

EXCESS BILL, 1887.

This bill passed through committee, *sub silentio*.

INQUESTS ON INFANTS' BILL.

On the order of the day for the resumption of the debate on the motion for the third reading of this bill—upon which an amendment had been moved by Mr. Raudell, that the bill be read a third time that day six months—

Mr. BURT said, now that they had the bill reprinted, it would be seen how inconsistent it was. The first clause limited the application of the bill to townships, where there was a medical practitioner, whereas the third clause had no such limitation, but made it apply to all parts of the colony, whether there was a medical practitioner there or not. Even if the whole bill were restricted in its operation to places where there was a Government medical officer stationed, it might happen that the medical officer was away in some other part of the country, and there would be no one to give a certificate of an infant's death. In that case there would have to be an inquest, although there was no reason whatever for supposing there had been any default or neglect. Why should they submit bereaved parents to this unnecessary pain and annoyance. These inquiries should not be thrust upon the public, if they could be avoided. While sympathising with the object of the bill—more especially as he understood it had been recommended by the Medical Board,—still the bill, as at present drafted, appeared to him altogether impracticable, and he thought it would remain so notwithstanding any effort on their part to recast it. It was for the House to say whether it would reject the bill altogether, or pass it as a tentative measure, and see how it worked.

THE ATTORNEY GENERAL (Hon. C. N. Warton) admitted that there was an inconsistency between the first and third clauses, which had escaped his attention, but, if the bill were recommitted, this could be remedied.

Amendment put:

Upon a division the numbers were—

Ayes	7
Noes	7

AYES.
Mr. H. Brockman
Captain Fawcett
Mr. A. Forrest
Mr. Harper
Mr. Horgan
Mr. Richardson
Mr. Marmion (Teller).

NOES.
Sir T. C. Campbell, Bart.
Hon. Sir M. Fraser, K.C.M.G.
Mr. Keane
Mr. Scott
Mr. Venn
Hon. J. A. Wright
Hon. C. N. Warton
(Teller.)

The numbers being equal the SPEAKER gave his casting vote with the Ayes, and the bill was consequently thrown out.

CHURCH OF ENGLAND TRUSTEES BILL.

Read a third time and passed.

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

LEGISLATIVE COUNCIL,

Friday, 16th November, 1888.

Excess Bill, 1887: third reading—Seab Act Amendment Bill: third reading—Pearl Shell Fisheries Bill (Extra-territorial): Federal Council—Railway to Eucla on Land Grant System (Dr. Boyd's scheme)—Queen's Plate for Gascoyne Racing Club—Closure of Streets at Albany: Powers of Commissioner of Railways—Reduction of Export Duty on Pearl Shells—Adjournment.

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

PRAYERS.

EXCESS BILL, 1887.

On the order of the day for the third reading of this bill,

THE SPEAKER said: I think it is right I should draw attention to the fact that there has been what I consider great irregularity in connection with this bill. The bill was referred by the House to a select committee, which committee was ordered to report on a certain day. Subsequently leave was given from time to time to extend the date for bringing up the report, and I was informed at last

that the committee did not intend to report at all. I do not think that a committee that has been ordered to make a report has a right to say they do not intend to make one. Whatever conclusions they may have come to, they ought to make some statement to the House.

MR. SHOLL: I am very glad that His Honor the Speaker has called attention to this matter; I had the same thing in my own mind. This Excess Bill was referred, as usual, to a select committee, and I find, as a matter of fact, that at least one item in the bill does not correspond with the statement upon the public accounts placed before us by the Treasurer; and I was rather anxious to see how the select committee would have dealt with that particular item at any rate. I think, when a bill is referred to a select committee by this House it is the bounden duty of the committee to report to the House. The least they can do—if they have no fault to find with the bill—is to recommend that it be adopted. I am glad that His Honor the Speaker has called attention to this irregularity. This is a very important matter, in my opinion, especially when a bill does not correspond with the Treasurer's public accounts.

Motion for third reading put and passed.

SCAB ACT AMENDMENT BILL.

Read a third time and passed.

PEARL SHELL FISHERIES (EXTRA-TERRITORIAL): FEDERAL COUNCIL BILL.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): Sir, I rise to move the motion standing in my name, which is as follows: "That an humble address be presented to His Excellency the Governor, stating that in the opinion of this Council it is desirable that the Government should introduce into the Federal Council a Bill similar to the Queensland Pearl Shell and Bêche-de-mer Fisheries (Extra-territorial) Act of 1888." Hon. members are probably aware that at the last meeting of the Federal Council it was thought necessary, in the interests of Queensland, that a bill to protect the pearl shell fisheries of that colony, outside

its then territorial waters, should be passed. That bill, together with the proceedings of the Council, and the papers connected with it, have been laid on the table of the House, and every member has a copy of it. It is proposed by the Government of this colony to introduce a similar bill into the Federal Council at its next session, dealing with the fisheries outside our own territorial waters—outside what is known as the 3-mile limit. The necessity for such legislation is obvious. It is referred to in the papers which I have laid on the table this evening—the correspondence between this Government and the Secretary of State on the subject of the payment of duties and certain other charges by certain vessels engaged in our North-West pearl shell fishery. It was maintained by the owners of these vessels that beyond the 3-mile limit they are at liberty to carry on their operations altogether regardless of our local laws, fiscal or otherwise. I think hon. members will be inclined to agree with me in this: that in all matters affecting the revenues of the colony it is our duty to see that those revenues are protected, that they shall not be allowed to suffer any loss so long as they are consistent with the law of the land, and that the various industries of the colony shall contribute their fair share towards the expenses connected with the administration of the Government. The same difficulty was experienced in Queensland, and that colony, as I have already said, took action at the last session of the Federal Council to protect itself, with the result that the bill then passed conferred an undeniable jurisdiction over the fisheries along the coast of that colony, although beyond the 3-mile limit. It is proposed to do the same thing with regard to our own fisheries, so as to give the Government here jurisdiction over all British vessels engaged in this industry, in waters adjacent to our coasts. I think the House will agree with me that it is only right and proper in the interests of the colony that this jurisdiction should be conferred upon the Government, so that there shall be no doubt about the powers of the Government in respect of these vessels. If hon. members will look at the correspondence that I have just laid on the table, relating to this subject,

they will see that in the opinion of the law officers of the Crown in England, our jurisdiction at present, under our existing law regulating these fisheries, is confined to this 3-mile limit, and that we cannot enforce the law against any vessels which remain more than that distance from the coast, and do not come into our territorial waters, except to obtain supplies. For this reason, it is desirable, in order to protect the public revenue, and to give us the necessary jurisdiction, to have recourse to the Federal Council. That, sir, is the object of this resolution. I think the House will agree with me that it is only reasonable and right to expect that those engaged in this lucrative industry, like those engaged in other industries on shore, should contribute towards the maintenance of good Government. I am not aware that it is necessary for me to speak at any length upon this subject, for I feel it is one upon which we must all be in accord; I therefore now simply move that this address be presented.

MR. HORGAN: This is exceptional legislation, and I am wholly opposed to it. The circumstances of Queensland and of this colony are quite different. If you are not going in for free trade in exports, I say you ought to tax wool, as well as the pearl shell industry. [SEVERAL MEMBERS: No, no.] I know I am speaking now to a House where the greater number of members represent the wool industry, and they are opposed to doing anything that will make wool contribute to taxation. You tax sandalwood in this colony, which is the industry of poor people, and you already tax the pearl shell industry, which I think is also to a great extent confined to a hard-working class of persons. But you let the great wool industry escape. In Queensland, I do not know what the tariff is with respect to wool, but I am now speaking of this colony; and here wool goes scot free. In this proposed bill it is intended to give us jurisdiction beyond the three-mile limit; if you do that, where will you draw the line? At six miles, or ten miles, or twenty miles; or is the whole of the Indian Ocean to be included in this measure. There is no limit drawn, and I should like to know where it is proposed that this jurisdiction is to end. For these reasons I am opposed to this proposed legislation. It may suit Queens-

land very well, but it will not suit this colony. I do not see why the pearling industry should be taxed unduly, and the great wool industry go scot free.

MR. SHOLL: Unfortunately, for many years, I was one of those poor hard-working people connected with the pearl shell industry referred to by the hon. member who has just sat down, and unfortunately we were taxed in those days as even they are taxed now; and we did not complain. We used to go beyond the 3-mile limit then, and we had nothing like the improved appliances which they have now; but we never heard of any objection then to this industry being taxed. True, it is evident from the correspondence placed before us to-night that the local Government cannot compel vessels which shell beyond the 3-mile limit to pay this tax under our present law; therefore, I think the Government are taking a very proper course in proposing to introduce this bill into the Federal Council, so that they may be in a position to protect the revenue, and to make these people contribute their fair share towards the expense of governing and regulating these fisheries, as the Queensland Government has done. With regard to the statement that Queensland is in a different position from this colony in this matter, I cannot see that there is any difference at all. No doubt the Queensland Government found the same difficulties staring them in the face as we do at the present time, and they took the proper means to get over the difficulty. This kind of legislation, after all, cannot really be so outrageous, or we should not have found the Secretary of State recommending Her Majesty to assent to the Queensland bill; and I do not suppose there will be any opposition offered to this resolution, except by the hon. member who has just spoken.

