feeling on this subject, and that was a feeling of the most hearty support of any proposal that tended to increase the usefulness of the Federal Council, and the importance of that body as a germ of the national assembly of a federated Australia. His sympathies were entirely with the address which they were asked to adopt. He hoped the day was not far distant when this colony would be in a position to send more than two representatives to the Federal Council, and that we should be able to hold the same position in it as our sister colonies.

The resolution was then put and passed.

#### ROADS ACT AMENDMENT BILL.

MR. DE HAMEL: In moving the second reading of this Roads Act Amendment Bill, I would point out to the House that there is really no principle involved in the proposed amendment; it is only a very small matter, and in fact deals only with a detail of the present Act. Yet, small as it is, it is one of some importance as affecting the successful working of the Act. The quorum now is four, and it has been found in practice that it is too high, especially in remote country districts. The whole of the business under this Roads Act has to be done by the members appointed under it. If, therefore, the quorum is fixed too high, that work either cannot be done or it will not be done. Some evils must necessarily ensue from that. There is one that I have had pointed out to me, and which I think it would be well that I should now place before the House, in asking it to read this bill a second time. It is this, that one result of the business not being done is that it tends

to increase the cost of maintaining the roads in country districts. Those who generally take contracts for road work are men of small means who cannot afford to wait for their money after they do the work; they rely upon getting this money to meet their claims and to pay their workmen, and they expect to make a little out of their contracts by having an expeditious settlement and getting their money. If however there is no meeting of the Board because there is no quorum, the result is that payment is delayed, and the men who take these contracts will be debarred from doing so, and the probability is that the work will not be done so cheaply. The cost of maintaining the roads in repair will be considerably enhanced, and the vote will not go so far as it otherwise would. Either that, or the members of the Boards will have to be selected from within a short radius of the meeting place of the Board, and we shall have more centralisation, and probably great injustice done to the more outlying portions of the district, while at the same time it would be contrary to the spirit and the very essence of the Act itself. So the Act itself must become a dead letter, or injustice will be worked. One of two evils must happen. I am informed that the quorum was originally fixed at three, in the bill as introduced, but that the House increased it to four. I have no doubt that members had good reasons in their own minds for doing so, but if it is found in practice, as it is, that the quorum is too high, I am sure no opposition will be offered to an amendment of the Act in this particular. I may say that the alteration was in the first instance suggested by the Kojonup Roads Board, who reported that they could not carry on, owing to the excessive number of the quorum, so far as that district was concerned. I happened to be at Kojonup on the day of the election, and I found that one of the members of the Board resided 15 miles to the North, another one, the chairman, lived 10 miles to the South, and two others lived over 30 miles to the East. One has just left Kojonup, or is about to leave it, for the more salubrious climate of Albany, so that probably they have still greater difficulty now in getting a quorum than they have had hitherto. So much for Kojonup. On my way back I

called at Mt. Barker, and it happened to be a Roads Board meeting day. The chairman had ridden in 15 miles, another member 10 miles, and another 15 miles. These three waited there two hours, and after all they were unable to do any business. Since then one of these members has gone to live 30 miles away, and his attendance will probably be still more uncertain; and another member has since died; therefore, the difficulties of this Board are likely to increase too. I have also received a telegram from the chairman of the Plantagenet Board on this same question. He says: "Please use all your influence to get reduction of quorum under Roads Act." That shows, I think, that so far as these Boards are concerned, this is a matter of no small importance to them. No doubt there are other Boards who find themselves in the same difficulty. The question then is, whether any harm can result from this reduction of the quorum. These Boards possess very large powers under this Act, and these powers seem to me to arise mainly under six sections. I have carefully looked at those sections, and I find that all orders made under them require either the assent of the Director of Public Works, or confirmation by the Governor, or are subject to appeal by the person aggrieved. It seems to me, therefore, that as the powers conferred are so hedged round, and that the rights of the public are so protected, there need be no danger in reducing the quorum as is here proposed. The only other objection that I can see to the proposed amendment is the fact that the Act was passed so recently, and it may be said we ought not to begin to alter it so soon; and that this non-attendance of members may be regarded simply as a matter of indifference. But I do not so regard it. In these country districts, where they live so very far apart, you cannot expect men to come thirty miles or more on the mere chance of a sufficient number turning up to form a quorum. I believe, myself, that the result of lowering the quorum will be to encourage the attendance of members rather than to discourage it, for they will feel pretty certain that if they attend they will be able to do some business. Although the principal Act was only passed last year, yet if it is clearly shown that there is a blot in it,

surely the sooner that blot is removed the better. I think I have shown good reason for reducing the present quorum, and I am not aware of any valid reason why we should perpetuate what is clearly an evil. I now move the second reading of this bill.

