

THE COLONIAL SECRETARY (Lord Gifford) moved, That the word "East" be substituted for "South-east," in the 3rd line. This would be a much better boundary than the present one, which included a portion of the Geraldton District.

This was agreed to, and the Schedule, as amended, put and passed.

Schedule B—agreed to.

Preamble and title—agreed to.

Bill reported.

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

LEGISLATIVE COUNCIL,

Thursday, 31st August, 1882.

Land Regulations: Pre-emptive rights to renewal of Leases—Excess Bill, 1881: Report of Select Committee—(Message No. 3) Concessions to Jarrahdale Timber Co.: Report of Select Committee: Adjourned debate—Adjournment.

THE SPEAKER took the Chair at noon.

PRAYERS.

LAND REGULATIONS: PRE-EMPTIVE RIGHTS TO RENEWAL OF LEASES.

MR. VENN, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to obtain the sanction of the Secretary of State to such an amendment in the present Land Regulations as will provide that lessees of Crown lands, on making application for a renewal of their leases at any time within one month previous to the expiration of such leases, shall have a prior claim to a renewal thereof, under such provisions as may be in force at the time, and thus ensure that present leaseholders shall not be disturbed in favor of new applicants; for although the Council believes that the Government would not willingly sanction leases which have lapsed being capriciously taken from one man and given to another, still the legal obligation of

"the Government might compel it to do such an injustice; and the Council is of opinion that all doubts as to renewals should be removed, and that express provision should be made by a further regulation for granting a prior claim to existing lessees for a renewal of their leases." The hon. member said, although he had felt very much the importance of the question involved in this resolution, he did not think that, in submitting it for the affirmation of the House, he need enter upon any lengthy speech, for he was sure that every hon. member equally with himself realised the importance of the subject as regards existing tenants. The question of an extension of tenure in respect of pastoral lands was a question that had been very prominently before the public during the past year, and though personally he had not taken any prominent part in the discussion, he had listened very attentively to what had been said, and he now felt proud to come forward on behalf of the leaseholders to support what he considered to be their just claims. Certain proposals had been put forward by an hon. member of that House with a view to amending our existing regulations, but it could not be said that those proposals had met with the general approval of the country, and a great deal of strong argument had been adduced in opposition to them. Still there had been nothing advanced, by way of alternative proposals, sufficiently encouraging to induce any hon. member of that House to bring forward any fresh regulations, and he thought that, generally speaking, the feeling of the country was that it would be as well at present not to interfere with the existing regulations. They had also an expression of the Governor's opinion that, so far as the rights of present leaseholders were concerned, they might rest tolerably certain of a renewal of their leases, as they had a moral right to such renewal; but the present resolution went further than that, and sought to give them a legal right, under such provisions as may be in force at the time. In submitting the resolution for the approval of the House he might, in conclusion, say, that he had no ulterior object in view beyond doing a simple act of justice to a large section of the community.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the question involved was one of very grave importance, and one in which he felt great personal interest. The circumstances of the Colony had very materially altered since the existing regulations were framed, and the subject was one which demanded their most serious consideration. He thought the interest of all parties would be best served, if he moved the adjournment of the debate, in order that he might be prepared at an early date to express, in concise terms, his views on the matter. It was a matter as regards which, he believed, he was right in saying His Excellency the Governor felt a great interest, and he hoped there would be no opposition on the part of hon. members to report Progress and ask leave to sit again, at an early date.

This was agreed to, and the debate adjourned until Monday, September 4th.

EXCESS BILL: REPORT OF SELECT COMMITTEE.

IN COMMITTEE.

MR. STEERE moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to carry into effect the recommendations contained in the Report of the Select Committee appointed to consider the over-expenditure dealt with in the Excess Bill, 1881." Hon. members, no doubt, would have read the report referred to, and consequently were acquainted with the recommendations embodied in it, to which reference was made in this address. These recommendations, principally, had reference to the travelling expenses of officials, and medical attendance. On examining into the various accounts and vouchers under the head of "Travelling Expenses of Officials," the Committee had ascertained that, in more than one instance, officers who were receiving forage allowance had, notwithstanding this allowance, made a claim upon the Government for the cost of foraging their horses, when travelling on duty. Indeed in one instance that came under the attention of the Committee, an officer in receipt of forage allowance had been permitted to charge the

Government with his railway fare and mileage rate, in addition to hotel expenses. The Committee were of opinion—an opinion which he was sure would be shared in by every member of the House—that such unreasonable claims should no longer be sanctioned. This was one of the recommendations made by the Committee, and which the address asked His Excellency to carry into effect. The cost of transporting officers, when removing from one district to another, had also engaged the attention of the Committee, and it was found that in some instances the passage of officers' domestic servants were actually charged, rendering the cost of removal from one district to another a very heavy charge upon the revenue. In the case of officials coming here from England to fill colonial appointments the regulation allowance for their passage was only £100; yet, in one instance of an officer removing from one district to another within the Colony the charge made amounted to no less than £68—nearly as much as was allowed for the passage from England to the Colony. The Committee considered that, in future, the passage of servants of public officers should not be allowed, when these officers are removing from one district to another. In the course of their inquiry, the Committee had also noticed that in some instances claims for medical attendance had been made upon the Government, in respect of officers provisionally employed, and who had accepted office here on the distinct understanding that they were to have medical attendance free. He thought that in all such cases, where special agreements to that effect were made, the Government medical officers should be required to give their attendance as a part of their ordinary duty, and without making any extra charge against the Government. The other members of the Select Committee being in accord with him on this point, they had recommended that the medical regulations should be so adapted as to meet the views of the Committee on the subject. Of course this would only apply to officers who accepted employment on the distinct understanding that they were to have medical attendance free, and not to all officers provisionally employed. There were other matters