MR. RICHARDSON thought the hon. member for Perth had wandered very far from the subject in advocating a tax upon wool, with a view to deprecating the idea of a tax upon the pearl shell industry. That was not the point. The question here was not the question of taxing pearl shells at all, but whether we shall so legislate that we shall have the power, if we think desirable, of taxing these boats that prosecute the industry beyond a certain limit. It was not a

question of the expediency or otherwise of enforcing this tax at present, but a question of giving us the right to do so. We might—notwithstanding this resolution—decide hereafter to let pearl shells go “scot free,” as well as wool, or even pay people for getting them. All the State wanted was to put itself in this position: if it thought it desirable in the interests of the colony to reach these vessels, which it could not now reach, it should be able to do so, legally.

Motion put and passed.

EUCLA LAND GRANT RAILWAY PROPOSALS, AND DR. BOYD.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I rise, sir, to move the resolution standing in my name: “That an humble address be presented to His Excellency the Governor, stating that in the opinion of this Council it is desirable that a contract for the construction of a railway from the Eastern Districts to Eucla should be entered into on the terms stated in letters dated 14th, 19th, and 22nd June last, from the Colonial Secretary to Dr. Boyd.” A few evenings since, this correspondence, which had been previously laid on the table, was printed, and it is now in the hands of hon. members. From that correspondence it will be seen what the terms are upon which the Executive Government of this colony thought they might enter into a provisional contract for this work, subject to the decision and approval of this House. In speaking on this subject I wish to ask hon. members to consider the question entirely regardless of any particular individual or individuals—that is to say, regardless of the fact that the letters herein referred to are letters which have passed between the Colonial Secretary’s office and one Dr. Boyd. The terms upon which the Government would feel disposed to enter upon this agreement—not necessarily with Dr. Boyd or any other particular individual—may be briefly stated. But I should state, in the first instance, that the gauge at first spoken of was a 4ft. 8½in. gauge, but, afterwards, the negotiations went rather on the basis of a 5ft. 3in. gauge. Hon. members who have travelled in the other colonies are aware that the main line of railway that has been opened between Adelaide and Mel-

bourne is of the latter gauge, and it was considered better that in the event of our railway system connecting with the South Australian system, and going on to the mercantile metropolis of Australia—Melbourne, it was highly desirable we should adopt the same gauge. I have reason to believe also that the New South Wales Government will ere long construct their line from the Murray to Sydney on that gauge, though at present it is on a lesser gauge. Therefore, in speaking on this subject, I think it is well I should surmise that this grand trunk line from the port of Fremantle—a port which, when it gets its deserts, may fairly be expected to become the Brindisi of Australia—to the borders of our neighbor, should be on the same gauge as the railway which it is proposed to connect it with. The terms on which the Government have written to this Dr. Boyd—I only individualise him because he is an identity, and the only question before the House is the abstract question of the desirability of constructing this line upon certain terms: the terms here mentioned may be briefly stated to be these. Provided the line is a 5ft. 3in. gauge the quantity of land to be paid the contractor is at the rate of 20,000 acres per mile, to be selected on the same conditions as those agreed upon in the case of the two lines now being constructed in the colony on the land grant system. The same conditions also are to apply as to the sales of land, and the letting of land, within the reserved areas, after the conclusion of the contract. Now we come to an important matter, and one which I am quite sure every member will agree in, and that is the condition as to a deposit or guarantee fund. It is proposed by the Government that the amount of the deposit shall be £30,000, to be paid into the Colonial Treasury, and held by the Government as guarantee of the *bona fides* of the contractors. It will be seen on reference to the correspondence that the applicant for the concession, to wit Dr. Boyd, was informed by the Government that no provisional contract—that is to say, no contract which could be submitted to this House for its approval—could be executed unless this sum of £30,000 was deposited before the provisional contract was signed. Dr. Boyd, it will be seen, demurred to

this proposal of the Government on the terms I have indicated. But the Government did not feel justified in conceding the point. There is a further provision that 3,000 approved immigrants shall be introduced at the expense of the contractor, in consideration of which he was to receive additional land, at the rate of 50 acres per adult immigrant. There is no money payment to be made in respect of these 3,000 immigrants, but so much land, to be selected within a specified area set apart for the company for selection. It is further proposed that the contractors should receive a grant of one acre of land for every 10s. paid by them as compensation for any land taken by them for railway purposes in townsites, where the owners of the land are entitled to compensation. There is to be no money payment there again, so far as the Government and the contractors are concerned. Certain rights are to be retained by the Government over the reserved railway lands until the land is granted in fee simple, and, after that, the rights of the Government are to be the same as those defined in all deeds of Crown grant. For instance: there is the right to declare and deal with goldfields—including the declaration of townsites—and to mine for precious metals; there is a right to make reserves, as under the Land Regulations, for purposes of public utility; and there is a right to grant leases and licenses for pastoral and other purposes. The contract should also provide that the rights of existing Crown lessees shall be protected in every respect, according to the terms of their leases, and that all townsites and reserves existing at the date of selection by the company are to be excluded from their selection. It will be seen that Dr. Boyd raised certain objections to some of these provisions, but they are such as the Government consider necessary in the interests of the colony. I believe that, with the prospects we have of the development of the auriferous lands in that part of the country which this railway is designed to traverse, it would be an injustice to the colony if the Government did not reserve all those rights which it now possesses, in this respect. There is also a provision that the railway is to be begun within two years, and completed within ten years from the date of the contract, and it is provided that the rail-

way shall be worked by the contractors, under proper guarantee to the Government. These are all provisions, as members are aware, that have been insisted upon in connection with the two other land grant railway contracts we have already entered into. Such briefly, sir, are the conditions which it appears to the Government we ought to insist upon in the case of this intercolonial line. That it would be a grand thing for this colony to become directly connected with the splendid railway system of our neighbors is a point that will be readily conceded; and, if it is practicable to carry out such a scheme into fruition, it will be an undertaking of which the colonists of Western Australia may well be proud. In considering this question, and these terms which I have briefly mentioned, I must again ask hon. members to do so without reference to any particular individual, be he Dr. Boyd or anybody else, and to look at the question simply in the abstract. I think the House will agree with me that if we can have these terms carried out in their integrity, and have this great work successfully accomplished, surrounded with all those safeguards I have alluded to, we shall do well. Sir, I now move the resolution which I have been directed to bring before the House.

MR. A. FORREST: Sir—I do not propose to detain the House but a very short time; I simply wish to say that I think it is due to the House we should have any further correspondence that may have taken place on this subject since June last, which is the latest date of these letters. I should also like to know how it is that, in a proposal of this magnitude, there is no representative in the colony of the projectors of this grand scheme. Surely if they are in earnest, they would have somebody here to represent them, while this matter is before this House. This is not a contract involving £5,000 or £10,000, but something like £4,000,000; and I think, before there is any discussion whatever, of any length, we ought to have some further information supplied to us, either by the representative of the company (if there is one) or by the Government. I have heard outside that the Government have received certain telegrams with reference to the deposit of

£5,000 which was made by this Dr. Boyd some six months ago, and I think the Colonial Secretary should inform us of the tenour of these telegrams, before we go into this great question of granting this immense concession to this Dr. Boyd or anyone else. At the present time I do not intend to say anything more upon the subject, because I don't think the promoters are—I won't say not genuine, but not what I consider responsible men. I also think, if they are in earnest, they ought to be here, to see what is going to be done. It seems to me they are doing nothing, and I think their greatest anxiety at the present time is to get their £5,000 back again.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): As the hon. member has appealed to me, I may state that the understanding with the individual, Dr. Boyd, is that this deposit of £5,000 is to be refunded to him unless the contract is concluded and signed by the 31st December next—six weeks hence. I may say that there has been no correspondence of any moment—none whatever—subsequent to the letters now before hon. members, beyond a communication we have received stating that this deposit is to stand in the name of other individuals than Dr. Boyd. But that does not affect the question before the House in any way. This is not a question of a contract with Dr. Boyd. All the House is asked is to express an opinion upon the abstract question—are these terms such as the colony could fairly agree upon, in the event of there being a prospect of having this great undertaking carried out.

MR. MARMION: Would the hon. gentleman mind saying who those other individuals are?

THE COLONIAL SECRETARY (Hon. Sir M. Fraser): I do not think it is relevant; but I have no objection. The communication I refer to was addressed to the Government by Messrs. Stone and Burt, who said they were instructed to inform us that the sum of £5,000 deposited by Dr. Boyd with the Government had been assigned by him to Mr. Walter Robert Moore and Mr. Bowes Kelly—both of whom, I believe, are gentlemen of integrity and means, residing in Victoria. The only other communication we have received is a telegram, making inquiry as to what action the Government are tak-

ing in the matter and requesting to be informed of the decision of the Legislature.

MR. KEANE: It appears to me that Dr. Boyd, according to the correspondence before us, has got until the 31st of next month to say whether he is prepared to find this £30,000 or not, and, in the meantime it is necessary for this House to say whether it approves of these terms, mentioned by the Government in these letters, or not, or whether we ought to insist upon some other terms. So far as I am concerned—and I have had some little experience in these matters—I should certainly propose that this £30,000 should be increased to £50,000, for this reason: if Dr. Boyd, or his syndicate, are prepared to find the money to build this railway, which will cost about £5,000,000 of money, they will surely be prepared to put down £50,000 as a guarantee of good faith, if they really mean business. I have no hesitation in saying this: that the main cause of the present trouble with the Midland is because the deposit in that contract was only £10,000. If it had been £30,000 instead of £10,000 that railway would have been well on the way to Geraldton by this time; and I hope the Government—if the House accepts these terms—will insist upon a deposit of £50,000. If that decision is forwarded to Dr. Boyd by the Government, they will soon find out whether Dr. Boyd is going to plank the money or not.

