

MR. STEERE moved, as an amendment, That the debate be adjourned until the following day.

Agreed to.

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

## LEGISLATIVE COUNCIL,

*Tuesday, 22nd March, 1881.*

Financial Return—Petition—Railway through Stirling Square, Guildford—Extension of Eastern Railway—Receipts on First Section of Eastern Railway—Buoys for Princess Royal Harbor—Silt up of Princess Royal Harbor—Railways Act Amendment Bill, 1881: second reading; in committee—Adjourned Debate on Address in Reply to Governor's Speech—Adjournment.

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

PRAYERS.

### FINANCIAL RETURN.

THE COLONIAL SECRETARY (Lord Gifford) laid upon the Table of the House a Return showing the financial condition of the Colony, on Loan and General Account, on the 31st December, 1880. The right hon. gentleman said: Since this return of Loan Account has been furnished, I have ascertained that the sum of £346 16s. 11d., credited as a receipt, was not a cash transaction, consequently the correctness of the return is somewhat impaired as regards that item.

### PETITION.

MR. HAMERSLEY presented a Petition from the settlers of the Eastern Districts, pointing out the advantages of the Eastern Railway extension from Guildford going to York *via* Spencer's Brook.

The petition was received and read.

### RAILWAY THROUGH STIRLING SQUARE, GUILDFORD.

MR. BURT gave notice of his intention to move a resolution expressive of the opinion of the House against the Eastern Railway extension being carried through Stirling Square, in the town of Guildford, as contemplated by the Commissioner of Railways.

THE COLONIAL SECRETARY (Lord Gifford) said there could hardly be any necessity for the hon. member moving such a resolution, as it was not the intention of the Government that the line should go through Stirling Square.

MR. BURT said he would, nevertheless, move his resolution on the following day, and give his reasons for doing so.

### EXTENSION OF EASTERN RAILWAY.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary the following questions:—

1. Whether the survey as at present made from Guildford to Chidlow's Spring affords the necessary information for drawing up the plans and specifications that will be required before tenders can be invited for the extension of the Eastern Railway to Chidlow's Spring?

2. If a final survey has to be made, how long will it take, and the probable cost?

3. Has the Commissioner of Railways personally inspected the whole of the surveyed line from the foot of the Darling Range to Chidlow's Well?

4. Does the Commissioner of Railways consider that the extreme gradients between the six and eleven mile stations can be materially reduced; if not, will it not require more powerful locomotives than those now in use on the first section? And will not the wear and tear on the rails be very great, owing to the constant use of the brakes on the down trains, and this portion of the line very expensive to work owing to the extra number of guards required to attend to the brakes?

5. Does the Commissioner of Railways consider that the expenditure of the £100,000 now sanctioned by the Secretary of State will cover the whole cost of extending the Eastern Railway from Guildford to Chidlow's Well?

6. How long would it take to make a proper survey of the line to York *via* Chittering, and the probable cost?

THE COLONIAL SECRETARY (Lord Gifford) replied as follows:—

1. No. A final survey will have to be made, as in the first section.

2. It will take about two months, and the cost about £400.

3. The most part he has, and his attention was given to the places where the steepest gradients will be.

4. Not improbable that the gradients will be reduced, but all depends upon the final survey. Certainly more powerful locomotives will be required. The wear and tear, as a matter of course, will be greater than on a comparatively level line. No extra guards will be required.

5. Yes, up to the intersection of the line with the Northam Road, and as far as the information by the preliminary survey discloses.

6. There would first have to be a preliminary survey to determine the route as nearly as possible; this would take about 12 months, and the cost be about £2,500.

#### RECEIPTS ON FIRST SECTION OF EASTERN RAILWAY.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary to lay on the Table of the House a return showing the receipts on the first section of the Eastern Railway, between Fremantle, Perth, and Guildford, from March 2nd, 1881 (the day on which the line was first opened for traffic), to March 22nd, 1881, inclusive.

THE COLONIAL SECRETARY (Lord Gifford) replied as follows: The railway receipts (gross) were £439 up to the night of March 21st, and the estimate of to-day's takings is £21—in all, £460.

#### BUOYS FOR PRINCESS ROYAL HARBOR.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Colonial Secretary "To lay on the Table of the House copies of the correspondence which had lately passed between the Government and the inhabitants of Albany, relative to buoys for use in Princess Royal Harbor."

THE COLONIAL SECRETARY (Lord Gifford) said the papers asked for by the hon. member were of a character which

must be moved for by an Address to His Excellency the Governor.

#### SILTING UP OF PRINCESS ROYAL HARBOR.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, moved, "That an 'Humble Address' be presented to His Excellency the Governor, praying that he will be pleased to obtain an official report from the Admiralty Surveyors upon the present condition of Princess Royal Harbor, and upon the steps which, in the opinion of those gentlemen, are required to preserve it from 'siltage.'" His object in bringing forward the motion was to direct the attention of the Government to the necessity and importance of taking some steps for preserving the harbor from damage with which it is threatened by the gradual narrowing of the sandspit behind Point Possession. Year after year the subject had been brought under the notice of the Government, but as yet no steps had been taken to prevent what might prove an irreparable public loss. Until lately, however, the only question was the gradual silting from what was commonly known as the Sand Patch, but now, he believed, a much greater danger threatened the harbor, at its main entrance; and he thought, if, for want of timely interference, the Government suffered this harbor to be seriously injured, it would be gravely neglectful of its duty to the Colony.

MR. BURT seconded the motion, and said he could speak, from his own personal observation, of the necessity for the adoption of some steps to prevent the silting up of the harbor, and he hoped the Government would be alive to the importance and necessity of having resort to some preventive measures to prevent the destruction of the only real harbor which the Colony possesses.

Motion agreed to.