referred to within the report which he thought the Council would have to deal with, in a separate form—matters of very serious importance, and especially that relating to the withdrawal of the Imperial grant towards the cost of the Water Police. He hoped the House would, without a dissentient voice, agree to the adoption of the address to the Governor, praying him to give effect to the recommendations of the Committee: he said without a dissentient voice, because an address adopted as the unanimous expression of the opinion and wish of the House must necessarily carry greater weight with His Excellency than it otherwise would.

MR. CAREY said he had been a member of the Select Committee whose report was under consideration, and if he had found that any of the other members would have gone with him he should have recommended that the charges made in respect of forage by officers drawing forage allowance should be disallowed by the House; and the same with regard to some of the other charges, which were most unreasonable. In some cases as much as £1 4s. 6d. per diem was charged by an official for his hotel expenses alone. He thought it would be as well he should refer to some of these charges more in detail than the hon. member for the Swan had done, in order to show public officers that these matters were closely scrutinised by the Legislature, and with a view of preventing their recurrence in future. This same official who charged £1 4s. 6d. a day for his hotel expenses, also charged his railway fare, although in receipt of £100 a year forage allowance, while at the same time charging for forage for his horses in addition to his own hotel expenses. There was also a charge of £1 11s. 8d. a day, for three days, in June, 1881,—£1 15s. in all for hotel expenses; £2 2s. for mileage, and an additional 6d.—sixpence!—for petty expenses. He thought this sixpence might have been dropped, looking at the exorbitant charges made in other respects. Another official, in receipt of £50 a year forage allowance, charged for his forage when on duty, and charged at a pretty high rate, too. In looking over the vouchers, it was found that in addition to hotel expenses, in more than one instance,

there was a charge of 10s. for forage, and at another hotel a little farther on the road, on the same day, another 10s. charged; in addition to which there was a charge of 3s. for horse feed on the road. Surely this sort of thing was never contemplated by the Legislature, nor, if known, would it be tolerated by the public; and he hoped the House would put a stop to it, and that no such items would ever again figure in an Excess Bill. The hon. member for the Swan had alluded to the charges made in connection with the removal of public officers from one district to another. The charge made in one particular instance did not appear very clear, but it appeared to him that among other things in respect of which a claim was made, in connection with the removal of an officer, was a charge for the carriage of eight bales of hay, per steamer. It was bad enough to charge for servants, without also making the public pay for an officer's bales of hay.

MR. SHENTON said that he also, as one of the members of the Select Committee, had been particularly struck with the large expenditure incurred under the head of travelling expenses of officials. It did seem rather strange that, whereas only £100 was allowed for the travelling expenses of an official all the way from England to Perth—not to Albany, where he first landed from the steamer—something like two-thirds that amount should be charged in the case of an official removing from one district in the Colony to another, and that not very far distant. He did not think it was ever intended by that House that these large sums should be paid to officers removing from one district to another, when they were promoted to a better and more lucrative appointment in the service. Now that the attention of the Government had been directed to these matters, he hoped they would be attended to. Hon. members would observe that in the last clause of the Select Committee's Report, the following observation appeared—and it was one which he thought the House would agree in, as it appeared to him a very important matter. The paragraph had reference to the Auditor General, and was well worthy of attention: "As the Auditor General, in answer to certain questions addressed to him,

"appeared to be of opinion that the signatures of the Governor and Colonial Secretary attached to warrants for the payment of money were a sufficient guarantee of the propriety of charges contained therein, your Committee desire to state that they think that the Auditor General is primarily responsible for each charge covered by a warrant being a legitimate one, and that he cannot be held excused for any improper expenditure, unless he makes a special report to the Governor and Colonial Secretary in accordance with the provisions of the Audit Act." Perhaps it would be as well he should explain to the House why the Committee had referred to this matter. In looking through some of the items of expenditure, they found certain amounts which it appeared to them ought to have been queried by the Auditor General, and on drawing the attention of that officer to the matter, he informed them, to their surprise, and without any beating about the bush, that if he saw the Governor's and the Colonial Secretary's names to a warrant, he considered he was relieved from all responsibility in the matter. He (Mr. Shenton) had always been under the impression that before accounts were sent in for the Governor's signature, it was the duty of the Auditor General to examine them, and, should he be of opinion that any item was not a proper charge, to query it. But the Auditor General himself appeared to be of a different opinion; he seemed to think that if accounts go to the Governor and the warrant is signed for its payment by His Excellency, he (the Auditor) was relieved from all further responsibility, and that he had nothing more to do with the account. Possibly, now that his attention had been called to the matter, that officer would be more particular in future. It was perfectly impossible for the Governor or the Colonial Secretary to go through every item of expenditure, and, unless it was the duty of the Auditor General to check the public accounts, what was he appointed for at all?