MR. SHENTON: I think that in an undertaking of this magnitude the House should act with great caution. We have seen the difficulties we have got into, by not having a sufficient guarantee deposited in the case of the Midland Railway concession. I certainly think that in a contract of this magnitude we should insist upon a deposit of £50,000. What is £50,000, after all, compared with the amount of capital required to carry out this work—some £4,000,000 or £5,000,000? It is not more than about one per cent. If these people intend to carry out this scheme, the mere fact of having to deposit £50,000 will not be worth thinking about. I think we ought to be very careful what we are about in this matter. Lately, when in South Australia, I could hear nothing about this scheme there. All I could hear

was about the petition which the Albany people had sent around, protesting against the line going from this part of the colony instead of from Albany. Nobody seemed to know anything about the project itself. Nor could I hear anything when I got to Melbourne. I saw Dr. Boyd there several times, but he never referred to this matter. One would think—knowing that I was a member of this House, and that the matter was to be submitted to the House for its decision—one would think he would have mentioned the subject, and tried to find out what the feeling of the House was likely to be. But he never even alluded to it. However, the question is now before us, and some opinion should be expressed as to the proposed terms. I think that, on the whole, the reserved rights proposed by the Government might be adopted by the House—I mean the rights as to declaring and dealing with goldfields, including the declaration of townsites. As to the clause relating to immigrants, I do think it is immaterial whether we have it or not. But there is one important point that we shall have to consider very carefully, and that is the question of gauge. We ought to insist upon a 5ft. 3in. gauge, which is the gauge on the intercolonial line between Adelaide and Melbourne; and it would be very inconvenient to have a break of gauge, if we are going to connect our railway system with that line. Another important point we should have to consider in connection with the same subject is the terminus of the line at this end. With all due deference to the Albany people and their long petition, I think every reasonable and unprejudiced man must agree that the proper terminus for this line is Fremantle; and the only question is whether it should connect with our Eastern Districts Railway at York or Northam, or come direct to Fremantle. I think, myself, that by far the best course would be to bring it to Fremantle, independent of our Eastern Districts line, and avoid the heavy grades over the Darling Range, and also the break of gauge on that line. It would be simply impossible, with our narrow gauge and heavy gradients to maintain anything like the speed which is maintained on the intercolonial lines in the other colonies. I think the speed between Adelaide and

Melbourne is never less than 40 miles, and, crossing the desert, the speed is about 60 miles. It would never do to creep along at the rate of speed maintained on our Eastern Districts line. I think this line ought to come by way of Chittering to Fremantle, and so escape the heavy gradients. This question of route and terminus will have to be very carefully considered, of course; but, on the whole, I think the proposals of the Government worthy of support. I am in favor of the scheme itself, for I think if it were carried out—even if it took ten or twelve years to do so—it would be one of the grandest projects not only for Western Australia but for the whole of these colonies.

MR. RICHARDSON: It appears to me that the resolution as it now stands is to a certain extent misleading, or, at any rate, is calculated to mislead the outside public. It would appear from the wording of this resolution that we believe there is some prospect of a contract being made between this Government and Dr. Boyd, whose name is expressly mentioned in the resolution, and whose letters are proposed to be taken as the basis of the contract. I hardly think that is fair to the scheme itself, for, so far as I can understand, there is not the remotest likelihood of a contract being concluded with this Dr. Boyd. I think, however desirable it may be to affirm the general principle of the desirability of entering into a contract for carrying out this great undertaking, it would be misleading the outside world if this House were to pass any resolution that could give ground for the idea that we believed there was a prospect of such a contract being entered into with the person mentioned in this resolution. I therefore think that a more pointed resolution than this would have been more to the purpose, requesting the Government to write to Dr. Boyd, peremptorily asking whether he was prepared to pay down this £30,000, or £50,000,—and so bringing matters to some definite understanding.

MR. MORRISON: The question, to my mind, is, ought we to enter upon negotiations for the carrying out of a work of such magnitude, at a time when our present Constitution is about to expire? If we are, then I think we ought

to be very particular as to the basis we adopt in conducting these negotiations. This is a very gigantic transaction, and there is one thing I should like to know at once, before proceeding any further with it, and that is exactly the individuals we are dealing with, or going to deal with. I do not believe in one man being put forward, and the others kept in the background—if there are any others. In his first letter Dr. Boyd says he is making an offer "on behalf of self and others." We hear of no one else in the matter, and I think we have a right to know who these "others" are. Another important thing we ought to ascertain before proceeding any further is—will South Australia join us in this undertaking, or will she not? The Government should find that out. I should also like to see a provision made to fix this strictly as a contract between the Government and the parties directly concerned, and not have it in the shape of a concession that could be hawked about. Let it be let to the persons contracting, and to no one else, like any other contract. I do not think that granting a concession like this to a number of speculative individuals, for them to hawk about, and make profit out of, is a good way of developing the country, or is calculated to do us any good, but rather harm. As to the proposed security of £30,000, the depositing of that sum in an undertaking like this, involving an expenditure of millions, is mere child's play; I should be more inclined to ask for £250,000. It is not money out of pocket, it is simply a financial operation, and the deposit would bear interest; and, if the promoters are good men, they would find no difficulty in finding the money. With regard to the proposed terms offered by the Government to Dr. Boyd, there is one clause I should like to see added: the Government should insist upon the right of purchasing the line, within a certain time, and upon certain conditions—that is, if they require it. Not that they should be compelled to purchase, but that they should have the option of doing so; otherwise, some day, we may find, if the Government want to buy, they will have to pay a fancy price for it; the same as with the Melbourne and Hobson's Bay line in Victoria. Whenever the Government wanted to buy up that line, £5 a share

was put on at once, until it came to £30 a share more than the original price. I am certainly in favor of a line of railway being made, if we can get it made, from here to the other colonies, to join the intercolonial system there; but I want to see it done in a way that this colony shall not lose by it, and that it should also be a success so far as the contractors or promoters were concerned. I don't want the colony to make all the profit, and the other party go to the wall.

MR. BURT: I desire to state my opinion with reference to this matter before it passes from the consideration of the House. We are asked to subscribe to an address to His Excellency, stating that in our opinion it is desirable that a contract for the construction of a railway from this part of the colony to Eucla should be entered into. I think the first point to decide here is whether this railway should be constructed on the land grant system at all. I say at once, I am altogether opposed to that. I think we have gone quite far enough in the direction of giving away the land of the colony, the public estate, for the purpose of railway construction. I think that in making a contract such as this on the land grant system it would be impossible to avoid what we have seen done in connection with the two contracts we have already entered into, and that is—to have an immense area of country locked up for an indefinite time, putting a stop to all progress and dealings in land, while the promoters of the scheme were hawking their concession about the world. If Dr. Boyd, or any other doctor, or engineer, got this concession he would simply hawk it about for the purpose of selling it to somebody else, for a few thousands more than he gave for it. I think if we knew the history of this transaction already, it would be somewhat interesting, and perhaps open the eyes of some hon. members. It is not a question with me of whether the promoters could eventually find the money or not; I am against the principle of the thing. I think that, until some settlement has taken place on the land we have already alienated between Perth and Albany, and between here and Champion Bay, and we see the result of those two concessions, it is preposterous to talk about alienating 20,000 acres more, per mile, for every mile of railway between

here and Eucla. If we should want this line—I am sure the country cannot enter into it at the present moment, in one shape or the other; we are not ripe for it—but, when the time does arrive that it may be desired to make it, we should consider whether, if these lands are such an attraction to a syndicate, they are not of equal value to ourselves, in enabling us to raise the money ourselves, for the construction of the line, and so keep the land and the railway in the hands of our own Government. If these lands of ours are saleable at all, the investing public surely would lend the colony money on the faith of them; and why should we have them shut up, and all settlement stopped for the next ten or twenty years, along this line of railway? This is a very vast undertaking indeed, it strikes me. We are the only colony yet that has gone in for this land grant system, and it is one thing to adopt it for a line 250 or 300 miles in length, and another thing to adopt it for a line three or four times that length. This line, I take it, would have to traverse the Hampton Plains, and, I believe, until you get there—I have no wish to disparage the land of the colony—but I believe I am right in saying that the land between York and Hampton Plains is not of that character that would prove readily attractive to people who saw it. [The COMMISSIONER OF RAILWAYS: Question.] The hon. gentleman says "question." He is not an expert on the value of land; he has not seen this country. There are members in this House who have seen it; and I say, without fear of contradiction, that the land eastward of York in the direction of the Plains is not of an attractive character. When you get to the Plains it is of a more attractive character, no doubt, but that land is already alienated from the Crown, and is now held by a syndicate, under leases containing the right of purchase; and, for my own part I do not see how we are going to dispossess lessees with the right of purchase, for the purpose of giving away the land to somebody else. That is a legal point we shall have to face. It is a point which will always confront the Government in dealing with the construction of a line to our Eastern border. The Government may pooh-pooh it; but I think it will be