#### RAILWAYS ACT, AMENDMENT BILL, 1881.

THE ATTORNEY GENERAL (Hon. A. C. Onslow), in accordance with notice, moved, "The second reading of a Bill to make further provision for the management and working of railways." He need hardly point out to hon. members that the business of a railway, whether

carried on by a company, as in most countries, or by a Government under a Commissioner as was the case here, was of such a character that it could hardly be carried on without involving a large amount of work and a corresponding amount of responsibility. The business was of so multifarious a character, the liabilities of the company or the Government conducting it were so extensive, on the one hand, and their rights correspondingly so, on the other, that it was necessary these liabilities and these rights should be strictly defined and protected. On arriving in this Colony, and having the question of railway By-laws brought under his notice by the Commissioner, he at once saw that those which the Commissioner proposed to promulgate for working the railway, then newly opened, were absolutely insufficient. They had now two Railway Acts in existence—the 42nd Victoria No. 31, and the 43rd Victoria No. 10, the latter supplementing the former, and both read together as one Act. These enactments empowered the Commissioner to do a great deal, but he did not hesitate to say not half enough. He believed the Bankruptcy Laws—in so far as they afforded protection to the public—had been compared to a field the hedge of which had been completely pulled down, and the gate alone left standing. He did not mean to say that our railway laws left the Commissioner so unprotected as all that—he did not mean to say that the fence with which it was intended to surround him had been completely pulled down, but there were mighty gaps in it. Daniel O'Connell said he could drive a coach-and-four through any Act of Parliament, no matter how carefully framed. Whether the great Irish Liberator could have accomplished the feat of which he boasted or not, he (the Attorney General) was not prepared to say; but he had not the slightest hesitation in stating that any hon. member of that House could drive one of the Commissioner's big engines, with twenty carriages behind it, through the existing Railway Acts of this Colony. Hon. members would therefore not be surprised to learn that this railway, great as was the success which, up to the present, had attended its working, was being worked under very serious difficulties. These difficulties he proposed to remove

by the introduction of the Bill now before the House. A very few words from him would suffice to acquaint hon. members with the deficiencies which he proposed to rectify. The Acts now in force provided penalties for sundry offences, and, among others, a penalty in case of default of payment of tolls, but the existing enactments made no provision whatever as to whom or where these tolls should be paid, and hitherto the Commissioner had been issuing passenger tickets at considerable risk to himself. It would not at all be difficult for any person now to travel on the railway without paying his fare, and if it was demanded of him he might turn round and laugh at the Commissioner, and leave him to find his remedy by an action at law. It was proposed in the present Bill to introduce a similar provision as that which was inserted in every properly constituted Railway Act, rendering the fact of a person travelling on the line without payment of the fixed fare an offence summarily punishable. He also proposed to repeal the 33rd section of the Railways Act of 1878—relating to the carrying of aquafortis, oil of vitriol, gunpowder, or other dangerous goods—not because he wished to see such goods being carried unrestrictedly on the railway, but because the clause, as it now stood, did not go far enough to meet the object in view. He had therefore re-enacted a clause to answer the purpose, surrounding the carriage of dangerous goods with greater precautions. Provisions were also made with regard to the manner in which tolls were to be taken and demandable, and also in the event of disputes arising concerning the amount of tolls chargeable. There was one matter which his learned friends in the House would be likely to question him about, and that was as to what were called indictable offences within the meaning of the Bill. He noticed that in most of the other colonies the sections dealing with indictable offences were copied into their respective Railway Acts from the English Criminal Law; but he had not considered it necessary to incorporate these sections in the present Bill for this reason: we had here adopted, by an Act of the Local Legislature, the whole of the English Act in question, consequently there was no necessity for incorporating in the present Bill the par-

ticular sections referred to. It was quite sufficient that the Criminal Law is the same here, as to indictable offences, as it is in England. Reverting for a moment to the second section of the Bill, it would be observed that it was proposed to repeal the 9th section of the Railways Act of 1878, but it had recently been brought to his notice that probably it would be a mistake to repeal that section, and consequently he would ask leave to amend the Bill in Committee, to the extent of striking out the provision repealing that clause. The question that existed in his mind was this: the section referred to rendered it an offence to interfere with or obstruct the Commissioner or his servants when surveying a line of railway, and his intention had been to replace that by the introduction of the 16th section of the present Bill, making it an offence to obstruct or interfere with the Commissioner or his servants in laying out a railway. But it had been pointed out to him that there was a distinction between surveying a line and laying out a railway, and that if the 9th section were repealed, whilst it would be an offence to obstruct the Commissioner in laying out a line which had been surveyed, it would no longer be an offence to obstruct the Commissioner when surveying a line. There was, in reality, a very substantial difference between the two offences, and he proposed leaving the penalty for the offence as defined in the 9th section at £10, whereas the penalty for the offence described in the 16th section of the present Bill was £20. There was one other point to which he wished to draw the attention of the House, and that was the fact that the sections of the Shortening Ordinance applicable to the present Bill had been incorporated with it, so that magistrates called upon to deal with offences under this Bill should have the law bearing upon such offences before them, instead of always having to refer to the Shortening Ordinance. This, it appeared to him, was the shortest road to find what the Shortening Ordinance was. He hoped hon. members would give their close attention to the provisions of the Bill, and any amendments which might be brought forward in Committee would receive his best and most earnest consideration.

The Bill was then read a second time *sub silentio*, and committed.

#### IN COMMITTEE.

Clause 1.—Short Title:

Agreed to.

Clause 2.—Sections nine and thirty-three of "The Railways Act, 1878," are hereby repealed:

THE ATTORNEY GENERAL (Hon. A. C. Onslow)—for the reasons which he had already explained—moved that the words "nine and" be struck out.

Agreed to.

MR. BURT said there was another portion of the same Act which he wished to repeal, and he thought this would be an opportune time for doing so. It was the clause referring to the costs awarded by arbitration—the 20th section. This clause provided that all the costs of any arbitration under the Act shall be borne by the Commissioner, "unless the arbitrators shall award the same or a less sum than shall have been offered by the Commissioner," in which case each party shall bear his own costs incident to the arbitration, and the cost of the arbitration itself shall be borne by the parties in equal proportions. He had nothing to say against that. But the clause went on to say that, "if the sum awarded shall be one-fourth less than the amount claimed, the whole costs of, and incident to, the arbitration and award shall be borne by the claimant." This, he thought, was a most unfair provision, and one calculated to work a great deal of hardship and positive injustice. Suppose a man claimed £100, the Commissioner might say, under this clause, "This fellow wants £100, but my valuers report to me that £50 or £60 would be quite as much as he ought to get, and as, if he goes to arbitration, he is not likely to recover more than £60, or £70 at the utmost—which would not be three-fourths of his claim, and consequently the whole costs of the arbitration would fall upon him, a consideration which is likely to deter him from going to arbitration at all—I shall offer him £3 or £4." This, he (Mr. Burt) need hardly point out, would be an act of gross injustice towards any claimant; but still, as the clause now stood, it would be competent for the Commissioner