THE COLONIAL SECRETARY (Lord Gifford) said he was glad to find that, so far as the items of over-expenditure went, hon. members had so little fault to find. As to the matters to which atten-

tion had been drawn in the report of the Select Committee, no doubt they were matters that did call for inquiry. As regards the officer who, on one occasion, charged his mileage rate in addition to his railway fare, his (the noble lord's) attention had been directed to that matter some time previously, and he immediately issued instructions to put a stop to it, for it appeared to him perfectly exorbitant to charge mileage rate and afterwards charge railway fare. He was perfectly certain there would be no repetition of it. As to the bales of hay referred to by the hon. member for the Vasse, as having formed part of the baggage of an officer removing from one district to another, that was a mistake, there was simply an outside covering of hay or straw to protect some bedding and other articles. With regard to the charges made for medical attendance upon officers provisionally employed, no doubt it was desirable that some better understanding than that which now exists should be arrived at on this point. How the affair arose was in this way: two officers who were engaged in connection with the expenditure of loan money came here on the distinct understanding that they were to have medical attendance free if they required it; but, under a regulation which had been drawn out some time previously, and approved by the Governor, no officer provisionally employed in the civil service was entitled to medical attendance, and, under this regulation, the Government felt bound to pay the medical attendant his costs. As hon. members had not referred particularly to any other items constituting the Excess Bill, it was unnecessary for him to refer to other matters at present. The Government, on their part, had endeavored in every way to prevent any over-expenditure occurring, and he thought it would be generally recognised that the larger items in the present Bill were unavoidable on their part. As to the reference made to the Auditor General, and his duty to examine into all charges of expenditure, he quite concurred with what had fallen from the hon. member for Toodyay on that subject, and he should certainly bring the matter under the notice of that officer.

MR. S. H. PARKER: If officers pro-

visionally employed are not entitled to medical attendance, may I ask the noble lord whether the recently appointed Inspector of Volunteers comes under that designation, and whether he will have to pay for such medical attendance as he may require?

THE COLONIAL SECRETARY (Lord Gifford): That officer comes within the category of officers provisionally employed, and as he did not come here on the understanding that he would receive medical attendance, free, of course he is not entitled to such attendance. If he were allowed medical attendance, as part of his emoluments, that would be taken into consideration, under the Army Regulations, in dealing with his pension; so that I do not think the hon. member need trouble himself any further on that score.

MR. BROWN wished to remark upon one paragraph in the Select Committee's report, to which, as a member of that Committee, he had dissented, namely; that referring to the payment of servants' passages when officers are removed from one district to another. He was perfectly in accord with the hon. member for the Vasse, that an officer's hay should not be paid, as part of his baggage, but he thought it was a very different thing as regards an officer's servants. These officers were generally removed from one part of the Colony to the other in the interest of the public service, and, as it was necessary they should take their servants with their families when they removed, it would be very hard indeed upon the master to have to pay his servants' passage money, or otherwise dispense with their services.

MR. SHENTON thought, after what had fallen from the hon. member for Geraldton, the best plan to deal with this question would be for the House to adopt the same course as it did eight years ago when a Select Committee went through the Crown Agents' account. They then discovered that the Harbor Master (Captain Croke, R.N.) was found not only his passage, but also the passage of his wife and child, which was distinctly in opposition to the existing regulation. In a subsequent inquiry they were told that the Legislature had not laid down any definite regulations on the subject, and, under the circumstances,

the Secretary of State considered he had been perfectly justified in making that concession to the Harbor Master. That House then adopted a resolution on the subject, to the effect that in future the passage allowance to any officer should not exceed £100, and that resolution had been adhered to, strictly, ever since. This £100 was to cover the whole expense of the passage of the officer and his family, if he had any. And now that there appeared to be the same misunderstanding as to the expenses of officers removing from one district in the Colony to another, he thought it would be as well that some resolution, to the same effect, should be adopted, before the Session closed, fixing the amount to be allowed in all these cases.

MR. CAREY noticed that the noble lord said nothing about forage; he said, in future, railway fares would not be allowed where mileage rates were charged, and *vice versa*, but nothing about forage being charged by officers in receipt of forage allowance. He hoped the noble lord would also put a stop to that. The noble lord's remarks with reference to the action of the Auditor General were in every sense satisfactory, and such as he would have expected from the right hon. gentleman. It appeared to him, when that officer was examined, before the Select Committee, he had very hazy notions as to his duties. He was sure if the Auditor General had drawn the noble lord's attention to some of these charges, they would never have appeared in this or any other Excess Bill. He noticed that in the present Excess Bill, as in many other similar Bills in the past, there was no over-expenditure in connection with the Surveyor General's Department. Surely, if the Surveyor General was able to confine himself to the vote passed by that House for his department, other heads of departments ought to be able to do the same. Of course there were some departments in the service where this would be almost impossible; but there were others, in which over-expenditure figured year after year, which might well adopt the example afforded them by the Surveyor General. The present Excess Bill, after all, was a very small one, if they took from it such items of expenditure as had been unavoidable. It ex-

ceeded very little the margin which that House authorised the Government to incur, beyond the votes of the Legislature—£5000; on the contrary, he found it was below it.