found a very serious question hereafter, whether this colony has power to escape from the terms of the leases now held by this syndicate. It has been said that we have nothing to lose from these proposals. I do not think we would be doing right in accepting a scheme of this description, merely because it cannot do us much harm; I think we ought to look whether it is not practicable for a body of persons armed with a provisional contract like this to go and sell it to somebody else who would never have touched it, if they had examined the country, and whether that would not do the colony harm. Possibly those who are nibbling at this concession now care not what the land is like—at any rate they cannot know anything about it; and the contract, if entered into, would be entered into, like the others were, with the intention of selling it to somebody else, and making something out of it. I am not aware that the present holders of the Albany-Beverley concession are having very rosy times of it, and have found no difficulty in finding the necessary funds. I am not saying anything against the company; they seem to carry out their work in a very praiseworthy manner, and they may have lots of money. But I ask have the public subscribed that money? [Mr. PARKER: No.] Possibly the hon. member knows more than I do. If the public have not, and the contract is husbanded by a few moneyed men, what likelihood has Dr. Boyd or anybody else that he will get the British public, or any other public, to invest in these lands between York and Eucla? On the contrary, there is everything to lead us to believe that the public would have nothing to do with it; and, if so, any provisional contract we may now make would simply be hawked about the world, to the extreme limit of time allowed, and the investing public would have nothing to do with it. The public, in my opinion, would be far more likely to be attracted if the work were carried through by means of a loan raised by the colony itself; and, for my own part, I am very much against pursuing any further this system of land grant railway construction, especially in the direction which this proposition indicates.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright) said he had

been told by the hon. and learned member for the North that he was not an expert. [Mr. BURT: In land.] He did not pretend to be a land expert. What he said about the land eastward of York was what he had been informed by other people. As to the principle of land grant railway construction, it appeared to him that this transcontinental line was the only one that ought to be undertaken by this colony on that basis. To say that this gigantic undertaking should be done by means of a loan, with the present population of the colony, was absurd. It would simply increase our present indebtedness by about four times for this one line between here and the other colonies. It must be obvious that if such a work as this was going to be carried out at all, in the present circumstances of the colony, it must be undertaken on the land grant system; and, if we found people who were willing to take the risk of making it, and we had a satisfactory guarantee of their good faith, why, let them do it by all means, and let the colony benefit and prosper by it. It appeared that with such terms as the Government had submitted for the consideration of the House we would risk very little, whether the agreement was with Dr. Boyd, or with his friends, or whether the deposit money was £50,000 or £250,000. He should be sorry it should go forth to the world that we were afraid that anyone who touched Western Australian land would get his fingers burnt, and that nobody should have anything to do with any part of the colony but Hampton Plains.

CAPTAIN FAWCETT was anxious to support a resolution that would give us a railway anywhere. He thought last year there ought to have been no opposition to the Bayswater-Busselton line, and he certainly thought there ought to be no objection to this one. Everybody knew that a railway was the best thing a country could have, for, if it did not pay directly it paid indirectly, and was a great convenience to everybody within reach of it. He thought we couldn't do better than let somebody do this great work for us, and let us pay for it in land, instead of hard cash, which we would have to borrow. Our land was comparatively valueless to us. [SEVERAL MEMBERS: No, no.] He was sorry to say he had a very bad idea of the value of

land in Western Australia. He had heard it said that the whole of the colony could be run through an hour-glass, but he did not think it was so bad as that. Our nuggets of gold would not run through, and we all knew there was gold here. But he did think, if we could get people to build this railway for us in return for our land, it would be a grand thing for the colony. We could afford to give them any quantity of land—the quantity would be no consideration, so far as he was concerned.

MR. MARMION: It is not my intention to enter into any of the details of this question to-night—one of the greatest questions to my mind that ever came before this Council. It is not my intention to have it disposed, off hand, with a few moments desultory conversation. I think we should give a great deal more consideration to this correspondence, and devote a great deal more time to it than we have been yet able to devote to it, since it has been placed before us, in printed form. To me, sir, this transcontinental railway has been a question that I have thought of, and dreamt of; it is one of the ideas that has lived (so to speak) in my mind for years past; and whether this House to-night feels inclined to consign it to oblivion or not, or bury it out of the way, mark my word, it will rise before many years phoenix-like from its ashes, and yet become *un fait accompli*. The mere fact of its being thought worthy of discussion by this House, and its going forth to the world that in our minds it is no visionary scheme, but one within the range of negotiation—the mere fact of its being advertised to the world that the scheme is considered worthy of the serious consideration of the Legislature, and that it should go forth that the idea is living in the minds of the people and their representatives, will at any rate show to the world that we do not think it outside the range of practical consideration, and that we do not lose sight of our magnificent geographical position. Although the time may not be yet, that time will most assuredly come when this geographical position will assert itself; and I think we should take this resolution into our most serious consideration, and see if we cannot deal with it in a more reasonable and sensible view than some

hon. members seem disposed to deal with it this evening. Therefore, sir, it is my intention to move that the matter be referred to a select committee, so that the subject may receive that investigation and consideration which its importance requires, and which it is the duty of this Council to give it. We are not at present in a position to say that there are not behind this Dr. Boyd those who are able and prepared to carry out the project, or to induce others to do so. What has been the early history of all our land grant railway schemes? Have the original promoters in any instance been the people who eventually undertook to carry out the work? Not in a single instance. With all due respect to the memory of the late Mr. Hordern, had he not to associate himself with other capitalists before the Albany-Beverley contract was entered upon, and is not that contract now in other hands, and on the eve of completion? Has it not been the same with the other concession, which we hope may soon be on a fair way of being carried out. Nor is it improbable that the original promoters of this grand scheme will have to obtain assistance from others to carry it out. This is no small petty local work, connecting a little country township with a small fishing village on our Southern coast. It is a truly national undertaking, connecting the metropolis and the principal port of the colony—its future Brindisi as the Colonial Secretary very properly says—with the capitals of the sister colonies; and I am sorry to see a disposition on the part of hon. members to treat it in this cavalier and cursory style, as if it was to be dismissed from consideration with a few sneering words. I say it is our bounden duty to inquire carefully into the scheme, and see whether something practical may not come of it. For that reason I move: "That the correspondence between Dr. Boyd and the Government of the colony, as to the construction of a railway between the Eastern Districts of the colony and Eucla upon the land grant system be referred to a select committee, with a view to such select committee advising this Council as to the desirability or otherwise of entering into a contract for the construction of such railway upon the basis proposed; and that such committee consist of the Commis-

sioner of Railways, the Commissioner of Crown Lands, Mr. Venn, Mr. Morrison, Mr. Shenton, and the mover."

MR. PEARSE had much pleasure in seconding the amendment. He had not the least doubt that some good would result from referring the matter to a select committee. This was a work of very great importance to the colony, and he thought it very desirable it should be considered in the first place by a select committee of the House.

MR. BURT did not think it was necessary to refer to a select committee the question of whether this railway should be constructed "upon the land grant system," or not: that was a point which could be settled at once. The proposed reference to a select committee seemed to him to imply that the House was agreed as to the desirability of building this line, and that the matter was referred to a select committee simply to consider the terms. All he could say was, that no select committee would ever change his mind, by any recommendation they might make, as to the principle of the thing—whether the line should be constructed on the land grant system or not. He wanted to see first what the result was going to be of the land grant lines already sanctioned.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): Sir—The motion of my hon. colleague, so far as I understand it, is intended to ask this House to confirm or otherwise the principle of the desirability of constructing this railway from Fremantle to Eucla, on the land grant system; and that is the object of the Government in bringing the question before the House. The correspondence that has taken place with Dr. Boyd is merely brought in to show the House that the proposition has been considered by the Government, and that certain terms seem to the Government to be fair and reasonable as the basis of any agreement on the subject; but it in no way binds the House nor the Government in any way to deal particularly with any particular individual. That is the present stage of the matter. If hon. members will only think, they will recollect that all our previous negotiations with regard to land grant railway contracts have been entered into with individuals who at the time had not completed their

financial arrangements for carrying out the work; and, I believe, if ever this railway is built between here and the other colonies it will be built on that system, and the contract in the first place will have to be entered into with somebody who afterwards will have to finance the matter. If we only knew the history of all these great undertakings, in all parts of the world, we should find that there is always some leading spirit, and that from very small beginnings great results have followed. It would be unreasonable to expect that a company with the necessary capital should be found to carry out a large work like this, before even the terms upon which the Government would enter into the contract were ascertained. Projects like these are first started in the speculative mind of some bold spirit, and afterwards the necessary capital is found to carry them out, when the course has been cleared, and the preliminaries arranged. Some hon. members have stated their opinion that a deposit of £30,000 in this case is too small a sum to ask as a guarantee of good faith. I do not consider it a small amount; I consider it is quite a sufficient guarantee to demand from any individual, or body of individuals, who may contemplate financing a project like this. I think if a contract can be entered into with persons who are prepared to deposit £30,000 as a proof of their good faith—and, I understand, that in the event of their not fulfilling their obligations this deposit would be forfeited—we should be getting a very fair and reasonable guarantee. After all, this line is only about 800 miles in length—not more than three times the length of the line to Albany; and if £10,000 was considered a sufficient deposit in that case, I should say that £30,000 would be ample in this. I think any company would think a long time before they deposited £30,000, with the prospect of forfeiting it in the event of their not being able to carry out their obligations. The hon. and learned member for the North certainly surprised me very much, by his opposition to this work being undertaken on the land grant system. The hon. member, if I mistake not, has himself more than once in this House introduced railway projects based upon that system, and strongly advocated them. There was