to bring it thus to bear upon any person claiming under the Act. Again, say a man claimed £100 and the Commissioner offered him £15—as he *had* done—and the claimant went to arbitration, and recovered £70; still, as the sum awarded was one-fourth less than the amount claimed, the whole costs of the arbitration had to be borne by the unfortunate claimant, which was manifestly unjust. Therefore he proposed to strike out of the clause in question the following words: “but if the sum awarded shall be one-fourth less than the amount claimed, the whole costs of and incident to the arbitration and award shall be borne by the claimant, and the arbitrators shall direct the payment of the same accordingly.” These words did not appear in the English law, or in the Acts of any of the other colonies—with the exception of New South Wales; and he saw no reason why they should be retained in the Act in operation here, seeing, as he had already pointed out, they were calculated to work grave injustice. He would therefore move, as an amendment, that they be expunged, by repealing that portion of the section which embraced them.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said this was a question which he had very carefully considered, and he must say his hon. friend the member for Murray had made out a very strong case of injustice—he would not say of absolute injustice but of possible injustice. It did seem very “hard lines” (if he might be permitted to use such an unparliamentary phrase), that, unless a claimant succeeded in recovering three-fourths of the amount claimed, he should be compelled to defray the whole costs incidental to the arbitration,—although he might be awarded a hundred times more than the Commissioner had offered him. That appeared to him to be legislating upon a principle which was entirely at variance with English law, as he had known it in any other place; and he thought his hon. friend had hit upon a blot in the existing Act which ought to be wiped out. He had no opposition to offer to the amendment.

The amendment was then agreed to, and the clause, as altered, ordered to stand part of the Bill.

Clause 3.—Acts to be read together;

Clause 4.—List of tolls to be exhibited on a board:

Agreed to *sub silentio*.

Clause 5.—“No tolls shall be demanded “or taken by the Commissioner for the “use of the railway during any time at “which the boards hereinbefore directed “to be exhibited shall not be so exhibited; “and if any person wilfully pull down, “deface, or destroy any such board or any “milestone on the line of such railway, “he shall upon conviction forfeit a sum “not exceeding Five pounds for every “such offence.”

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it had been pointed out to him that there were no milestones in this Colony, nor any probability of there being any for some time to come. The clause, therefore, would have to be altered to suit the circumstances of the Colony.

MR. BURT suggested that the word “milepost” might be substituted for “milestone,” in the eighth line.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved an amendment to that effect, which was adopted, and the clause, as amended, agreed to.

Clauses 6, 7, 8, 9 and 10 were agreed to, *nem. con.*

Clause 11.—“If at any time it be made to “appear to any Justice of the Peace upon “the complaint of the Commissioner that “any such detention, measuring, or examination of any goods as hereinbefore “mentioned, was without reasonable “ground, or that it was vexatious on the “part of such collector or other officer, “then the collector or other officer shall “himself pay the costs of such detention, “measuring, and examination, and the “damage occasioned thereby, and in default of immediate payment of any such “costs or damage the same may be recovered by distress of the goods of such “collector, and such Justice shall issue “his warrant accordingly.”

MR. BURT thought it would be well to have two Justices to adjudicate under this section. The Commissioner himself, being a Justice, might be the Magistrate appealed to. That would never do.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said it was somewhat late to make such a suggestion as that, seeing that only one Justice was required to

deal with offences in previous clauses of the Bill.

MR. BROWN failed to see how a Magistrate was to proceed under this section. It was not stated how the proceedings were to be conducted, but merely that, if at any time the Commissioner made it appear to any Justice that there had been a breach of the Act, the Magistrate might issue his warrant. There was nothing to show that the parties against whom a complaint was lodged were to be heard in self-defence, nor anything to compel the parties to appear before a Magistrate. The same remark applied to the 9th clause.

MR. BURT, in order to bring the question to a focus, moved, as an amendment, that after the word "any" and before the word "Justice," in the second line, the word "two" be inserted.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he must object to that, for the amendment, if carried, would stultify the Bill altogether, seeing that the preceding clauses provided that any complaints under the Act were to be adjudicated upon by one Justice. If the hon. member wished to move the recommitment of the Bill, in order to assimilate the clauses already passed with the clause now under consideration (as it was proposed to amend it), well and good; but it was absurd to ask the House to agree to the amendment in its present form, the effect of which, if adopted, would be that, whereas under some of the clauses of the Bill it required only one Justice to deal with complaints, it would, under the clause now proposed to be amended, require two Justices.

MR. BURT said his object was merely to test the feeling of the Committee, and if he found that it was in favor of two Justices instead of one—not only as regards this clause, but also in connection with the other sections—he would be prepared to move the recommitment of the Bill hereafter.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he was perfectly willing to meet the hon. member in that light; but he certainly objected to one Justice acting under one clause and two under another.

MR. STEERE would certainly support the proposition put forward by the hon.

member for Murray—that two Justices should be required to adjudicate, under this Act. Of course the Bill would have to be recommitted in order to effect that alteration.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) reminded hon. members that cases might arise demanding immediate adjudication, although the offence might be of a very trivial character, and that it was not always an easy matter to secure two Justices.

MR. CROWTHER: Would it not meet the case by saying "one or more Justices?"

MR. MARMION suggested that the difficulty might be met by providing that the complaint might be heard before any Justice, except the Commissioner.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): That may look very well, but the hon. member can hardly expect me to accept such a suggestion as that. I am afraid it will often be found a difficult matter to secure the services of two Magistrates.

MR. STEERE: Perhaps the hon. gentleman is not aware that even some of the station-masters are Justices?

THE COLONIAL SECRETARY (Lord Gifford) did not think it was likely that any officer connected with the line would ever think of adjudicating upon a case arising out of a breach of the Railway Act. He thought there was a good deal in what the hon. the Attorney General had said, as to the difficulty of always securing two Justices to adjudicate upon every complaint arising under the Bill. As the railway came to be extended into the interior, where population was more scattered, it might happen that there were no two Justices living within a hundred miles of each other, and that any delay in adjudicating upon the complaint might be a very serious matter. He thought it might safely be left to the discretion of any railway official who happened also to be a Magistrate to say whether or not he should deal with any complaint arising under this Bill.

MR. MARMION pointed out that, in other cases, where Magistrates were interested, they were debarred from taking seats on the Bench—on licensing days, for instance; and he failed to see that there would be anything invidious in debarring the Commissioner of Railways

or his officials from adjudicating upon complaints arising under the present Bill, it being a measure in which they must necessarily be more or less interested.

MR. BURT quite agreed with what had just fallen from the hon. member for Fremantle, and he thought the object in view might be met by the introduction of a new clause providing that no Justice to be employed under this Bill shall hold any appointment under the Commissioner of Railways.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said no doubt they might be able to agree to that after going through the Bill.