MR. BROWN: What about the Supplementary Estimate?

MR. CAREY said that was altogether a different thing. The Government in that case came before the House and said they wanted such and such a thing—they wanted so much money in excess of the annual vote, and they asked the House to let them have it. That was a very different thing to spending money without any legislative authority.

THE COLONIAL SECRETARY (Lord Gifford) said, with regard to the hon. member's remarks as to forage being charged for by officers already in receipt of forage allowance,—with one notable exception no such a charge had ever been made, and that was made by a gentleman who had two different districts under his jurisdiction. In the case of that officer a certain arrangement existed with regard to forage—he was not prepared at the present moment to say what were the terms of that arrangement; but, if he found there had been a mistake made, or an overcharge, he would be the first to send back the account and have the surcharge refunded.

The resolution was then put and passed.

CONCESSIONS TO JARRAHDAL TIMBER Co. (MESSAGE No. 3): REPORT OF SELECT COMMITTEE.

The House went into Committee for the further consideration of the Report of the Select Committee on the subject of granting certain concessions to the Jarrahdale Timber Co.

MR. MARMION said when the debate was adjourned the other day, the Committee were engaged in discussing the amendment submitted by the hon. member for Geraldton. In order to try conclusions, and to see whether the House was really inclined to grant any very large concessions to the company, he would move the following amendment upon the amendment of the hon. member for Geraldton: "That in the opinion of this Committee, the advantages likely to be derived by the Colony from the extension of the Jarrahdale Timber Co.'s railway from its present terminus to a

"point on the Albany Road, near the 50-mile post, are not of such a nature as to warrant any large concession of land being granted by the Colony for the carrying out of such extension." This resolution, if carried, would possibly save a good deal of time and obviate a great deal of fruitless discussion; on the other hand, if rejected, it would still leave the main question at issue open to further argument. The Select Committee, in their report, expressed an opinion that the completion of a railway from Rockingham to the Albany Road would be a great benefit to, and promote the development of the districts contiguous to the Eastern terminus of the line—provided, however, that such extension be made to a point somewhere about the 50th-mile post; but they did not think that material public benefit would be found by extending the railway to the terminus suggested by the company. They laid stress upon the fact that the extension which they recommended would especially benefit the country eastward of Staunton Springs, and also Moorambine, Wandering, and the Williams. They then went on to say, that these districts may be said to contain a large extent of land quite equal to that which is generally styled "agricultural" in this Colony, and that they possess a climate considered favorable for the growth of wheat; also that, as regards Moorambine, that district had for many years produced a quantity of grain, while the other districts had been reported as "admirably suited for agriculture." No doubt this might be all very correct; at any rate, he had no reason to doubt the statements put forward by the Committee in their report. But he would like to draw attention to one fact—he wished more particularly that hon. members should consider the two first points named, namely, the benefits which the proposed extension would confer upon Moorambine and the Staunton Springs. Hon. members were of course aware that we were now extending a line of railway to York, and that when we arrive there we shall only be about 47 miles distant from Moorambine and 49 from Staunton Springs. Now the proposed terminus of the Committee would still be 40 miles distant from Moorambine and 33 miles from Staunton Springs; so that if the

House accepted the proposal to extend the company's line to the 50th-mile the only advantage which it would offer over the Eastern Railway terminus at York, as regards distance from the districts mentioned, would be this: it would be seven miles nearer to Moorambine and about sixteen miles nearer to Staunton Springs. That was all. To his mind, and in all probability, the traffic from Moorambine and Staunton Springs would be more likely to proceed in the direction of York—the settlers there being more closely connected—than to converge to the terminus of this private line. He would also draw attention to the fact that the construction of this private line would be placing another railway in competition with the State line, and he need hardly point out that any traffic diverted from the State line would be so much loss to the public revenue. Something was also said in the report about a block of good timbered country which would be brought near, if the company's line were extended as proposed, but he did not think much stress ought to be laid on that, in the face of what they were told by the Director of the company who addressed the Governor on the subject, who said that even at Rockingham the timber business never paid the company. If the cutting and hauling of jarrah from a point only twenty miles distant from the coast did not pay, what probability was there that it would pay to prosecute the industry sixty miles from the coast? He would also draw attention to another point in connection with the Select Committee's report, or rather in connection with the debate which had arisen out of it. Much stress had been laid by some hon. members in insisting that the company's works should revert to the Government at the termination of their agreement; but he would point out to the House that this would not take place for another fifty years, as the lease had that time to run. They might take it for granted that the company, during this fifty years, would make as much use of their line and other works as they could, and he doubted very much whether the property would be of much value fifty years hence. He thought the Committee had failed to grasp that point. There was another thing to be considered,—he saw nothing in the