a proposal for a railway from Esperance Bay to Hampton Plains, which the hon. member had something to do with. [Mr. BURT: I was not in the House at the time.] Well, if he was not in the House, the hon. member strongly advocated it outside the House. [Mr. BURT: The hon. gentleman knows nothing of what he is talking about.] I say the hon. member advocated it outside the House, and used his influence to get members inside the House to support it as well. [Mr. BURT: That's wrong too.] I would ask the hon. member how in the highest flights of his imagination—if his imagination ever takes a high flight—he ever expects this colony to be able to undertake this work except on the land grant system? This opposition to schemes of this character is beyond my comprehension. I am sorry to say there are a lot of croakers in this colony—and in this House, too—men who have lived half their life-time in this place, in a humdrum way, without any of the adjuncts of civilisation, and who, it seems to me, desire to continue living in the same humdrum way for the remainder of their lives, and have no desire to see this colony take its proper place among its sisters. This colony has been left in complete isolation, from its foundation until now, completely cut off from the other colonies; and this railway would put an end to that isolation, and connect us with those prosperous and progressive colonies; and, for my part, I look forward to the time when this great work will be carried out to completion. It is no use for croakers to get up now, and try to retard the progress of this colony; they cannot do it. Events march quickly nowadays, and we must march with them, or be left behind. Some people have tried for the last forty years to prevent this colony from marching on; but their time is up, and they are beginning to know it. What could be more unreasonable or idiotic to minds of that stamp than the idea of building a railway right across from the eastern to the western coast of Canada, through the ravines, and gorges, of the Rocky Mountains, where there was not the slightest sign of settlement or civilisation? People ridiculed the idea, as some hon. members here to-night ridicule this idea—such a line could never be built, it would never pay, it would be a ruinous

undertaking. But it has been built, and the country is now proud of it. For hundreds and hundreds of miles this Canadian-Pacific Railway runs through unoccupied territory. [Mr. BURT: Was it built on the land grant system?] On the land grant system, and a handsome subsidy as well—25 million acres of land and ten millions in money. What has been the result? Instead of a country split up into a number of petty States, it is now a united and flourishing Dominion. Instead of being an isolated people, as the people of British Columbia were—and as we are, at the present day—they now regard themselves as Canadians. So would this railway we are talking about to-night do away with the isolation of this colony. Look again at the United States of America. There were croakers there, like here, who looked upon a transcontinental railway from New York to San Francisco as an absurdity, a visionary scheme. But what do we see now? The whole country covered with a network of railways and trains running daily; and I can tell hon. members this—a large portion of that territory compares very unfavorably with our own. It has no greater advantages than our own colony, and is not at all “a land flowing with milk and honey.” Surely, if we look at what has been done by railways, and enterprise, in other countries, we may reasonably expect the same result here. Why, sir, years ago, this House actually approved of a contract being entered into for the construction of this very line, and what was the result to the colony at the time? One result was that £10,000, or more, came into the public chest in land revenue. The revenue from the Eastern Districts and the Eucla district, which the line was intended to traverse, rivalled and exceeded even the revenue received a few years ago from the Kimberley district. So that if we have no faith in this country ourselves, other people have. It was the same with our Great Southern Railway; I do not believe we could have got anybody here to put their money in that railway, but I foresee myself a great future for that line,—if the company are not in too much hurry to realise dividends. They have a magnificent property, and I believe it will yet be a flourishing property. Some people, who have lived here for years in a humdrum

isolated fashion, cannot believe that it is possible for the colony to prosper. They are those who believe that no good can come out of Nazareth. These are the people who, when the railway from Fremantle to Perth was mooted, believed that line would not pay for the grease required for the wheels. What is the case now? There are always people of this class, and I suppose always will be. They have no faith in the future of their own country. For my own part, I hope to see this railway from here to South Australia not only commenced but finished. I think if most of us live the allotted span of threescore years and ten—and long before that—we shall see this line an accomplished fact. [Mr. BURT: Who said it wouldn't?] Hon. members don't seem to care to do anything to further it. [Mr. BURT: We don't want to be made fools of.] All I ask hon. members to do is to consider what has been done in other countries, with advantages no greater than our own. With the exception of this colony, there is scarcely another country in the world where you cannot go from one end of it to another, by rail. I have travelled a good deal, and found very few places where you couldn't do so. But here we seem content to let things run on in the same humdrum, jogtrot way; and we are surprised when we find anyone who thinks any better of the colony than we do ourselves. I have heard it said over and over again by people coming here from the other colonies, and who form a good opinion of the country, that the worst enemies Western Australia has are its own people. I do not think that is the way to get other people to think well of it. I do not think that is the way to advance the colony. Surely we must see what a great advantage it would be to be connected by rail with the other colonies. It would save in mail transit alone, I believe, at least two days, by having the mails taken overland to Adelaide. After all, the distance is not so very great—I have walked it, myself; I think it is only 800 miles; probably less than that, the way this railway would go. I see nothing at all visionary or unreasonable about the project; and I think that not only ought we to try to get people to take up the matter on the land grant system alone, but that, if neces-

sary, we might follow the example of other countries, and go further, and give a subsidy to have this great work carried out for us. If Canada, in order to connect her eastern territory with British Columbia on the western side—and the intervening country, as I have already said, is not such a fertile country; a good deal of it consists of ravines, rocky gorges, and snow-clad mountains (a terrible place); if Canada was willing to give 25 millions of acres and 10 millions of money to connect its eastern and its western coast by rail, I think we should lose no opportunity to press forward, and do everything we can to carry out this scheme for connecting the port of Fremantle with the capitals of the great flourishing colonies on the eastern coast of Australia.

MR. E. R. BROCKMAN said he should not vote for giving any further consideration to this proposal. He was entirely opposed to placing any more of our land in the hands of speculators. He thought we had done quite enough damage to the country already by locking up so much of our land, and he should like to see some good results from the concessions already made to railway syndicates before going into any more speculations of this kind.

MR. RICHARDSON said if the Commissioner of Crown Lands was the mouth-piece of the Treasury bench, as he hoped he was, with regard to this railway scheme, he wished to congratulate the Government upon the complete change of front they had shown in respect to their policy in railway matters. The House, towards the end of last session, thought it fit and proper to pass a resolution in favor of constructing a railway from this part of the country through the most fertile portions of the colony; but the proposal was completely sat upon by the Treasury bench. Why? Because they were afraid to commit the revenues of the colony to a paltry extra charge of about £5,000 a year.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): The hon. member is quite wrong. I spoke strongly in favor of that railway.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): The circumstances are entirely different. No analogy between the two proposals.

MR. RICHARDSON said the Government simply sat upon it. They would not hear of it. They were utterly frightened of it, and in a "blue funk"—[THE ATTORNEY GENERAL: Order.]—they were afraid to commit the colony to a small extra charge of £5,000, for a railway that would have opened up some of the best country in the colony. But, to-night, there was a complete change of front. If the Commissioner of Crown Lands, with his bold and vigorous policy, with his subsidy of millions of acres and millions of money to make railways, whether they paid or not, and his grand talk about advancing civilisation, and his scorn of the croakers in that House who were retarding the progress of the colony,—if the Commissioner of Crown Lands was really the mouth-piece of the Government in this matter, he must say the Government were to be congratulated upon their complete change of front. But, with reference to the rest of the hon. gentleman's speech, he did not know what the hon. gentleman was driving at. He was not aware that the House generally was against the proposal that this railway should be undertaken, if we could get it done, with a reasonable prospect of success. The objection he had to the resolution as it stood was that it was calculated to lead people outside the colony to suppose that there was some prospect of the negotiations with this Dr. Boyd being carried out into fruition, or that we thought they would. With a proper guarantee, and with promoters in whom we had every faith as to their ability to carry out the scheme, he should be very glad to support the proposal.

SIR T. COCKBURN-CAMPBELL: I must say I agree with some of the remarks of the last speaker, as to the Commissioner of Lands' speech, which was really a very strange speech coming from that quarter, lecturing us as if we were a lot of little boys who didn't know what was good for us. As to our not being anxious for the advancement of the colony, and retarding its progress, and doing nothing towards developing it, that is absurd. It is very certain that in no other part of the world have such a small body of people, 40,000 all told, done so much as the people of this colony have done, in the way of building railways, telegraphs, and other works. There is

not the slightest doubt about that. As regards myself, I have always been in favor of progress. As a matter of fact, I was the first to move in this matter of land grant railways, in this House, and, although I met with ridicule at first, I persevered until at last I saw that what I advocated was likely to become an accomplished fact. For years, also, I have been looking forward to a closer connection with the Eastern Colonies in the way indicated here. Something has been said by one hon. member, I think, about the attitude of my own constituents in regard to this railway, and the position they have taken up as to the proposed route. That position certainly does make mine rather an awkward one, for there is no doubt the Albany people are very strongly opposed to this line starting from anywhere this side of the Leeuwin, as being injurious to their interests; and of course what little interest I have in the colony is with them. But the House need not think that I am going to trouble it at present with a statement of our case; for I know it would be practically useless. I know that a conclusion has been formed in the mind of members, and that anything I could say as to the starting point of the line would be absolutely useless. I know, also, my duty to the colony, as well as my duty to my constituents; and I hope, when members see that I am willing to do what I believe is in the interest of the country at large, although opposed to the interests of those I am connected with—I hope when hon. members see this, they will be inclined to view with all the greater consideration any matters I may bring forward in the interests of my constituency. With regard to the question now before us, it strikes me there is no need to affirm the principle of the desirability of carrying a railway across to South Australia. The House has over and over again affirmed that principle. What we have to consider is whether the terms embodied in these letters are desirable terms for the colony to accept; and I do not think we ought to decide that matter at once, without some inquiry. It is very certain, with regard to the terms and conditions upon which the land grant railways at present under construction were conceded, if we had then had the experi-

ence we have gained since, we should have made considerable alteration in the original stipulations, and I think we ought to consider whether we should not make these alterations as to the present scheme. There is also the question to consider, whether we should continue negotiations with this adventurer Dr. Boyd; and I think there is some reason why we should pause before committing ourselves in this matter. I should have thought members would have seen that. If they have such faith in our Eastern goldfields as they seem to have, and as I have (from what I have heard), I should say it would be better policy at the present time not to come to any immediate decision with regard to this railway. If these goldfields are going to turn out as rich as they are represented, and we are likely to have a large population attracted here, we might find that we had made a considerable mistake in having a line running through that district, constructed on the land grant system, instead of its belonging to the State, and constructed by the State. At any rate the best thing we can do now, I think, is to send the matter to a select committee, for them to obtain as full information as they can, to help the House to arrive at a decision.

