

it, of course it must pass. At the same time, he thought we might as well go on with the existing Scab Act as this, if these amendments were adopted.

MR. CLARKSON said he understood from the Attorney General that sheep shipped at Champion Bay would come under the definition of "suspected" sheep, and on that account would be dipped before they left that district for a clean district. If he had not correctly understood the Attorney General in that, he should certainly oppose this amendment, with the hon. member for the Swan; it was only another way of allowing fat sheep to come to these Southern Districts from an infected district.

THE ATTORNEY GENERAL (Hon. S. Burt) said that members would see from the definition of "suspected" sheep that such sheep included all sheep travelling through an infected district; therefore, any sheep coming down to the port of Geraldton to be shipped there would be "suspected" sheep; and there was a clause in the bill, Clause 17, which left it optional with the inspector to direct the dipping of any suspected sheep as often as he thought necessary. By another clause in the bill, Clause 48, the Governor in Council was empowered to make regulations for the guidance and instruction of inspectors, for carrying this Act into effect; therefore an order or regulation could be made at once that all sheep leaving Champion Bay should be dipped twice. That being the case, he did not think the object which certain gentlemen in another place had in view would be attained. Any sheep coming down by steamer from the Victoria District could be dipped twice, under regulations framed by the Governor-in-Council; and the inspector, when they arrived at Fremantle, could have them dipped again. So that, in common parlance, the Government would have the pull of these sheep, and it would be found that it would be easier for them to travel by land than by sea. Therefore, the object which some gentlemen had in view would perhaps be frustrated.

MR. LOTON said there were always two ways of putting these things. Of course the Government would have the power to do this under the regulations, but the question was whether the Gov-

ernment would insist upon its being done. He dare say the present Government would; but he thought the Attorney General would have preferred to have seen it in the bill itself rather than in the regulations. [Mr. Burt: Certainly.] He must again express his regret that the other Chamber in its wisdom had not seen fit to follow the larger experience of the Assembly, and pass this bill as it was sent up to them.

MR. CLARKSON said it appeared to him the Upper House had shown no wisdom or reason at all in this matter, and he was very sorry to see a wish on their part to continue this great scourge. As opposition, however, at this stage might endanger the passage of the bill this session, and as it was very necessary it should come into force at once, he should offer no further opposition to this amendment.

Amendments of the Council, in Clauses 43 and 44, agreed to.

The House then resumed.

Ordered—That a Message be transmitted to the Legislative Council, informing them that the Assembly had agreed to their requirements as regards the amendments in Clauses 43 and 44.

The House adjourned at half-past 11 o'clock, p.m.

Legislative Council,

Thursday, 26th February, 1891.

Railway and Timber Concession, Darling Range; contract with Mr. E. Keane; adjourned debate—Suspension of sitting—the Prorogation—Assent to Acts—The Prorogation Speech—Close of Session.

THE PRESIDENT (Sir T. C. Campbell, Bart.) took the chair at 11:30 o'clock a.m.

PRAYERS.

**RAILWAY AND TIMBER CONCESSION,
DARLING RANGE—CONTRACT WITH
MR. E. KEANE.**

Adjourned debate on the motion of the **COLONIAL SECRETARY** (Hon. G. Shenton), That the Council approves of the proposed contract laid upon the table, between the Government and Mr. E. V. H. Keane, relative to the construction of a line of railway on the Darling Range, and the working of a Timber Concession thereon.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the House resolve itself in a committee of the whole to consider the resolution.

Question—put and passed.

IN COMMITTEE.

THE HON. G. W. LEAKE said he would support the adoption of the agreement. Many years ago the license to cut timber on this 100,000 acres of land was granted to certain people, on payment of £200 a year for the first period, and other sums afterwards. The object of the agreement before them was simply to give the present owner of the concession the privilege of making a railway to it. He need hardly point out the enormous value to the colony which was caused by the cutting of its growing timber. The *cessionnaire* was not asking for any money payment; in fact, he asked for nothing except the right to construct this railway. In addition to the benefit to the colony as a whole that would ensue from the cutting of this timber, employment would be given to a number of hands, and as there was an abundance of land along the route of this line suitable for orchards and farms, the benefits to be derived from the construction of this line would be very many. He saw not the slightest objection to the contract.