articles of agreement providing that, if at any time the railway works should be stopped for any length of time, the line should revert to the Government. The Select Committee recommended that the land to be conceded to the company should be taken up along the line,—or, at any rate, shall not be selected in the Central District. He failed to see what principle the Committee had adopted in making that recommendation. He thought it would be hardly fair either to the company or to the Colony to compel them to select their land in a part of the Colony which derived no benefit whatever from this line. It might be said that people in the Central District had a vested interest in the land, but he failed to see why they had more interest in the land than settlers in other districts had. They held their land under the same regulations, and, unless the land in this district is of greater value than the land in any other part of the Colony, he failed to see the force of the argument in favor of excluding the company from taking up their land in this particular district. He believed it would be discovered that the intention of several members of the Committee was that the land should be taken up by the company in the Kimberley District; but, according to the price now charged for land in that district, it was worth as much as land in the Central District. If, however, such was not the case—if the Kimberley land was not so valuable as land in the Central District, the sooner the better the price of that land was reduced. The Director whose letter accompanied His Excellency's Message said that the company had, in every respect, and to the fullest extent, discharged all its obligations; but it had struck him, on looking at the articles of agreement, that the company had not, in every respect, fulfilled its obligations. The 8th clause in the articles of agreement required the company to acquire corporate rights in this Colony, and to hold their lands and be generally represented here by or through the medium of trustees. He might be wrong, but he was under the impression that this clause in the agreement had never been carried into effect, and that, in consequence thereof, some years ago, the then company, which was styled the Rockingham

Jarrahdale Company, was enabled to escape the payment of large sums of money, in the shape of debts, which were contracted here. Whatever might be the result of the present debate, he thought it was the duty of the Government to see that this clause in the agreement was carried out, and that the present company shall be incorporated in this Colony, so that creditors here may be protected in the future. There was something in Mr. Casey's letter to the Governor which seemed to imply that this Government had not carried out in its entirety their part of the agreement. "One of the clauses in the agreement," Mr. Casey said, "provides that the company, so soon as Cockburn Sound shall be notified in "the *Government Gazette* as accessible for "shipping generally from seaward, in "consequence of improvements and works "that may hereafter be made to and in "the passage"—when all this is done, the company shall provide and maintain a steam tug. There was an implication here—though Mr. Casey was very careful not to say so in so many words—that the Government had not carried out these improvements, and that consequently the company had been limited in their choice of ships. The facts of the case were these: at the time this agreement was entered into, the Challenger Passage had not been surveyed, but it was expected that within a short space of time an Admiralty Surveyor would be sent out here for the purpose of surveying our coast, and of making a thorough survey of Fremantle and its surroundings; and it was in consequence of a doubt which had existed at that time as to the depth of water in the Challenger Passage that this clause was put in the articles of agreement. It was expected that probably a good passage might be discovered into Cockburn Sound, and, in that case, the company would provide a tug, for the purposes set forth in this clause. But when Captain Archdeacon made his survey, Challenger Passage was condemned, for the navigation of vessels beyond a certain depth. Under these circumstances, he did not think the Government was to blame in any way; nor could they be fairly charged with having failed to carry out their agreement as regards this passage. With reference to

the 6th clause in Mr. Casey's letter, in which it was stated that capital to the extent of £150,000 had been invested by the company; that no effort had been spared, and that every reasonable expenditure that prudence would recommend had been incurred, to develop a profitable trade in timber, but without success—no doubt, every credit was due to the company for the enterprising manner in which they had prosecuted the business, and it was a matter for regret—if it was as they stated—that no profit had been derived from the concern. But it was hardly an argument to put forward, that because the company had derived no profit from their venture the Colony should be called upon to deviate from the arrangement entered into with the company on behalf of this Colony, and to concede privileges to them which were never contemplated when the arrangement was made. He would also ask hon. members to consider what would be the probable result, as regards other companies, if this concession were granted. Every other timber company would expect to be dealt with in the same way, and where were they going to end? He would also remind the House of what had recently taken place in connection with the Ballarat Timber Co., to whom very liberal concessions were made some years ago, but who now wished to transfer their rights and privileges to a larger and wealthier corporation in England. This the Council refused to agree to, as regards that company, and how could it with any grace grant these concessions to the Jarrahdale Company.

Mr. SHENTON thought the House should seriously consider, in the first place, whether it was advisable to make it worth the while of any company to construct a line of railway which, when completed, may come into opposition with the present Government line. He himself thought this proposed extension would, if not directly then indirectly, and to a great extent, affect the traffic on the Eastern Railway. If the district about the Williams required more facilities in the way of transit, he thought it would be much better for that House to come forward with a scheme for the extension of the railway from York to South Beverley, which would bring the