MR. A. FORREST said that when he spoke just now he did not mean to say that he was against this railway, but that we should be careful in entering into any agreement with Dr. Boyd or anybody else, unless they were in a position to put down the deposit we required, as a guarantee of their good faith. He agreed with the hon. member for the North in congratulating the Government on their change of policy, and in having the courage to express such opinions as they had heard that evening from the Commissioner of Crown Lands. A few months ago, they were afraid to pledge the colony to a paltry £5,000, for a railway to the Southern districts.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): The circumstances were totally different. There is not the slightest analogy between the two cases; and there is no ground whatever for throwing that project at our head. The hon. member himself must know there was no resemblance between the two schemes; one was an absolute guarantee and an annual charge upon the

revenue, whereas this is simply the alienation of so much land per mile.

The amendment—to refer the question to a select committee, to consist of seven members,—was then put and passed.

A ballot was demanded by **MR. SHOLL**, with the result that the following members received the highest number of votes: The Commissioner of Railways, the Commissioner of Crown Lands, Mr. Morrison, Mr. Marmion, Mr. Keane, Mr. A. Forrest, Mr. Venn, and Mr. Shenton.

THE SPEAKER said that Mr. Venn and Mr. Shenton had received an equality of votes, and, as only one of the two was required to make up the number to serve on the committee, it was for him (the Speaker) to decide which member should be chosen, in case of a tie. Accordingly, he decided in favor of Mr. Venn.

QUEEN'S PLATE FOR THE GASCOYNE RACING CLUB.

MR. SHOLL, in accordance with notice, moved: "That an humble address be presented to His Excellency the Governor, praying that he will be pleased to place on the Estimates for 1889 the sum of £100, for the purpose of providing a Queen's Plate, to be run for at the annual meeting of the Gascoyne Racing Club, under such rules as regulate similar Queen's Plates in this colony." The hon. member said he moved this address with a certain amount of diffidence, in consequence of the low state of our finances, and the many important calls likely to be made upon them. Still, he considered that the votes of money granted in the shape of Queen's Plates to the Perth and the Roebourne clubs, had done a great deal to improve the breed of horses in this colony. He thought the North had a peculiar claim to assistance in this shape, because, being an essentially pastoral district, there were no Agricultural Societies there, and consequently none of the annual grants-in-aid made to the various agricultural societies of the colony went to these Northern districts, and all they could look forward to was a little assistance in this way towards improving the breed of horses. It was now generally acknowledged that the Southern parts of the colony were not suitable for horse-breeding, and he believed that here-

after the Government would have to look to the North for remounts for the police. [SEVERAL HON. MEMBERS: No, no.] It was no use saying, "no, no." He should like to know how many of the horses likely to compete at the next Perth races had been bred south of Champion Bay. It was acknowledged that horses bred in the Northern parts of the colony were far away superior, both in size and quality, to the Southern bred horses. He was aware there was likely to be opposition to this motion, on the ground that it would be a precedent for other clubs to make a similar application; and what he should like to see was a certain sum voted annually for Queen's Plates, to be competed for alternately among the various clubs, of a certain status. This was the first time this session he had asked for anything for his district, knowing as he did there was a scarcity of funds in the Treasury chest; but he thought the House might go with him in this instance.

MR. A. FORREST seconded the motion. The Gascoyne district being a pastoral district, devoted to the rearing of cattle, sheep, and horses, it was only fair—as it received no agricultural grant—that it should get some assistance in this way. It was very little to ask, for one of the most important districts in the colony. This Gascoyne Racing Club had done a great deal towards improving the breed of horses, and the settlers subscribed very liberally towards it, and these races were the only bit of sport they had up there. He hoped that in a few years the district which he had the honor to represent would be putting in a similar claim.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) said that in the other colonies this practice of voting money for Queen's Plates had been abandoned; and he thought we had gone quite far enough with it in this colony. He thought it was a mistake when we departed from the original old vote, that stood on the Estimates, year after year, for the premier club of the colony; and when, a few years ago, the House was seduced to giving another grant to another club, he felt at the time that it was only opening the door for similar applications from all parts of the colony. Why should this club be selected out of half a score of other clubs in the colony? He thought

it was very doubtful whether these grants, or racing generally, did help to improve the breed of horses, such as the colony required; and certainly the House could not be expected to provide funds simply to provide outlying settlers with "sports."

MR. PARKER said he could speak from experience about these Queen's Plates doing an immensity of good in improving the breed of horses—an immensity of good. He believed he had won ten or a dozen of these Queen's Plates from time to time; and, one year, he knew he won Her Majesty's Plate with a gelding that had cost him the princely sum of £14. In two other years he also won the race with geldings. So that it would be seen these grants did an immense amount of good in improving the breed of horses. But, after all, we could not devote the whole of our revenue to the improvement of horses; and he could not help thinking there were other clubs, such as the Wellington and Sussex Clubs, which had a prior claim to this young but energetic club at the Gascoyne. They gave Roebourne a Queen's Plate, so that the North should have one as well as the South, and he did not think they would be justified in going any further. As to providing our Gascoyne friends with "sport," he thought they might indulge in some cheaper form of recreation. We might send them up a missionary, for instance; or give them something more elevating than horse-racing, until at any rate we heard a better account of them.

MR. SHOLL said, seeing the motion was not likely to receive much support, he would withdraw it, rather than have it negatived.

Motion, by leave, withdrawn.

CLOSURE OF STREETS FOR RAILWAY PURPOSES.

SIR T. COCKBURN-CAMPBELL moved: "That in the opinion of this House the powers exercisable under the provisions of the 12th clause of the 42nd Vict., No. 31—with respect to the closure of streets—are too extensive and absolute, and that some amendment is desirable, providing a larger measure of protection for the rights and convenience of the public." I do not suppose (the

hon. baronet said) the motion will be very intelligible to those who have not consulted the Act, but it is in very general terms; and I should like to point out that I have altered the wording of it, since it was first placed on the paper. As originally printed it referred to the powers "placed in the hands of the Commissioner of Railways," but I have struck out those words, and my reason for doing so is that it is not because of anything that the present Commissioner has done, or left undone, that this motion has been brought forward, and I do not wish in the slightest degree to imply any sort of condemnation of that gentleman's action. In order to enable the House to understand what I have in view, I think it would be best that I should describe the circumstances which have induced me to bring it forward. Members who were in the House four or five years ago, when the Beverley-Albany Railway contract was under consideration, may remember that there was nothing decided at that time as to the precise route of the railway. There was a plan laid on the table, generally indicating the route, but nothing definite was settled as to the precise course it was to take. That was left to the engineers, and they thought it best to enter the town of Albany from the Torbay side, thus cutting off that portion of the town from the foreshore. I strongly protested at the time against this action, as I knew it would lead to a great deal of trouble and ill-feeling, and give rise to grievances, some sentimental but some real; and I had hoped it might have been brought in round Point King. I have since been told that would have been the right way. The town as now intersected is placed in a very awkward position as regards the harbor and the foreshore; streets have been closed, and no level crossings formed, which has given rise to a great deal of inconvenience and bad feeling. Numerous representations were made to me from time to time on the subject, and eventually I obtained legal opinion, on behalf of the Municipality, and that legal opinion was to the effect—I hope my hon. and learned friend on the left will not object to my stating that it was from him the opinion was obtained—that the railway people were trespassers on the