THE HON. J. G. H. AMHERST said he knew the country, and could assure the House that there were enormous patches of land near the proposed line which were fit for cultivation. A great deal of it had already been taken up, but at present the inhabitants found the utmost difficulty in getting their produce to market. They had now to go through a very sandy part of the country to get on to the Guildford Road; and so bad had it lately become, that it had been

found necessary to survey a fresh road, striking the York Road. This railway would obviate the necessity of making that road, as the fruit, vegetables, and other produce from the Ranges could now come down by rail. As far as he could see this was a most valuable work, and he thought they should do all they possibly could to have it carried out.

THE COLONIAL SECRETARY (Hon. G. Shenton) said he might point out to hon. members that the original timber license was granted some years ago to a Mr. Shaw for the period of forty-two years. It gave the exclusive right to the timber, except that the Government might take any timber they required for their own purposes. The difficulty Mr. Keane found was that, under this old license, anyone could go in and purchase the land, or part of it, under the Regulations; this, he (Mr. Keane) considered, might cause him great inconvenience, and he now asked that he should have the exclusive right to the timber on the 100,000 acres; but as soon as the timber is got off any portion of it, the Commissioner of Crown Lands then, and not before, might step in and sell the land. Under clause 47 it was provided that "no sale or other disposition of any lands within the area of the said license shall be made by the Government excepting of such lands whereon there is no marketable timber in the opinion of the Commissioner of Crown Lands for the time being, and his decision on this point shall be final and conclusive." The Government, therefore, had still the power in their own hands. Then clause 13 provided as follows:—"The railway is intended primarily for the carriage of goods, but the contractor agrees and undertakes that he will, at any time after the completion of the line, and within six calendar months after receiving notice to that effect in writing from the Commissioner, provide and run such passenger trains, or carriages, as may by him be considered necessary and proper for the reasonable accommodation of persons desirous of travelling on the railway, subject in case of any dispute to the arbitration clauses hereinafter mentioned." Clauses 14 and 15 provided for the tolls; and clause 16 provided for the carrying of Her Majesty's mails. The difference between this contract and that

of the Midland Railway was that we gave the latter company 12,000 acres of land per mile to construct the railway, which, when built, remained the property of the syndicate; whereas, under this contract, we gave no land, and at the end of 1899 the line became the property of the Government by paying not more than £1,000 per mile. He was glad to say that they were gradually getting better terms with regard to contracts of this kind. They started by giving 12,000 acres per mile to the Midland and Great Southern Companies, but later on they only gave 2,000 acres per mile to the Messrs. Millar Bros. for the construction of the Torbay Line. The present agreement was on still better terms.

THE HON. M. GRANT: Does the Government still retain the right of cutting what timber they require?

THE COLONIAL SECRETARY (Hon. G. Shenton): The Government have abandoned that.

THE HON. M. GRANT: Why?

THE COLONIAL SECRETARY (Hon. G. Shenton): Because we are not likely to require any from there. Besides, if we did, the timber forest is much larger than this area of 100,000 acres. We consider that the timber, when brought into market, is of far more value to the colony than when standing in the forest. In addition to this we receive the rent.

THE HON. T. BURGESS: I presume by clause 47 we are not obliged to take over the railway at the end of 1899.

THE COLONIAL SECRETARY (Hon. G. Shenton): Oh, no; that is a matter of option with the Government.