terminus almost exactly the same distance as it would be if the Jarrahdale line came out at the 50-mile. There was another point to be considered: supposing the House to grant this concession, the other terminus of the line would be at Rockingham, which was fifteen or eighteen miles from Fremantle, and farther still from Perth. In considering a question of this kind, he thought the House was bound to take into consideration, first of all, the injury it may do to what he might call the vested rights of Perth and Fremantle. On looking at the articles of agreement, he noticed that the contract in the first place was made with the Rockingham Jarrah Timber Company, but he understood no such company was now in existence. He had a somewhat painful recollection of that company, and so had other people in this Colony, who trusted them to the extent of some £5,000, of which not a farthing had been paid to this day, the whole concern being sold in Melbourne for the paltry sum of £8000; and yet the present company boasted of having expended £150,000 on their works, and seemed to think they had a further claim upon the Colony. If the present company had a right to the interests of the old company, he agreed with the hon. member for Fremantle that it was imperative upon our Government to insist upon the 8th clause of the articles of agreement being carried out; and if he found, next Session, that this had not been done, he should move a resolution to that effect, for he thought the people of this Colony had a right to be protected. This clause was, no doubt, put in advisedly by the Government of the day, so that the company should be placed on the same footing, as to their liabilities, as local companies. Another point to be considered was this: if we are going to give this concession to the Jarrahdale Company,—the W. A. Timber Company, as pointed out by the hon. member for Fremantle, would have a right to ask, “Why give these concessions to one company when you refused us the concession we asked for, thereby depriving the Colony of the benefits to be derived from the influx of a large amount of foreign capital?” If we wanted railway extension, we had better

undertake the work ourselves than to alienate the land of the Colony to outsiders. If the land was worth anything to speculators, it was worth as much to the Government.

MR. BURT was afraid the whole question was going to be decided on a side issue. He would remind the House that the only question before them was the proposal made by the company, and the advisability of accepting it, or otherwise. They had nothing to do with the concessions made to the Rockingham Company, or the Ballarat Company, or any other company except that whose proposition was now before the House. With reference to clause 8, hon. members had totally misconceived the purpose and operation of that clause. The hon. member for Toodyay seemed to think that, as regards the Rockingham Company, people were let in because of the non-existence of such a clause as this in the company's charter, whereas, in fact, it was nothing of the kind. The mere fact of the company not having acquired corporate rights here had nothing to do with the fact of people losing their money; that was because the company's plant was heavily mortgaged in Victoria, and these claims of the mortgagees had first to be satisfied. It was under that mortgage that the company's works were sold, and the present company bought them. The original company was perfectly at liberty to sell their concessions, and the present company were entitled to all the rights and privileges of the old one. When Mr. Casey said that £150,000 had been expended on these works he was very careful not to say that the whole had been expended by the present company. In order to approach the consideration of this question in a proper spirit, it should be borne in mind that the company's concessions extended over a period of twenty-eight years, of which term only about one-fourth had yet expired. They were afterwards entitled to extend this term of twenty-eight years for a further period of fourteen years at the same rent, on payment of a fine of £500, and also to have a still further extension of another term of fourteen years on payment of a sum of £3,000. Therefore, for the payment of £3,500, which they need not pay in full for the next forty-two years, the company would be entitled to retain

their present rights and immunities for another half a century, and they need not extend their railway to the Albany road until that period expired. As to the Cockburn Sound clause and the obligation on the part of the company to provide a steam tug, obviously the Government did not consider that anything had been done on their part to improve the passage to that harbor—at any rate, nothing that would justify them in asking the company to provide a tug; and, in the absence of that application, the company could not be charged with default. Upon a perusal of the whole of the articles of agreement, he came to the conclusion that the company, on their part, had carried out all they agreed to do. [Mr. MARMION: For their own benefit and convenience.] Most decidedly for their own benefit and convenience. As to the present proposal, they (the company) were not bound to extend their railway to the Albany Road for the next forty years, but they came forward and said, in effect: “You cannot compel us to make this line, but, in the event of our undertaking to construct it at once, what concession are you prepared to give us.” The company, indeed, had done more than they agreed to do, for, instead of a wooden tramway, they had constructed a substantially built railway, with steel rails. They did not, however, ask any consideration because they had done this: all they asked was that, in the event of their extending their line now, they should receive some compensation. It could not be said for a moment that this extension would benefit the company alone. His Excellency, in his Message, said: “The Governor is of opinion that the completion of a railway from Rockingham to the Albany Road would be a great benefit to, and would promote the development of, the districts contiguous to the proposed Eastern terminus of the line, and if your Honorable Council should consider that the project is one which, in the interests of the Colony, it would be expedient and proper to encourage by means of a reasonable concession of land, the Governor will be happy to co-operate with you with a view to the carrying out of the proposal. The remark of the Director that the proposed addition to

“the railway would bring into public use the line already built, carries with it a reasonable suggestion, and one which may fairly be taken into consideration in estimating the acreage per mile which it would be proper to offer for the extension.” All the House was asked to do was to say whether the company should not be encouraged to carry out their proposal, as one which would be beneficial to the Colony; but, at the same time, bearing in mind which would be most advantageous,—the extension of the Jarrahdale line or of the York line. Should the company’s proposal be accepted, with the modification suggested by the Select Committee, care must be taken that the Government, in the event of a breach of the conditions agreed upon on the part of the company, shall have power to exercise full control over the line. He was afraid that neither the original resolution nor the amendment satisfactorily disposed of the question at issue. The concession contemplated by the resolution was so inadequate that he was afraid the company would not consider it for a moment; nor did the amendment dispose of the subject, beyond leaving it in the hands of the Government.