MR. BURT: On that understanding, I would ask leave to withdraw my amendment.

Leave given, and amendment withdrawn.

Clause 11 was then agreed to.

Clause 12.—“If any person omit to shut and fasten any gate set up at either side of the railway for the accommodation of the owners or occupiers of the adjoining lands as soon as he and the carriages, cattle, or other animals under his care have passed through the same, he shall forfeit for every such offence any sum not exceeding Ten pounds:”

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved that the words “for the accommodation of the owners or occupiers of the adjoining lands” be struck out. Unless this were done, a gate opening into a highway would not be included.

Motion agreed to, and clause, as amended, put and passed.

Clause 13.—“If any person travel or attempt to travel in any carriage employed on the railway without having previously paid his fare, and with intent to avoid payment thereof, or if any person having paid his fare for a certain distance knowingly and wilfully proceed in any such carriage beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect on arriving at the point to which he has paid his fare to quit such carriage, every such person shall for every such offence forfeit to the Commissioner, on behalf

“of Her Majesty, a sum not exceeding Forty shillings:”

MR. STONE thought some provision ought to be made in this clause for punishing persons who, although they had paid their proper fare and possessed themselves of tickets, refused to show their tickets when requested to do so by the guard when required. He would therefore move that after the word “thereof” and before the word “or,” in the fifth line, the following words be inserted:—“or if any passenger by any railway do not produce or deliver up his ticket when required.” The amendment was not an original one, but taken from the Railway Act of one of the other colonies.

Amendment agreed to, and clause put and passed.

Clause 14.—Detention of offenders; Clause 15.—Penalty for bringing dangerous goods on the railway; Clause 16.—Penalty for obstructing construction of railway:

These clauses were agreed to *sub silentio*.

Clause 17.—“If any person shall throw any gravel, stones, rubbish, or timber, or any matter or thing upon any part of a railway, or shall drive or permit to wander, stray, or be driven upon any such railway, or the approaches thereto, any horse, ass, sheep, swine, or other beast or cattle of any kind, or shall do any other act, matter, or thing to obstruct the free passage of any such railway, or any part thereof, every person so offending in any of the cases aforesaid shall forfeit and pay for every such offence any sum not exceeding Fifty pounds, and in default of payment thereof shall be imprisoned, with or without hard labor, for any period not exceeding six months, unless the said penalty shall be sooner paid; and such penalty may be recovered before, or such imprisonment may be inflicted by, any two Justices of the Peace, on complaint to them for that purpose exhibited by any person on behalf of the Commissioner:”

MR. MARMION said this appeared to him to be a very stringent clause, more particularly that portion of it relating to permitting any animal to wander upon a railway or the approaches thereto. A man might have a horse

astray in the bush, and if, consequent upon the negligence of some careless person in omitting to shut a gate, the animal should wander on to the line, the owner would be liable to a penalty.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Certainly not. I should not for one instant put such a construction upon the clause as that the owner of a horse which through no default of his own had wandered on a line should be rendered liable under this clause, which clearly refers to the person by whose direct act the horse was allowed to wander on the railway. I do not think it could possibly be argued that the owner, sitting in his house and knowing nothing at all about it, could be punished, under the circumstances mentioned by the hon. member.

MR. MARMION said—with all due deference to the magisterial bench—some strange decisions were occasionally given, and he was afraid it was within the range of possibility that innocent parties might be made to suffer, if the clause were not amended in this respect.

MR. BROWN suggested the introduction of the word “wilfully” or “wantonly” (permits to wander).

MR. BURT understood the section was taken from the English Act, but he would point out that in England the railways were fenced, whereas, in this Colony, it might not be necessary to fence the whole length of a line of railway running through the bush.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the clause was taken from the New South Wales Act.

MR. BURT: At any rate, where the railways are fenced in. It can hardly apply to a line which is not enclosed with a fence of any kind, and upon which stock may stray every day.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) thought the objection might be met by adopting the suggestion of the hon. member for Geraldton—the insertion of the word “wilfully” before the word “drive.”

MR. BURT said that would not meet his view of the case. A man might turn forty bullocks into a paddock, and some of them might wander on the line, and it could not be said that it was not done wilfully on his part. He would propose the insertion of the following

additional words “upon any fenced railway.”

THE ATTORNEY GENERAL (Hon. A. C. Onslow) did not think it could be successfully urged that a person wilfully permitted his cattle to stray on the line, if he turned them out into a paddock.

MR. BURT said if the hon. gentleman thought that was the construction to be put upon the clause, he (Mr. Burt) was not prepared to offer any further objection to it.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) then formally moved, That the word “wilfully” be inserted between the words “shall” and “drive,” in the fourth line.

Agreed to.

Clause, as amended, put and passed.

Clause 18.—“Penalty for defacing boards used for publication:”

Agreed to without discussion.

Clause 19.—“Penalty for destroying works:”

THE ATTORNEY GENERAL (Hon. A. C. Onslow) remarked that this section was not embodied in the Imperial Act, but existed in the enactments of some of the other colonies, and was, in his opinion, a very proper provision to introduce here.

Clause agreed to.

Clause 20.—“Punishment for persons employed on railway guilty of misconduct;” clause 21.—“Publication of penalties:”

Agreed to *sub silentio*.

Clause 22.—“Recovery of penalties” read:

MR. BURT moved, That Progress be reported, and leave given to sit again on Wednesday, 23rd March.

Agreed to.

Progress reported.

#### ADDRESS IN REPLY TO GOVERNOR'S SPEECH—ADJOURNED DEBATE.

On the Order of the Day for the resumption of this debate being read,

MR. STEERE said: It is not my intention to detain the House long whilst offering a few remarks on the Address in Reply to His Excellency's Speech. In the first place, I may say that I cordially join in the congratulations of the mover and seconder of the Address as to the cause of this Council being