land, and that the streets could not be closed without statutory authority. We rested upon that, thinking we were perfectly safe. We imagined that without statutory authority meant that the streets could not be closed without a special Act being passed by this Council, as was done some years ago in the case of some other streets—one at Pinjarrah, I think. But, a short time ago, I was informed that the last Railway Act—the Beverley-Albany Railway Contract Confirmation Act—had completely altered the situation, and virtually closed these streets; and, upon inquiry, I found that was but too true. We had been entrapped—I do not mean to say it was intended to deceive us—but we found we had lost all our rights in these streets, the necessary statutory authority being contained in the schedule to that very innocent-looking little Act. Perhaps I may be allowed to explain how it is so, as this is really a matter of importance not only in regard to Albany but to every other town likely to be bisected by a railway. In 1884 an Act was passed by this House, the Beverley-Albany Railway Act, authorising the construction of that line, and by the 4th clause of that Act authority was given to the contractor to exercise all the powers, rights, and privileges which by the "Railways Act, 1878," were vested in the Commissioner of Railways, in respect of entering upon lands and the taking of lands required for the purposes of a railway. If members will look at that Act of 1878, they will see what the powers of the Commissioner of Railways are. Clause 12 makes it lawful for the Commissioner, or any person acting under his authority, to enter upon and take any land along the line of such railway, and to construct across any street through which the line is authorised to pass such "temporary or permanent" (those are the words) fences, etc., as he may think proper. The Commissioner, according to the preceding clause, can only exercise these powers when by a special Act the railway is authorised to be constructed along a line laid down and described therein, or in the schedule. The Beverley-Albany Railway Act, 1884, as I have already said, contained no schedule, and the precise route of the railway was not described at the time, and, until that innocent-looking little

bill was passed last year, the necessary statutory authority, empowering the Railway Company to close these streets, was wanting. There was a schedule to that bill describing the route authorised for the construction of the line; and, in this way, this House at once conferred upon the company these powers of the Commissioner, and we had no remedy. The company are masters of the situation, except in respect of certain streets which the Commissioner has since arranged shall be open, under certain circumstances. My constituents very naturally feel aggrieved to find their streets completely closed without their consent in any way, and without their having any means of redress. The object of my motion is to provide some measure of protection for the rights and convenience of the public, with respect to this power of closing streets. It is a matter that does not affect the town of Albany alone; it may affect any town in the same way, and that is the reason why I have brought the matter forward, and asked the House to agree to the resolution. It is not because of anything that has been done by the present Commissioner, who, I believe, has done everything he thought necessary for the present convenience of the town. But, in the future, and in the very near future, it may become necessary in the interests of the town to open more of these streets; and what I want is that the Government should have power to do this, and that the people should have the right of appealing against any arbitrary action, to the Government. If I find any encouragement from the House, I shall be prepared to bring in a small bill to effect that purpose, empowering the Government to deal with the subject—unless the Government themselves bring in a bill. My action is taken with no hostility towards the company; I have every faith in them, and feel how much good they have done to the country, and to my constituents in particular. At the same time, the company, like any other person, looks after its own interests first; and what I desire is that they should be no longer masters of the situation in this matter of closing streets, but that some power be given to the Governor to hereafter re-open any streets closed under the provisions of this Act. By the last mail, I understand, a des-

patch was received from the Secretary of State, to whom certain parties at Albany had referred the question, and His Excellency told me this morning that the effect of the despatch is in the direction of the object I have in view,—that some steps ought to be taken for the protection of the public in the future.

MR. HARPER seconded the motion.

THE COMMISSIONER OF RAILWAYS (Hon. J. A. Wright): Sir,—Whatever the hon. member for Plantagenet may say on the subject of this resolution, I cannot but look upon it—and I think every reasonable man would so look upon it—in the light of a vote of censure upon my action in connection with these streets. [Sir T. COCKBURN-CAMPBELL: I have directly stated to the contrary.] I am aware that the hon. member has stated to the contrary, but I think every reasonable man must look upon it as a vote of censure upon myself, and I cannot regard it otherwise. But, in doing what I have done, I have simply done my duty, as I think it ought to be done, as Commissioner of Railways. The hon. member states that what he requires is that the powers now vested in the Commissioner of Railways as to the closing of streets shall be taken from him,—[Sir T. COCKBURN-CAMPBELL: I beg your pardon; I never said anything of the kind.]—although nothing has ever been said against it until now, notwithstanding the fact that this same power has existed for the last ten years. But because certain streets have had to be closed in Albany—streets of little or no use for the most part—we have all this outcry. I have spoken to the hon. member on the subject on several occasions, and have done my best to prevent the streets being closed as they have been, and to meet the wishes of the people of Albany in this matter, consistent with my duties to the contractors and to the public as Commissioner of Railways. I have done my duty in the matter. [Sir T. COCKBURN-CAMPBELL: I have said that.] Very well. Unfortunately, the surveyor who laid out the town of Albany could only have done so, I think, while sitting comfortably at a drawing table, in Perth, and without having seen the town at all. The result, so far as this railway is concerned, is that there are certain streets that it would be

impossible to keep open, if the safety of the public is to be regarded at all; and, although in connection with this matter it has been said by some people that the rights of the public must be preserved, that vested rights must be protected, that the hereditary rights of free-born Englishmen must not be trampled upon, and a good deal more high-falutin language indulged in, you may just as well say that because a child cries for the top tile of the chimney you ought to give it to him. The question of one of these streets, York street, was taken up by a certain section of the townspeople, led by a certain person ambitious for political or municipal honors, and, although a fair and proper solution of the difficulty was offered by the Government, it was refused; although a proper crossing was offered, it was rejected. The leader of this agitation wouldn't have it. He wanted a crossing, if you please, 100ft. wide; across the station yard, leading nowhere; and this York street agitation, I believe, is at the bottom of it all. Then came the question of other crossings, one of which was Spencer street, where no vehicle could have gone across it, because of the jetty regulations; but, it was no use pointing this out to them. No, they must have a level crossing for carriages—nothing less would do them. (The hon. gentleman proceeded to particularise every street in the town, in respect of which a grievance was alleged, and to point out that a crossing at some of them would be impracticable, and at others useless, or of no public convenience, and that in respect of some of these streets he had offered a crossing for foot passengers, but the offer was rejected. Reverting to the resolution he said:) The hon. member who brought this matter forward says he considers this statutory power placed in my hands is too arbitrary a power. [Sir T. COCKBURN-CAMPBELL: In the company's hands.] That power was vested in the company by an Act of this House, four years ago, and the hon. member was in the House at the time. It is rather late in the day now for him to come forward and object to this power, vested in the company by this House itself. What is the use of the hon. member coming forward now, crying over spilt milk? The hon. member says he wishes the public

to have a right of appeal, and to decide at any time what streets they will have closed, and what streets they will have re-opened, and what crossings they will have made. Well, all I can tell the hon. member is that it is not done in England, nor is it allowed in any other country that I am aware of. The Albany people might want twenty other crossings, some day or other; and would it be fair or reasonable to saddle the company with the cost of making these crossings, to say nothing of the danger to public safety? This is no exceptional power given to the Commissioner of Railways here, and, if you are going to deprive him of it, railway construction with any regard to the safety of the public will have to be knocked in the head. I am sorry the hon. baronet should have been induced to bring the matter forward, and I cannot help thinking if it hadn't been for the York street agitation, and the leader of that agitation, we should never have heard of it. I can only repeat that what has been done has been done in accordance with what I considered my duty as Commissioner of Railways for this colony.

MR. A. FORREST: All of us must sympathise with the position of the hon. member for Plantagenet in this matter. He is placed, I think, in a false position altogether, and all through the action of a certain party in Albany, who has been agitating the town for some months past on this subject. I do not believe that agitation at all represents the general opinion of the town and district. As to the railway route, I do not think it is possible for the survey to go in any other direction than where it now goes. All this hubbub is got up by a very small party, and they have got hold of the hon. member to bring forward their grievance. The people of Albany were all in favor of this railway when it was started, and they have every reason to be satisfied. The amount of compensation which the contractors have had to pay is something enormous. They have paid at least £30,000 for land at Albany which, before this railway was spoken of, could have been bought for so many hundreds. I feel sorry for the hon. member for Plantagenet, in having to bring such a resolution before this House; and I am sure members generally will sympathise with

the Railway Company in this matter. I hope the House will unanimously refuse to pass the resolution. I think the Commissioner has acted fairly and justly, in this matter, and I believe he has done a great deal more than he should be expected to do. I have every faith in him myself, for he can have no other interest to serve in this matter but the interests of the public. I hope the hon. baronet will withdraw his resolution.

MR. KEANE: I know something about this matter. I am greatly afraid that if, through every town a railway passes, the residents are to have every road, every bridge, and every crossing they wish, railway making in this colony will become a rather expensive matter. I really cannot see in whose hands this power of closing roads for railway purposes should be placed unless it is in the hands of the Commissioner, or who ought to know better what roads ought to be closed or kept open. I may say that I was one of those who suggested the route which this railway goes, and we were very careful indeed to endeavor to preserve the vested rights of the inhabitants and the public convenience. York street has been the original cause of all this dispute; but when they found that complaint wouldn't stand, they got up other grievances. I think the position of Albany at the present time as regards railway crossings is very unique indeed; and if those who are agitating for more crossings were to get them where they want them, it would simply lead them into the sea, or into a bed of granite rock. The whole affair has been got up by a certain political agitator, for political purposes; and, in order that this individual may make a little political capital, we are asked to pass what amounts to a vote of censure upon the Commissioner of Railways, because he does what he considers his duty. I think the hon. member for Plantagenet has simply been made a tool of by these political agitators, simply to try and pick a quarrel with the railway company,—a company which has done so much for this country; and, if this House has nothing else to do, it certainly has a right to protect the interests of this company that has done so much for the colony, and carried out all its obligations honestly and straightforwardly.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) moved the adjournment of the debate until the next sitting of the House.

Agreed to.

Debate adjourned.

THE EXPORT DUTY ON PEARL-SHELLS.