Mr. BROWN said the amendment simply left the negotiation in the hands of the Government; no definite agreement would be arrived at without reference to that House.

Mr. RANDELL said he had expressed, in Select Committee, his objections very strongly to the proposal under consideration, seeing what little benefit the line would be to the public, in view of the distance of the terminus from the agricultural centres. No doubt the country about the Williams was capable of being developed, but the question was whether such a line as this was likely to have any beneficial tendency in that direction. The distance which produce would have to be carted to the terminus on the Albany Road, in the first instance, and, again, the distance it would have to be conveyed from the Rockingham terminus to Fremantle and Perth, rendered it very doubtful whether this railway would be any great boon to the public after all. It appeared to him more desirable that they should go in for an extension of the Eastern Railway,

especially seeing that this line, immediately it left York, would enter into good agricultural country, which would help to feed the main line. As to the plea that the company had not yet derived any profit from their investment, that might be their own fault—he did not say that it was; at any rate it was a misfortune. But it did not follow that they would not be able to carry on the business with profit hereafter. He was, however, not disinclined to support the proposition put forward by the hon. member for the Swan, limiting the concession to 100,000 acres, which, in his opinion, was quite adequate to meet the merits of the case.

THE COLONIAL SECRETARY (Lord Gifford) was afraid the debate was drifting from the main question for their consideration. In the first place, was this proposed extension likely to be of any material advantage to the Williams District? In the absence of any reliable statistics, he felt some diffidence in answering that question, and, until they were in a position to say whether or not the line, if extended to the 51-mile, would confer any material benefits upon the country, he thought it would be premature to pledge the Government to give any large concessions of land, in consideration of the extension being undertaken. There was another point to be considered, namely,—if they made this concession what was to prevent the company, after they obtained their land, to close the line, and to say: “We have got our land; much obliged to you; the thing is a failure, and we must shut up.” The subject was one which the Government must carefully consider, in the interests of the public, and he would throw out this suggestion,—that the following words be added to the resolution of the hon. member for the Swan: “or such other area as the Secretary of State may deem proper.” This, of course, would depend upon the benefits which the country would be likely to derive from the extension; and this could not be determined until they had reliable statistics to go upon.

MR. VENN said he had some knowledge of the Williams District, and he had no hesitation in saying that it was one of the best agricultural districts in the Colony, without exception. He had

no doubt this railway would be of great benefit to that district,—in fact he had less doubt on that point than he had as to the benefits that would accrue from the extension of the York line. He thought, if our Eastern Railway had been extended in the direction of the Williams, in the first instance, it would have offered far better prospects of becoming a paying line. It should be borne in mind that, although the company only asked for a concession in consideration of extending their present line, we, on our part, should at the same time get the full benefit of the twenty-three miles of railway which they have already constructed. He should certainly object to the addition of the words proposed by the noble lord. Surely the members of that House, having large interests in the Colony, ought to know better than the Secretary of State what we ought to give this company by way of concessions. It would be simply shirking our responsibility to leave the matter to be decided by the Colonial Office.

MR. CROWTHER said that, like the hon. member for Wellington, he should oppose the introduction of the words suggested by the noble lord, the Colonial Secretary; at the same time, he did not feel at all disposed to accept the resolution before the Committee. He thought, with the scant knowledge they possessed of the subject, it would not be at all unbusiness-like, and possibly would be indicative that they were endowed with common sense, if they were to adopt a resolution something to this effect: That the Government should, during the recess, put itself in communication with the Directors of the company, and also obtain thoroughly reliable information and statistics as to the capabilities of the country where it is proposed to extend the railway; and, having considered the question in all its bearings, should come before that House next Session with some definite proposal. He was aware the company was anxious that the matter should be settled one way or the other at once; but the question was one which also interested the public of this Colony. As to the alienation of land, he did not think so much of it as some people appeared to do; but as regards dealing with this proposal in its present shape he thought the House was not in a position

to do so, with justice to itself, to the Colony, or to the company; and he thought the Executive Government should take upon itself the onus of formulating some definite scheme of settlement, and submit it for the consideration of the House. There was one indisputable fact staring us in the face, namely, that with a comparatively small amount of expenditure the harbor at Rockingham might be very much improved, whereas it would require a very large amount of expenditure to render Fremantle a good harbor.

MR. CAREY commended the hon. member for Greenough for the sound and practical common sense displayed by the hon. member in recommending that the Government should first fortify itself with reliable information as to the character of the country which the proposed extension would serve, and then submit some well defined scheme for the consideration of the House with a view to a settlement of the question at issue between the company and the Government—the only practical suggestion made throughout the whole debate. At the same time he must say that, in his opinion, “concession” was a word which we now ought to expunge from our vocabulary. [MR. BURT: This is not a concession, but a consideration for value given or work performed.] All our so-called concessions had been given in consideration of something, but the Colony had benefited very little by these concessions, and although, at one time, such a policy may have been a sound one, he thought the Colony had now attained a position that rendered it no longer necessary to offer such baits to give an impetus to the development of our resources. These companies did not come here as public benefactors but in order to benefit themselves, and to put money in the pockets of their directors. The other day, when he asked for a concession in favor of a local company, the House would not agree to it, although that company had not been treated with anything like the same liberality as had the company whose claims were now under consideration.