called together to carry into effect the recommendations made last Session for the extension of the Eastern Railway, and I think members must now see that when this House is unanimous in its representations to Her Majesty's Government, in recommending the undertaking of any work which in its opinion is for the advantage of the Colony, its representations will receive the earnest and, I may say, the immediate attention of the Secretary of State. If hon. members will but look at the date of Governor Robinson's Despatch forwarding the Resolutions adopted by the House last Session, and the date of the Secretary of State's reply thereto, they will observe that very little time indeed has been lost in this matter, the date of His Excellency's Despatch being October 22nd, and of the Secretary of State's reply, authorising the Loan, 31st December, so that he must have answered the Despatch almost by return mail, showing what an early consideration His Lordship must have given to the recommendations forwarded by this Council. While, however, congratulating the House and the Colony upon the prospect of an immediate extension of the Eastern Railway, I cannot but express a feeling of regret that the Secretary of State did not think proper to sanction the proposal to borrow the money required for the construction of a telegraph to Nickol Bay. We almost daily feel the necessity and importance of that work, and I exceedingly regret—a feeling which I am sure will be shared by other members—that His Lordship could not see his way clear to grant our request in this respect. I think, however, His Excellency the Governor exercised a very wise discretion, when he found from the Secretary of State's Despatch that His Lordship was prepared to give his approval to a Loan sufficient to cover a portion only (£20,000) of the overland telegraph to Roebourne, and for an instalment of £80,000 only of the cost of the Eastern Railway extension—I think His Excellency exercised a wise discretion in wiring to the Secretary of State that the railway was a more important work than the telegraph, and that, moreover, it would be undesirable to begin the latter until it could be carried through to completion, and in asking His Lordship's permission to appropriate the £20,000—

proposed by His Lordship to be raised as a portion of the cost of the telegraph line—for the extension of the railway. This amount expended on a telegraph line to Roebourne would have been of no use to anyone, whereas by appropriating it towards the extension of the Eastern Railway it will enable us to complete that railway as far as a point where it will immediately begin to prove very beneficial to the settlers of the Eastern Districts. I am not going to say anything at present with reference to the question of route. The Council at its last Session agreed upon a certain route, and up to the present time I do not see any reason why we should deviate from that route. I am sure when the question comes again for consideration, as it must do in the course of the present Session, hon. members will approach the matter with that good sense which has always distinguished their deliberations in this Council, and that they will not be influenced in the least by what I believe I may call the unscrupulous agitation that has been going on outside the House with reference to this question. I think the zeal manifested by some of the gentlemen who have fomented this agitation has somewhat overrun their discretion. [Mr. RANDALL: No, no.] I think so myself, and I think I am justified in saying so. I have noticed the very disrespectful manner in which this Council was spoken of in a resolution adopted at the public meeting held at Newcastle on the 8th January—a copy of the resolutions passed at which meeting have been presented to the House by His Excellency the Governor; and I am not at all sure whether we should not be doing right in taking some action in order to show that that resolution is not allowed to continue amongst the printed journals of the House. It is there affirmed that no member of the Council who supported the route adopted last Session had any personal knowledge of the country through which the railway had to pass, or of the position and capabilities of the other districts concerned. Such a statement is a reflection upon the intelligence of the House and an insult to those hon. members who either represent or reside in the districts concerned, and who must be perfectly well acquainted with their position and capabilities. I am very glad

indeed that the Secretary of State has consented to the funding of the debt which we contracted in the construction of the Eucla telegraph line—a financial operation which will relieve us from a good many of our difficulties. In this respect, however, I observe that His Excellency the Governor, in his Despatch to the Secretary of State, does not entertain the same view as to the soundness of the financial policy of funding this debt; but I am inclined to think that the majority of people will recognise the advantage of a scheme that will enable us to immediately dispose of a great portion of our deficit and thus enable us to carry on works of utility and importance which otherwise could not be done. I was somewhat surprised to hear from the hon. member for Fremantle, who moved the Address in Reply, that a great deal of dissatisfaction exists outside with reference to the rent charged for land in the Kimberley District. I am quite certain the hon. member himself does not share in this feeling of dissatisfaction, otherwise he would not have applied for so many hundreds of thousands of acres of the land in question. I regret myself that the Secretary of State did not see his way to assent to the regulations for the disposal of the land in this district as approved by the Commission appointed here to frame them, for I think the stocking regulations which His Lordship has rendered obligatory will press somewhat hard upon intending settlers in that district. But we cannot help that. The Secretary of State is the sole arbiter and judge in these matters, and we must abide by his decision. I shall not make any remarks at present with reference to the great losses which this Colony has suffered in consequence of the various actions instituted against the Government in respect of guano claims; I believe the papers connected with these claims will be laid before us in due time, when I have no doubt we shall be in a position to judge who are to blame for the great losses which the Colony has sustained in this connection. The detailed return showing the financial position of the Colony on the 31st December last having only been laid on the Table to-night, I am not able to address myself to that point, but I believe myself that the statements which were made on

this subject by His Excellency in his speech, as to the indebtedness of the Colony at the close of last year, were perfectly correct, and that we know now what our exact position is. I can only say, in conclusion, that I shall heartily support the motion for the adoption of the Address in Reply to His Excellency's Speech.

THE COLONIAL SECRETARY (Lord Gifford) said it afforded him peculiar pleasure to find, that, on the very first occasion of his having the honor of occupying a seat in that House, the object for which the Legislature had been convened was one which formed the subject of such hearty congratulations all round. On no such momentous question had the House or the Colony ever been engaged as that which, in the course of the present Session, would form the subject of their deliberations. He believed that on their action during the next few days depended not only the present welfare of Western Australia, but also hinged her future prosperity. The measures submitted by the Government for consideration were such, he believed, as would ensure unanimity among hon. members on all sides of the House; and, acting, as he was sure they would, with unity of purpose, for the general weal, the Session upon which they had just entered could not, in its results, be otherwise than regarded as a most important event in the history of the Colony. The Government were prepared to meet hon. members in a fair, open, and conciliatory spirit, and he felt perfectly certain that this feeling would be reciprocated on the part of the representatives of the people in that House. There was only one bitter drop in the cup which the Government had prepared for them—only one Bill which would not be hailed with unmingled satisfaction, and that was the measure to impose additional taxation in the shape of Stamp Duties; but, as had been pointed out yesterday by the hon. the mover of the Address now under consideration, this additional taxation must, in the present case, be regarded as a necessary evil—necessary in order to enable them to meet the interest on the proposed loan. The hon. member for the Swan had rightly stated that Her Majesty's Government had interposed no delay or obstacle to the carrying out