THE HON. J. W. HACKETT said that when he first glanced over the contract he thought a great deal of information would be necessary before they would be justified in agreeing to it; but, after more carefully perusing it, he was quite satisfied that there had been no endeavor on the part of the contractor to exact undue terms. In fact the terms were so much in favor of the colony that he was persuaded the officers of the Government had had their eyes wide open in making the contract. As had been pointed out by the Colonial Secretary, they were getting better terms with regard to contracts of this kind as they went on. It was thought that we had advantageous terms with the Great Southern Railway, but

with the Torbay Railway we obtained still better terms, and, so far as the Torbay contract was in advance of the Great Southern Railway, so was this in advance of the Torbay. Looking through this contract he saw that the provisions for protecting the interests of the public were ample both in regard to the carriage of goods and passengers. The conditions for working the railway were similar to those of the Midland and Great Southern Railways, and which had so far been found to work advantageously; and the crowning advantage was, that at the end of nine years the colony would have the right of purchase of the line at a price which must represent much less than would be spent on it. Considering these circumstances, and that it was not intended to close large areas of land which was done on the Midland and Great Southern Railways, he believed the colony was obtaining most excellent terms. It would be necessary that a Railway Bill should be introduced, and then if any reasonable ground of complaint appeared, the House could consider it before passing the bill.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that if this contract were approved by both Houses the bill would be prepared in recess. In the opinion of the Attorney General there was no necessity to pass the bill now, so long as the principle was approved.

THE HON. M. GRANT said there was no provision by which the contractor was bound to clear the whole of the timber as he went. If he were allowed to pick the timber out as he liked, he might continue to hold the whole of the land for 9 years. Why not compel him to clear absolutely one portion at a time so that it might become valuable for settlement?

THE COLONIAL SECRETARY (Hon. G. Shenton) said it was entirely a matter for the Commissioner of Crown Lands, and if he found this sort of thing going on, he might say to the contractor, "Here, you must clear these few trees off, or I shall declare the land open."

THE HON. R. E. BUSH said that such was not provided by the contract. There was a considerable amount of force in the remarks of the Hon. Mr. Grant, for the contract uses the words, "no marketable timber." It would no doubt be of great

inconvenience to the contractor to have people squatting on the land, and it would be very easy for him, under this contract, to prevent it until 1899.

THE HON. W. D. MOORE said that as the matter was in the discretion of the Commissioner of Crown Lands he thought they would be perfectly safe. It was a pity, however, that this matter was not brought before them before the Bunbury Railway Bill was passed, because with this they might have thrown out that useless line.

THE COLONIAL SECRETARY (Hon. G. Shenton) said he might explain that the concession was originally given for three periods of 14 years each from 1st January, 1883. The first term was at a rental of £200 a year, the second £400 a year, and the third £600 a year. Under these circumstances the contractor would doubtless endeavor to get the timber off as soon as possible.

THE HON. J. MORRISON said he was glad the debate had been adjourned, for it had enabled him to go carefully through the contract, which he had found to be a very reasonable and fair one. The line, however, they knew was half finished, and such being the case he thought they should have had the contract before them at least a month earlier. In this instance it would have made no difference; but he objected to the practice of leaving everything until the last moment. He noticed that the engines and rolling stock were to be allowed to enter the colony free of duty.

THE COLONIAL SECRETARY (Hon. G. Shenton) said that this was a provision contained in all the other contracts. He might say that the delay in laying the contract on the table was unavoidable, owing to its being impossible for the Attorney General to get through the work. If hon. members only considered the amount of work that had been done, and the short time the Attorney General had been in office, they would probably not complain. He could assure them that his hon. colleague had had to work night and day to overtake the work. The contractor had been in the worst position, for he had been going on with the construction of the line on faith.

Question—put and passed.

SUSPENSION OF SITTING.

THE COLONIAL SECRETARY (Hon. G. Shenton) moved, That the sitting of the Council be suspended until 3 o'clock, p.m.

Question—put and passed.

The Council accordingly adjourned until 3 o'clock, p.m., when the President resumed the chair.

THE PROROGATION.

His Excellency the Governor shortly afterwards entered the Chamber, and commanded the Usher to summon the Members of the Legislative Assembly, who being come with their Speaker, the Clerk of the Parliaments received at the Bar, from Mr. Speaker, the Appropriation Bill.

ASSENT TO ACTS.