MR. BURT pointed out that the company did not ask for any concession, but for a *quid pro quo*. They said, in effect: “You have got a lot of land about the “Williams there, which at present is of

“very little use, in consequence of the “absence of facilities of transport, what “would you be prepared to give us if we “extend our railway there? You cannot “afford to pay us in hard cash, but “you have plenty of land, and, as land “would answer our purpose as well as “money, we are prepared to deal with “you.” That was all the company asked. It was a mere matter of business, so far as he could see, and, if we gave the company “no” for an answer, he did not suppose there would be any bones broken over it.

MR. MARMION said he would be happy to support the suggestion offered by the hon. member for Greenough, which appeared to be the most reasonable way to get out of the difficulty, unless the Committee were prepared to accept his (Mr. Marmion’s) amendment. He had no wish to press it, and was always open to conviction. All he desired was that the matter should be considered in all its bearings, and that, in the words of the hon. member for Murray and Williams, this Colony should receive a *quid pro quo*. If it could be shown, next Session, that we were likely to do so, the proposal would have his hearty support. If the Committee had confined themselves to the original offer made, the thing would have borne a very different aspect; they came to the conclusion that an extension of the company’s line to the 31-mile, as originally proposed, would be no good, and had they stopped there, the whole matter would have been at an end. But they went further than that, and the proposal in its present form was one which required very grave consideration.

MR. BURGESS said the question involved another very important consideration,—whether Rockingham or Fremantle should become the principal port of the Colony.

MR. STEERE said it appeared to him, from the tone of the debate, that if the question were to be decided that evening, the result would be that it would be shelved indefinitely, if not for ever, and he should be sorry indeed were that to be the case. He thought the Government would do well to institute inquiries during the recess, and come forward next Session with some well-considered and definite scheme, when the House would be in a

better position to pronounce an opinion upon the subject. In order to enable the hon. member for Greenough to submit his resolution in a formal manner, he would, with leave of the House, withdraw his own motion.

MR. BURT moved that Progress be reported.

Question—put and negatived.

THE CHAIRMAN OF COMMITTEES: Does the hon. member for Geraldton withdraw his amendment?

MR. BROWN: No.

THE CHAIRMAN OF COMMITTEES: Then the original resolution cannot be withdrawn.

MR. BROWN said the only difference between the suggestion made by the hon. member for Greenough and his own amendment was this: the hon. member for Greenough wished the Government to report to the House and to deal with the subject next year, whereas he (Mr. Brown) wished that, if possible, the Government should do so this Session. He imagined it would be quite possible for the Government to do so before the Session closed, and he failed to see the necessity of having the whole matter hung up for a whole year. But although he felt this, he was aware that his amendment would not have much support, and that it would be useless to push it to a division; consequently he would submit to its being negatived on the voices.

The amendment was then put and negatived, and

MR. STEERE, by leave of the Committee, withdrew his motion.

MR. CROWTHER then moved the following resolution:—"That the Report of the Select Committee to inquire into 'His Excellency's Message No. 3 does not contain sufficient information as to the advantages to be derived by the extension of the line to the 50-mile post on the Perth and Albany road, or as to the nature, extent, and quality of the land which would be benefited by such extension; and the Council is of opinion that the Government be requested to make such inquiries as may furnish the information desired, in order that it may be prepared to place such proposals before the Council at this or its next Session, as may appear to the

"Government would be to the interests of the Colony."

This was agreed to.

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

LEGISLATIVE COUNCIL,

Friday, 1st September, 1882.

Proclamation of Sandalwood Districts—Relaxation of conditions attached to Special Occupation Leases—Pastoral Leases in Central District: Minimum size of blocks—Kimberley Land Regulations—Trespass, Fencing, and Impounding Bill: in committee—Immigration: Report of Select Committee; consideration of—Estimates: in committee—Municipalities Act Amendment Bill: second reading—Imported Labor Registry Bill: third reading—Adjournment.

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

PRAYERS.

PROCLAMATION OF SANDALWOOD DISTRICTS.

MR. STEERE asked the Colonial Secretary, "Whether it is the intention of the Government to proclaim any district within which no sandalwood should be cut, in accordance with the Act passed at the last Session of the Council, 'to prevent the destruction of and export of immature sandalwood?'"

THE COLONIAL SECRETARY (Lord Gifford) replied that the Government intended doing so.

SPECIAL OCCUPATION LEASES.

MR. CROWTHER asked the Commissioner of Crown Lands, "What are the intentions of the Government with regard to those persons holding Special Occupation Leases which will shortly expire, and who have not carried out, in their entirety, the conditions imposed by the Government, on account of unavoidable causes,—whether it is the intention of the Government to grant