MR. A. FORREST, in accordance with notice, moved the following resolution: "That in the opinion of this House, owing to the fall in the price of pearl shell in recent years, some relief is due to the pearling industry by a reduction of £2 in the export duty on shells, and that in consideration of such reduction the license fee chargeable on pearling boats may fairly be raised." The hon. member said he had made a few extracts from the Blue Book, showing the value of the pearl shells exported, and the revenue raised, and the expenditure, during the last two years. He found that in 1886, there were 711 tons exported, valued at £138 per ton, and that in 1887 there were 867 tons exported, which were valued at only £125; and he was informed that the present value was not more than £100 per ton—showing a reduction of £38 per ton in two years. He had seen several account sales which went to support this statement. When the duty was first raised from £2 to the present rate, £4 per ton, the price of shells was about £300. [Mr. SHOLL: No.] They went as high as £360, and gradually fell to £200, and now they were not worth more than £100. The revenue raised from this duty in 1886 was £2,800, and last year it amounted to £3,500. The expenditure in connection with the Revenue Vessel in 1886 was £1,200, and, in 1887, £1,345, leaving a large margin to the good. When the export duty was raised there was good reason for it at the time, but now that the value of shells had fallen so low, and the expense of getting them was so much higher, because of the improved appliances used, he did think these pearl-ers had a right to complain. Formerly, when the price of shells was more than double what it is now, and when shelling was done by means of native divers, the profits were ever so much larger than they were now, when expensive diving apparatus had to be employed. A head

diver now received £25 a ton for his labor alone, and the others received very high wages; and the cost at present of getting these shells, with ordinary good luck, was equal to 75 per cent. of what they fetched, leaving a very small margin for contingencies and other losses. Everyone knew the great risk these pearl-ers had to run in carrying on their operations; hon. members would recollect that a short time ago there was frightful destruction of property, and life too, among the fleet; and the industry was a very hazardous one at all times. Under all the circumstances, he did not think the House could fairly or justly refuse to pass this resolution, and so reduce the present duty from £4, to what it was in the best days of pearling, namely £2. He believed if this act of justice were done to these people, there would be no further agitation or complaint from that quarter. [MR. PARKER: They won't oppose Responsible Government?] He did not think they would, if they got justice done to them. (The hon. member then read some letters and telegrams he had received on the subject, in support of the resolution, including an expression of sympathy with the pearl-ers in their grievance from several merchants at Fremantle.) These pearl-ers, he said, wished to throw in their lot with this colony; they were willing to pay a reasonable amount of duty; and all they asked was fair treatment. It would be seen from the despatches laid on the table that evening, that the Secretary of State agreed with them that, outside the 3-mile limit, this Government had no power to collect any duty whatever. Still, he believed the pearl-ers were prepared to pay a duty, if the amount were to be reduced, and he thought the best thing the Government could do would be to act on the principle of "give a little and take a little," with these people, and, in doing so, they would be making a very fair bargain. Some of the pearl-ers thought the royalty ought to be abolished altogether, but the more moderate and reasonable ones suggested a reduction of one-half, and he believed this would satisfy them, and, if granted, it would cause the present agitation to die a natural death.

CAPTAIN FAWCETT seconded the motion.

THE COLONIAL SECRETARY (Hon. Sir M. Fraser) hardly thought the hon. member for Kimberley was serious in this matter, or expected the House to reduce the public income in the present state of the revenue. The hon. member must be aware that it would be unwise to do anything that would injuriously affect the public revenue just now, and that it was necessary we should husband our resources in every possible way. With regard to the collection of this duty, the Government simply wished to do what was within their legal rights, under the statute; and, if these pearlers who complained of the action of the Government chose to go outside our territorial waters, there was nothing to prevent them from doing so. He hoped the hon. member would see the propriety of withdrawing his motion.

M^r. SHOLL said the hon. member for Kimberley told them just now that he sympathised with the position in which the hon. member for Plantagenet had been placed by a section of his constituents. He might say the same thing of the hon. member who had brought forward this motion, for he was sure he could not seriously expect the House to agree to it. The hon. member had quoted certain statistics as to the ruling prices of pearl shells, but some of those figures certainly were very misleading. The hon. member told them that when the royalty was raised from £2 to £4, the price of shells was £300 a ton. That was not the case. He was actively engaged in the business at that time himself, and knew what the market price was. Small parcels of exceptional value, out of a large shipment, may have realised that fancy price; but the average was little more than £200. With regard to this export duty, our own people had been paying it for a great number of years without a murmur, and this agitation simply came from what he might call outsiders. The hon. member said that pearling now was reduced to a science, and that an expensive apparatus had to be employed. That might be so, to some extent: but he knew which was best for the colony, so far as the revenue went—the old native labor system, under which hundreds of natives were employed, and had to be fed. Now we had a lot of people engaged in the

industry who employed no native labor hardly, and who had no real interest in the country—people who were here to-day and gone to-morrow. These were the parties who had started this agitation, and written to the papers, and actually petitioned the Secretary of State for a separation of the colony—a piece of impertinency, he thought, on the part of people who had no interest nor stake in the colony. He did not think any request such people made should have any weight. Although the present system of working might be more expensive than the system adopted by our own people, it must be borne in mind that with the present system diving could be carried out all the year round, including the whole of the winter season, whereas, with naked natives employed, diving could only be done, on an average, for about 90 or 95 days; so that, although the expense may now be greater, more shells were obtained, and consequently the gross receipts were larger. He could not believe that this resolution represented the feeling of the people of the North; we had heard of no meetings of our own settlers protesting against the present duty. The only meetings they had heard of were meetings held on board these people's own vessels,—people, as he had already said, who had no interest in the country. He did not believe it was the particular wish of our Northern settlers that there should be any reduction of the royalty now paid; they knew the Government must have revenue from somewhere, if they had to provide protection for those engaged in the industry. It was said that the price of shells was now low, but nothing was said about the pearls occasionally found, and the value of which was very considerable; and pearls paid no duty. It was said that these pearlers could defy the Government if they liked; that was true, it appeared, so long as they kept outside the 3-mile limit. But these people knew very well that it was a difficult thing to keep outside that limit always, and they knew they would run a great risk of having their vessels confiscated if they did any fishing within that boundary. He did not blame these men for trying to make the best bargain they could for themselves, but he thought the Government and the colony had a right to be considered in

the matter; and the reason he had got up was to endeavor to enlighten the House, from his own experience, as to the actual state of affairs. If pearling nowadays was such a very unprofitable business, he hardly thought these people would have made so much fuss about it, and moved heaven and earth to get what they wanted. If they found they could not prosecute the industry here at a profit, why did they remain? Why didn't they clear out, and go elsewhere, if they thought they would be better treated, or do better? The hon. member for Kimberley had quoted some telegrams he had received in support of his motion. He (Mr. Sholl) had also sent a telegram to the North, when he saw this notice of motion, to inquire whether there was a general feeling in the district that the duty ought to be reduced: and the reply which he received was that the settlers generally did not require or wish for this concession. There was another matter which he thought ought to be considered in dealing with these what he might call "foreign" vessels, and that was the Malay crews they employed. A very dangerous and undesirable element was occasionally turned loose at Cossack from these vessels, as was shown by the recent shocking murder committed there; and it would soon become a question of whether we shall not have to increase the police force in this district. For his own part he was entirely opposed to the resolution. He did not see why these people should be put on a different footing from that on which our own people had been put for years past, and which they had borne without a murmur. We must keep a Revenue Vessel there, and the cost of that vessel was increasing. He thought, in the present state of the country's finances, this was a very bad time to bring this matter forward.

MR. BURT moved the adjournment of the debate.

Agreed to.

Debate adjourned.

The House adjourned at a quarter to eleven o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 19th November, 1888.

Non-Alienation by Trustees Bill: first reading—Life Assurance Companies Bill: first reading—Goldfields Licensing Bill: first reading—Fortification of King George's Sound: Conference of Delegates at Albany—Financial Statement: Estimates 1889—Protection of Kimberley settlers from native attacks and depredations—Scab Act Amendment Bill: third reading—Closure of streets (Albany) under Railways Act: adjourned debate—Reduction of Duty on Pearl-shells: adjourned debate—Patents Bill: in committee—Adjournment.

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

PRAYERS.

FIRST READINGS.

The following bills were read a first time: Non-Alienation by Trustees Bill; Life Assurance Companies Bill; and Goldfields Licensing Bill.

FORTIFICATION OF KING GEORGE'S SOUND: PROPOSED CONFERENCE AT ALBANY.

SIR T. COCKBURN-CAMPBELL: Sir—The motion I have to bring before the House now is one that I have no doubt will receive the immediate approval of members. I was pleased to see in the reports of a meeting that took place a few nights ago, near where we now are, the Governor—speaking of the good augury of the visit made to the colony by two distinguished Prelates of our national and historical churches, and of the good likely to accrue to the colony from such visits—went on to say that he was not without hope that before long it might be possible to arrange an intercolonial Conference of some of the leading Australian statesmen, upon the subject of the military defence of King George's Sound. Seeing these remarks of His Excellency the Governor, I feel satisfied that my resolution will meet with the approval of the Executive bench. I believe, with the Governor, that a visit to this colony of Australian statesmen of position, if we can induce them to come and to confer with our Government and leading public men, will have a very good effect upon the welfare of the colony at large. I do not wish to take any credit myself that is not my due in bringing forward this matter, and I hasten to inform the