HIS EXCELLENCY was then pleased to notify his assent, through the Clerk of the Parliaments, in the name and on behalf of Her Majesty the Queen, to the following Acts, viz. :—

2. "An Act to apply a sum out of the Consolidated Revenue to the Service of the year ending the last day of December, One thousand eight hundred and ninety-one, and to appropriate the Supplies granted in this Session of Parliament."
3. "An Act to give protection to persons employed in the Printing and Publication of Papers by order or authority of the Legislative Council or Legislative Assembly or a Committee thereof respectively, and to facilitate the proof of Acts of Parliament and Parliamentary Papers."
4. "An Act for defining the Privileges, Immunities, and Powers of the Legislative Council and Legislative Assembly of Western Australia, respectively."
5. "An Act to amend 'The Postage Stamp Act, 1889.'"
6. "An Act to amend the Law relating to Persons accepting Office under the Crown who may retain their seats in the Legislative Council and Legislative Assembly."
7. "An Act for taking the Census of Western Australia in the year 1891, and thereafter."

8. "An Act for the better Apportionment of Rents and other Periodical Payments."
9. "An Act to authorise the raising of a sum of One million three hundred and thirty-six thousand pounds by Loan, for the construction of certain Public Works, and other purposes."
10. "An Act to confirm certain Expenditure for the year One thousand eight hundred and eighty-nine."
11. "An Act to confirm certain Expenditure for the year One thousand eight hundred and ninety."
12. "An Act to amend the law relating to the Receipt, Custody, and Issue of the Public Moneys, the Audit of the Public Accounts, and the Protection and Recovery of the Public Property."
13. "An Act to amend 'The General Loan and Inscribed Stock Act, 1884.'"
14. "An Act to authorise the Construction of a Railway from Bayswater to Bunbury."
15. "An Act to increase the Duty payable on Unmanufactured Tobacco."
16. "An Act to repeal 'The Scab Act, 1885,' and to re-enact the same with amendments."

THE PROROGATION SPEECH.

HIS EXCELLENCY THE GOVERNOR (Sir W. C. F. Robinson, G.C.M.G.) then delivered the following Speech:—

"MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

"MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"In bringing to a close the first Session of the Legislature of Western Australia held under Responsible Government, I have to acknowledge the diligence and care which you have displayed in dealing with the important questions of policy and finance which have come before you.

"My Government are confident that the scheme of public undertakings which you have sanctioned, involving an expenditure of £1,336,000, will give an impetus to the Colony generally and will enhance, legitimately, the value of the public estate. I will take care that

"the moneys to be raised are procured on terms as advantageous to the colony as the state of the market will permit, and, as regards the contracts to be entered into, it will be a paramount duty of the Government to see that the country receives full value for its expenditure. Considering the short time at your disposal, the legislation of the Session—comprising many enactments rendered necessary by the change of Constitution—has been well considered, and should prove of value to the colony. The Audit Act, and the Scab in Sheep Act, are measures on the completion of which I congratulate you.

"MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"The Estimates framed by my Government have been passed by Your Honorable House with scarcely any alteration. The increases which you have sanctioned in certain cases are in keeping with the altered, and, I think I may say, more hopeful circumstances of the Colony, and I thank you for the liberal supplies which you have granted for the use of the Service.

"MR. PRESIDENT AND HONORABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,—

"MR. SPEAKER AND GENTLEMEN OF THE LEGISLATIVE ASSEMBLY,—

"The Resolutions which you have passed in common with other Parliaments of Australasia, and the course which you have taken in deciding to send Delegates to the approaching Convention at Sydney, mark, I hope, another step towards the ultimate federation of these Colonies, and I earnestly trust that the basis of an agreement may be arrived at which, while conserving to individual provinces those interests which may be essential to their prosperity, shall at all events prepare the way for that closer union which we all look forward to and desire.

"I now prorogue this Session to Tuesday, 30th day of June next."

HIS EXCELLENCY, having handed to the President a copy of his Speech, retired from the Chamber, and the Session closed.