of the unanimous wish of the Council in the matter of railway extension, and he thought the Colony was indebted to the Secretary of State for this promptitude; at the same time he (the noble lord) was free to confess that he joined with the hon. member for Swan in a feeling of regret that the telegraph line to Roebourne could not be proceeded with at present. Their North-West Settlements were fast going ahead, and increasing in importance; the returns received from those settlements afforded every indication that they were thriving in every way, and he was sorry that there was no immediate prospect of their being connected by telegraph with the other settled parts of the Colony. So much discussion had taken place within the past few weeks on the question of the railway route that he thought he might fairly say the subject had been pretty well exhausted, and thus paved the way for an early settlement of the question in that House. He thought they might now almost confine themselves to a consideration of which route (within the means of the Colony to undertake) would be productive of the following results: confer the greatest benefit upon the greatest number, ensure the earliest return for the money invested, and most speedily assist the producers of the Colony in bringing their produce to a market. It appeared to him that if, with the money which they were now permitted to borrow, they could reach the point known as Chidlow's Springs, they would, so soon as the line to that spot was completed, effect a saving of about 15s. per ton in the cost of transporting produce to market, and that the traffic converging at that point might fairly be estimated at about 15,000 tons per annum, which would effect a saving of £11,250 a year on the cost of transport, and add correspondingly to the wealth of the Colony. With regard to the financial position of the Colony, he believed the figures furnished in His Excellency's Speech would be found to represent, within a very few pounds at any rate, the actual position of the country, financially, at the end of the past year. The position, though not one upon which the Colony was to be congratulated, was by no means disheartening; and, he believed that, by making

a virtue of necessity and practising economy, the Colony would not be long before it extricated itself from its financial embarrassments. As tending towards this consummation, no doubt the permission given them to fund the amount expended in the construction of the Eucla Telegraph would prove an important factor, relieving, as it would, the general revenue from the charges now made upon it in respect of interest upon overdrafts, and to that extent, at any rate, setting it free for purposes of Public Works of necessity and acknowledged utility. By the exercise of a wise economy in the future, and by retrenchment wherever retrenchment was possible without injury to the public interests, he believed the Colony would be fully equal to all demands made upon it. Of the necessity for exercising economy and care in the administration of the Colony there could be no doubt, for it was indeed true, as had been stated by the mover of the address, that a shameful squandering of money had occurred in connection with what was expected to have proved a valuable source of revenue, namely, our guano deposits. The day of reckoning had now arrived, and deeply, he might say, did the present Administration deplore the necessity for it, and the heavy drains upon the public funds which the claims of the two firms referred to would entail. The agreements entered into with these firms were certainly most one-sided bargains for this poor Colony, and the only source of consolation connected with the whole affair, so far as the Western Australian public were concerned, was the fact that a considerable portion of the public money wasted upon these contracts would find its way into the pocket of resident members of an honorable profession—the lawyers. This was poor consolation, he admitted, but it was the best he could offer, under the circumstances. This much, however, he might say on the part of the Government—they meant to fight hard over every penny of the public funds before they parted with it. He rather thought it would be premature, as had been suggested by some hon. members, to appoint a Commission at present to inquire into these matters. Their friends the lawyers knew quite enough already, and the Commission might show them the color

and the value of the little card which they (the Government) still held in their hand, and which they intended playing. With regard to the Kimberley District he could only say that he hoped the expectations raised by the glowing terms in which the country had been spoken of would be fully realised. His only fear was with regard to the water supply, but he trusted any difficulty experienced on this score would be overcome as the country became settled. Another difficulty presenting itself in the way of the future development of this territory was that alluded to in His Excellency's Speech—the labor question. No doubt this was a most important consideration, for upon a supply of labor suitable to its climate and its requirements, the progress and development of all new countries greatly depended. He trusted that the question was one which, as regards this Colony, would be satisfactorily solved, when they came—as they would have to do ere long—face to face with it. In conclusion, he could only express a hope that the measures which were about to be submitted for their consideration would be productive of lasting and beneficial results to the Colony at large.

The motion for an Address in Reply was then put and passed, whereupon

THE COLONIAL SECRETARY (Lord Gifford) moved that a Select Committee consisting of Mr. Marmion, Mr. Shenton, Mr. Steere, Mr. Brown, and the mover, be appointed to prepare and bring up the Address.

Agreed to.

The Committee, having retired for a few minutes, returned, and

MR. MARMION brought up the Address agreed upon by the Committee, and moved that it be read, which was agreed to.

*To His Excellency Sir William Cleaver  
Francis Robinson, Knight Commander  
of the Most Distinguished Order of  
Saint Michael and Saint George,  
Governor and Commander-in-Chief in  
and over the territory of Western  
Australia and its Dependencies, &c.*

"MAY IT PLEASE YOUR EXCELLENCY,—  
"We, the Members of the Legislative  
"Council of Western Australia, learn  
"with satisfaction that the Secretary of  
"State has sanctioned a further Loan for

"the extension of the Eastern Railway  
"and for the repayment to the Revenue  
"of the cost of the Eucla Telegraph Line,  
"and that Bills to carry out these  
"objects will be presented to us. These  
"Bills, with such other Bills as may be  
"introduced, shall receive our considera-  
"tion.

"We learn with satisfaction Your  
"Excellency's views with regard to the  
"route to be taken by the proposed  
"Railway.

"The Reports and the Resolutions  
"alluded to by Your Excellency with  
"reference to the proposed route will be  
"carefully considered.

"We regret to find that the Current  
"Expenses are still in excess of the  
"Revenue, but we learn with satisfaction  
"that so large a sum will be struck off  
"the deficit by means of the action the  
"Secretary of State enables us to take  
"with reference to the outlay on the  
"Eucla Telegraph Line.

"The question as to our Financial  
"position generally will call for and  
"receive our most earnest consideration.

"We have noted Your Excellency's  
"allusion to the claim of Messrs.  
"MacDonald and Mockford, and at the  
"same time trust that the claim of  
"Messrs. Beaver is finally settled, not-  
"withstanding Your Excellency's appre-  
"hensions to the contrary.

"We thank Your Excellency for the  
"action taken by you in reference to our  
"Addresses Nos. 8 and 28, last Session,  
"and also for the arrangements made for  
"the extension of our Coastal Service.

"We learn with satisfaction of the  
"number of applications that have been  
"sent in for land in the Kimberley  
"District, and we sincerely trust that  
"Your Excellency's anticipations with  
"regard to the future development of  
"this district will be realised.

"We agree with Your Excellency as to  
"the necessity for the importation of  
"Foreign Labour.

"In conclusion, we thank Your Excel-  
"lency for the consideration shown by  
"you for the convenience of Members of  
"Council, and we heartily echo Your  
"Excellency's congratulations expressed  
"on the completion of the first section of  
"the Eastern Railway, and on the success  
"which has attended our representations  
"to Her Majesty's Government in favor

"of a further loan for the extension of  
"this most important undertaking."

Mr. MARMION moved, That the  
Address be now adopted.