THE ATTORNEY GENERAL (Hon. C. N. Warton): There is one objection to the proposition of the hon. member, and that is that the House so recently passed this Roads Act. That Act was the result of many years' consideration. The hon. and learned member for the North did something towards it; Mr. Leake, when he was acting Attorney General, did something towards it; I did something towards it; and a commission of experts did something towards it, assisted by the advice of the various Roads Boards throughout the colony; so that the Act was the result of many years' deliberation, and of the combined efforts of a great many men, to say nothing of the collective wisdom of this House, during many sessions. It was only last year that we succeeded in passing this "comprehensive" measure. On the other hand I say that the result of the deliberations of the Government, and of the inquiries they made, brought them to the same conclusion as that which the hon. member for Albany now wishes to bring the House to, namely, that the quorum ought to be three. The House, however, last session took the bit into its own head, as of course it had a right to do, and altered the bill, increasing the quorum to four. Our remonstrances and appeals were disregarded. Now we have it shown that, as regards some of these Boards at any rate, the quorum is too high, and interferes with the working of the Act. I am, therefore, placed in this difficulty; on the one hand I do not like to see an Act, a really comprehensive measure consolidating and amending several Acts, so soon interfered with; I do like some finality about legislation, if it is only for a few months. On the other hand, I agree with my hon. friend, the member in charge of the bill, that he has hit a blot in the Act, and I do not forget that this was the quorum which we on this bench ourselves proposed last session, and which certainly would seem to be more practical than the quorum now fixed in the Act. I think I must leave

it to the House to determine which view it will now take.

MR. PATERSON said it had always been found necessary to have the members of these Roads Boards selected from various parts of the district, so that the requirements of the whole district should be known, and attended to, and as a rule these members had a long distance to come to attend the meetings. He knew that in his district, since this Roads Act came into force, a few months ago, either once or twice there had been no quorum at the Board; and they thought that a quorum of four was too high. He thought it was only proper and fair that the House in matters of this kind should be guided by the country members, who had a practical experience of how the Act worked. We found great difficulty in working it, as it is. We could not afford to come long distances, and find that we had to go back again, without doing any business. He thought that with the quorum reduced to three the Act would work better, in most districts, and it was his intention to support the bill.

SIR T. COCKBURN-CAMPBELL said he had received a communication from the Roads Boards specially affected—the Boards referred to by the hon. member for Albany—and they all represented the difficulty they were in over this question of a quorum. He thought it was rather singular that these two Boards should be the only two Boards who had made these representations; he should have thought it would have affected the northern Boards to a far greater extent than in these southern districts. It was a rather melancholy state of things that was disclosed, that they should find such difficulty in finding gentlemen who had accepted certain public duties showing such a disinclination to perform those duties; at the same time, such was, unfortunately, the case. Certainly when he first saw this bill he was disposed to vote against it, and he wrote to the chairman of the Plantagenet Board to that effect, because in the Act we passed last session we conferred very extended powers upon these Boards; the Act, too, was very carefully considered and very exhaustively debated. He had thought that in view of the largely increased powers placed in the hands of the Boards it would not be right to reduce

the quorum to three members, who could exercise these extended powers; but on going into the matter a little more carefully, he found, as the hon. member for Albany had stated, that these powers did not rest absolutely with the Board; and this, to his mind, very considerably removed the objection he felt to the bill at first. In the circumstances, and as such strong representations had been made on the subject, he should not, as he had intended, oppose the second reading of the bill.

MR. BURT said he had a perfect recollection of a discursive debate, he believed on this very subject, last session; he did not know whether he took any part in the debate himself. It was a great pity certainly that important legislation passed only last session should have to be amended in this; and, unless members had changed their minds since then, they would probably be inclined to adhere to their former decision on this point. As to the northern Boards, he had a communication the other day from the Gascoyne,—more as a legal person than as a member of the House; but he knew that the Gascoyne Board had found this same difficulty as to a quorum, and they considered it too high. He should like to hear the views of country members on the subject; at the present moment he really felt rather doubtful which side to vote for.

MR. PEARSE thought it very desirable that the quorum should be reduced. Even at Fremantle, where they had not these long distances to travel to attend the meetings, they often found it very difficult to find a quorum. He knew, himself, of two occasions when a meeting could not be held for the want of a quorum. He could quite understand how much more difficult it must be in country places, where the members of the Boards generally resided a long distance from the place of meeting. He knew it was the wish of the Fremantle Board that the number of the quorum should be reduced; he should, therefore, support the bill.

Motion put and passed.

Bill read a second time.

#### DEFENCE OF FREMANTLE.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that the adjourned

debate on the defence of Fremantle be deferred until the next sitting of the House. The Government had received a telegram from Sir William Jervois, from Adelaide, as follows:—"I should have been very glad to have visited Fremantle, but impossible for me now to alter plans." It was therefore out of the question for that distinguished officer to give them his advice.

Debate adjourned.

#### ELECTORAL BILL.

On the order of the day for going into committee on this bill,

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved that the order be discharged, as the Government did not intend to proceed with the bill.

Order discharged.

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

#### LEGISLATIVE COUNCIL,

*Friday, 5th April, 1889.*

Constitution Bill: third reading—Aborigines Bill: third reading—Roads Act Amendment Bill: in committee—Defence of Fremantle: Message (No. 3)—Message (No. 10): Water Supply for Perth—Message (No. 11): Return of moneys paid to Sir John Coode—Enlargement of Legislative Council Chamber—Adjournment.

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

PRAYERS.

#### CONSTITUTION BILL.

Read a third time and passed.

#### ABORIGINES BILL.

Read a third time and passed.

#### ROADS ACT AMENDMENT BILL.

This bill passed through committee without discussion.