Mr. BROWN said he felt it incumbent  
to offer a few remarks upon the Address  
and the Speech which had elicited it. He  
thought it was highly desirable that hon.  
members should, so far as they could,  
place the Government and the country,  
by their utterances in that House, in  
possession of their views upon the very  
important questions about to be sub-  
mitted for their consideration. This was  
the only occasion on which members were  
at liberty to deal with subjects generally,  
and were not bound by the rules of debate  
to adhere to any particular question which  
might happen to be before the House.  
He quite agreed with the statement of  
the noble lord, the Colonial Secretary,  
that we were now called upon to decide an  
exceedingly important question in the  
interests of the Colony, but he did not go  
quite so far as his lordship in admitting  
that they never had such an important  
question under their consideration before,  
for, as a matter of fact, they had had this  
very subject under consideration at  
almost every Session during the past ten  
years. It certainly was a matter for con-  
gratulation that, at last, this country was  
able to say that in a short space of time  
the partial extension of this railway will  
be an accomplished fact; but he was very  
sorry indeed to state that he could not un-  
reservedly join in the chorus of unqualified  
approval which had gone up, both inside  
that House and outside of it, as to the ex-  
tent of the success which had resulted  
from the resolutions adopted by the House  
last Session. He did not say this in any  
hostile spirit,—much less in any captious  
spirit. He was as thankful as any one else  
in the Colony that the Secretary of State  
had given us the latitude which he had  
given us; at the same time he exceedingly  
regretted that he had limited our power  
to benefit the country to such a very  
great extent as he had done. It was ap-  
parent from the tenor of His Lordship's  
Despatch to the Governor that, in giving  
its assent to the present loan, Her Ma-  
jesty's Government would not feel inclined  
to permit us to enter the money market  
again until our financial equilibrium is  
restored. He could only say that, last  
year, he considered the financial circum-

stances of the Colony warranted them in  
proceeding with this railway, not merely  
as far as Childow's Springs, but right  
through to York, and that our financial  
condition warranted us in borrowing  
£200,000 for that purpose, and also in  
undertaking, out of loan, that other very  
necessary important work—the overland  
telegraph to Roebourne. And he did not  
see, in the mere expression of a hope on  
the part of Her Majesty's Secretary of  
State that we should not approach him  
again for the purpose of raising more  
money until we could show a cleaner  
balance sheet—he did not see in that any  
reason why we should not do so, why we  
should not approach His Lordship for  
that purpose. If the financial condition  
of the Colony last year warranted us in  
asking him to give his assent to the loan  
then proposed, surely the financial con-  
dition of the Colony now justified us in  
doing so. He failed to see that our circum-  
stances in any way were altered for the  
worse; on the contrary, there was every  
reason at the present moment to hope that  
the progress of the Colony would be quite  
as great as they thought last year it would  
be. Although, of course, the present Ses-  
sion having been convened for the special  
purpose of passing a Loan Bill to the  
extent sanctioned by the Secretary of  
State, it would not be right or proper that  
they should go into other questions; still  
he hoped hon. members would consider  
the expediency of making further repre-  
sentations on this subject at the ordinary  
Session of the Council, when it next met.  
In dealing with the question of railways  
generally, the mover and seconder of the  
address now under consideration took  
occasion to refer to the railway at the  
North. Anything that was done in the  
Champion Bay District involving public  
expenditure, generally speaking roused  
the ire of those two hon. members, who,  
he regretted to see, looked upon the  
railway up there as a work entirely of a  
local character, undertaken wholly and  
solely in the interests of the residents of  
the districts more immediately concerned,  
rather than as an undertaking of national  
utility and importance. They did not  
appear to recognise the fact that when, in  
common with other members of this  
House, they first advocated the con-  
struction of this line, there was every  
prospect of its proving a highly repro-

ductive work ; forgetful of this, they now spoke of the undertaking in sneering terms, which he thought was to be regretted, regard being had to the national importance of the work, and more especially so, in view of the fact that the hon. members themselves had been instrumental in promoting the work, as one likely to prove a financial success. And no one could dispute, that had the price of lead and copper ore—as they had every reason to suppose it would—remained what it was when the line was commenced, a financial success it would have proved, and a far greater success than was anticipated at the time. Even as it was, it had done this much good—it had saved to the Colony its mineral interest, which was unquestionably one of considerable importance, although at the present moment it was lying dormant. But had it not been for the very fact of this railway being constructed between the mineral districts and Geraldton, the present generation—at any rate, in all probability—would have had no likelihood of deriving any benefit from mining industry. As it was, it had enabled the mine owners to hold their own, in the hope that the present commercial depression—a depression which was universal, and not merely local—passed over, and the price of lead resumed something like its former value. Hon. members would then see that, even directly and financially, this line would prove as reproductive a line as any in the Colony. He would remind the House that although a railway might not pay directly, and from a financial point of view, yet it might pay indirectly ; and if railways did that, they served one good purpose for which they were constructed. For his own part, he did not expect, he never had expected, that the railway connecting Fremantle with the Eastern Districts will, as a mere speculation, pay the interest and provide the sinking fund, or, in other words, prove a financial success, or a good investment, directly speaking ; but there could be no question that, indirectly, it will prove a very valuable work, and he only hoped that hon. members, some few years hence, when the line is completed, if they found it did not pay directly, would not point to that fact in proof that they had done wrong in constructing it. The question of route was one which he would not

now touch upon. The mover and seconder of the Address had also dwelt upon another question of considerable importance referred to in the Governor's Speech—the question of steam communication with Nickol Bay—and expressed it as their opinion—at least one of them did—that it would be the duty of the House and of the Government to provide for a monthly steam service to that settlement, if not farther North. He thought it would be well that the views of every member on a question of this kind should be made known to the Government. He himself considered it premature to initiate such a service. It had not in any way yet been proved that it would pay, either directly or indirectly, and he trusted the Government would not, in consequence of a mere expression of opinion on the part of those two hon. members, jump at the conclusion that it was the general feeling of the House that such an exceedingly expensive service should be undertaken. There was one other subject to which he felt constrained to refer, namely, the Kimberley country and the value or otherwise of the regulations adopted for the sale, disposal, and letting of the waste lands within that territory. He thought it would be utterly impossible for any one to tell yet, whether those regulations would bring about the object for which they were intended, namely, the speedy settlement and occupation of the country. They were all agreed that the very best thing which the Colony can do was to have its land occupied, and that the amount paid by the occupier in respect thereof should be on a par with the benefit of having the land occupied. He was glad to have this opportunity of stating, that he exceedingly regretted the course which had been adopted in framing the regulations for the Kimberley District and in recommending them to Her Majesty's Secretary of State. He was perfectly well aware that the motive that actuated the Government in appointing a Commission to frame these regulations, and not waiting for the Legislative Council to meet, so that there should be no delay in promulgating them, was a good one, and that it was done—as they believed—in the best interests of the Colony. Still, he thought, it was a most objectionable

course to pursue. He considered it would have been very much better, and cause much greater satisfaction to the Colony generally—certainly so to himself—had the Government either summoned the Council together for that special purpose, or waited until the next ordinary Session, so that the representatives of the people might have had some voice in the framing of these regulations. As it was, the public of this Colony were in no way consulted in the matter. They never had an opportunity of expressing their views with respect to these land regulations, either through the columns of the press or otherwise, before they were recommended for the approval of the Secretary of State. He thought the people of the Colony, through their representatives, might fairly expect to be allowed to have a say as to what shall be done with the lands of the Colony. He was aware he might be reminded that with the lands of the Colony we have actually nothing to do, that the Imperial Government still retains hold of them, and that we had no absolute right to any voice in the framing of these regulations. At the same time he thought it worthy of consideration that, for the exploration of this Kimberley district, the people of this Colony had had to pay some £1500 or £2000, and he remembered distinctly that, when the subject was introduced in the House, the money voted for that purpose was voted in the firm belief and expectation that the Government would act, with regard to the land regulations for this territory, as it had acted, on similar occasions, for years past, and consult the members of that House in the matter. And the Government itself assented, at the time, to that sentiment. It was stated by hon. members all round that they were not going to vote public money for the exploration of this territory, other than upon this understanding. Nevertheless, it was not done; that House was never consulted in the matter, and he could only express a hope that such a thing would not occur again—that if the existing regulations were to be revised, or fresh regulations framed, the public, through their representatives, would be afforded some opportunity, as they had in past years, of having a voice in deciding what those regulations shall

be. He had no further remarks to offer.

MR. RANDELL said the hon. member who had just sat down said that, on occasions such as the present one, hon. members were allowed considerable latitude in addressing the House; but he (Mr. Randell) did not intend to take advantage of that latitude and greater freedom of speech in order to follow the hon. member through his very discursive and able speech, and one full of information. His object in rising was simply to prevent his being misunderstood, if at a future time he should have to criticise the loan itself, or rather the route along which it was proposed to carry the railway, or along which it was agreed last Session it should be carried. It was not his intention to move an amendment to the Address, or its rejection, although it would be competent for him to do so; he merely wished to remove any misunderstanding in the event of his having hereafter to oppose the route decided upon, or the loan itself. He agreed with very much that was embodied in the Address—in fact with almost all of it, except one or two paragraphs. In conclusion, he could only say, for himself, and he believed he was expressing the feeling of every other member present, that he hoped the promises—he might almost call them so—made by the noble lord the leader of the Government would be fulfilled, and that they should have things carried on in a way that would not lead to any further errors or blunders, that the dissensions which may have existed in the past would no longer prevail, and that the right hon. gentleman's hopes as to the future prosperity and advancement of the Colony generally, and of the Northern District especially, would be entirely fulfilled.

MR. CROWTHER said he was perfectly in accord with the hon. member for the Swan—that the appropriation of £20,000 (as originally recommended by the Secretary of State) towards the extension of the telegraph to Roebourne would have been useless, as it would have merely taken the line into the wilderness, and left it there. He was not prepared to join in the expression of regret that this project had been for the present abandoned, for in his opinion it was of far more importance to establish more frequent steam communication with

our North-West Settlements than to connect them with us by telegraph. If a line of telegraph were erected to-morrow, or if it had been in operation before the late disastrous hurricane took place, what, after all, would it have done? It would have given people a few weeks more anxiety as to the fate of the pearling fleet, without at the same time enabling us to render them any practical assistance; whereas if we had regular and frequent steam communication with those settlements we would have been in a position to afford them some timely relief. He therefore sincerely hoped that, when the question came forward again, the Government would pause before they would attempt to construct a line of telegraph to those parts before they established more frequent steam communication with them. He believed if the relative advantages of the two proposals were carefully considered by the members of that House and by the outside public, they would more readily support a line of steamers than a line of telegraph. He regarded the arrangement made for a service every four months as a stepping-stone to the establishment of more frequent communication with these remote settlements, and he hoped the time was not far distant when they should have a regular monthly service. As to the railway question, he would say nothing beyond this—whatever the Champion Bay railway had done, it had proved an excellent, if expensive, school for those who had charge of our railways, and it was to be hoped they would not ignore its teachings. So far as the Kimberley district was concerned, he thought the land under our existing system of dealing with it was actually thrown away. He was convinced that by far the greater portion of the land applied for had been merely taken up on speculation, rather than as an honest investment. His only wonder was that people who had been for so many years engaged in framing the land regulations of the Colony had not seen before now how favorable those regulations were to reckless speculators, and for enabling mere adventurers, without means or capital, to become successful land-jobbers on a very large scale. A dozen of these enterprising spirits, properly organized, and able to raise a couple of hundred pounds among them,

might have taken up all the land in the district, and no law could have prevented them.

The report was then adopted.

MR. MARMION moved, That the Address to His Excellency the Governor, in reply to his Speech, be presented by Mr. Speaker and other members of the House, on Thursday, 24th March.

Ordered.

The House adjourned at ten o'clock p.m.

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## LEGISLATIVE COUNCIL,

*Wednesday, 23rd March, 1881.*

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Eastern Railway Extension: Stirling Square, Guildford  
—Report of Finance Commission—Eastern Railway  
Extension—Message (No. 1)—Message (No. 2)—  
Message (No. 3)—Petition—Contract with owners  
of Otway and Rob Roy—Eastern Railway Extension  
Bill—Stamp Duties Bill—Loan Bill—Jury Act  
Amendment Bill—Railways Act Amendment Bill:  
in committee—Adjournment.

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

PRAYERS.

EASTERN RAILWAY EXTENSION:  
STIRLING SQUARE, GUILDFORD.

MR. BURT, in accordance with notice, moved the following resolution: "That in the opinion of this House the extension of the Eastern Railway should not be carried through Stirling Square in the town of Guildford, as at present contemplated by the Commissioner of Railways." The hon. member thought it highly desirable that some such resolution as this should be affirmed, in order to save the Square from being destroyed, as the "Green" at Fremantle had been. It would be in the recollection of hon. members that, though the people of Fremantle were told that their "Green" would not be taken away from them for railway purposes, it was taken