

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 pearl-ling 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.

LEGISLATIVE COUNCIL,

Wednesday, 23rd March, 1881.

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

away, notwithstanding the protestation of the inhabitants, who, when they remonstrated with the Government on the subject, were told that they were too late—that the Bill defining the course of the line had been passed. The inhabitants of Guildford, taking time by the forelock, had months ago convened a public meeting to discuss the question of the railway going through their Square, and had appointed a deputation to wait upon the Governor, to express their views on the subject and to protest against the proposed spoliation of their recreation ground. It appeared, however, that neither the protestations of the inhabitants, nor the representations of the deputation, had produced any effect, for, it appeared from the schedule of the Bill which provided for the extension of the line, that the Commissioner intended to take the railway right through the Square. The object of the present resolution was to prevent him doing so. If there was no other available route for the railway, it would have been a different thing altogether; but it was well known to everybody acquainted with the locality that a very slight deviation would obviate the necessity for going through this Square. From an observation that had fallen from the Colonial Secretary, the other evening, when he gave notice of his intention to move this resolution, it would appear that the Governor was in accord with the object in view, and that it was not their intention to go through the Square. If so, he failed to understand why His Excellency had allowed the line to go as far as it had already; and if the Commissioner had made up his mind to have this piece of ground, have it he would, unless the Legislature interposed. He therefore hoped the resolution now before the House would be affirmed unanimously.

MR. STEERE seconded the motion. As the member for the district more immediately interested in this matter, he might say that he was one of the members of the deputation appointed at a public meeting held in Guildford months ago, to protest against this proposed spoliation of the Square, and that when the deputation waited upon His Excellency, to lay the matter before him, His Excellency cordially endorsed their views, and said he would forward them a

written reply in due course. That, however, His Excellency appeared to have forgotten to do; but he knew from conversations which he had subsequently had with the Governor that His Excellency personally did not wish the line to go through the Square. He did not think, however, that was enough—the mere fact of His Excellency being in accord with the wishes of the inhabitants. It would be necessary to take some definite steps to prevent the Commissioner from carrying out his avowed intention of taking the railway through the Square. For this reason, the resolution before the House would have his cordial support.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) reminded the hon. member who brought forward the resolution that it would not be sufficient to alter the Schedule of the Bill alone; it would be necessary to introduce some amending words into the second section, or a separate clause dealing with the matter.

The resolution was then put and passed.

REPORT OF FINANCE COMMISSION.

MR. STEERE, in accordance with notice, asked the Colonial Secretary, “Whether it is the intention of the Government to lay upon the Table of the House the Report of the Finance Commission, together with the minutes of evidence given before such Commission.” He did not ask for these papers with the intention of raising any discussion upon them this Session, but merely in order that hon. members might have the report under their consideration between this and next Session of Council.

THE COLONIAL SECRETARY (Lord Gifford) said that the report in question could not be placed upon the Table until it had been previously laid before the Secretary of State.

EASTERN RAILWAY EXTENSION.

MR. STEERE, in accordance with notice, moved the following resolution: “(1.) The Legislative Council having been presented by His Excellency the Governor with a despatch from Her Majesty’s Secretary of State for the Colonies, dated December 31st, 1880, in which Lord Kimberley intimated that he did not feel justified at the present

"time in sanctioning the raising by loan of so large an amount as £220,000 for the extension of the Eastern Railway, as proposed in the resolutions unanimously adopted by the Legislative Council on the 6th September last, but that he would at once approve of an instalment of the cost of the Eastern Railway extension as far as Chidlow's Springs, the Council is prepared to accept this decision. (2.) But the Council is of opinion that whilst it is most desirable in the interests of the Colony that the extension of the Eastern Railway from Guildford to Chidlow's Springs, on the direct line to York, should be proceeded with without delay, this section of the line being common to both the surveyed routes, it is expedient that a further survey should be made from the termination of the second section to ascertain whether any easier and more practicable route, *via* Spencer's Brook, or any other way, could be adopted than the one already surveyed direct to York, and one which, without any greatly increased cost, would afford greater facilities to the whole of the Eastern Districts. (3.) The Council recognises the fact that no deviation can take place from the route which has been sanctioned without a further reference to the Secretary of State, but it feels confident that no obstacle will be offered to any well-considered improvements which may be approved of by the Council, and forwarded for his confirmation."

MR. STEERE said: Sir—In rising to move this resolution I think it would be well that I should direct the attention of the Council to the position in which it stood, last Session, when this question of railway extension was before the House. At that time the first section of the Eastern Railway, between Fremantle, Perth, and Guildford, was drawing towards completion, and there was a very general feeling amongst the members of this House, and throughout the Colony generally, that it would be a great mistake if the line were allowed to stop at Guildford—that if the country was to derive the full benefit which we might expect to derive from the construction of this railway, it was absolutely necessary to extend it beyond Guildford, as soon as possible, in the direction of the Eastern

Districts. With this object in view—an object which I may say was kept in view throughout the Session,—certain resolutions were agreed to by this House, affirming the expediency of raising a loan for the extension of the railway from Guildford direct to York. I should like, before proceeding any further, to draw the attention of hon. members to the circumstances which forced us to adopt that route. We had then before us the report of the Commissioner of Railways upon what were considered to be two practicable routes, one going direct to Northam and the other direct to York. We were told that there were no engineering difficulties to be met on either of these routes, and that, although the gradients in some instances were steep, there would be no difficulty whatever, with the more powerful mechanical appliances at present obtainable, in working those gradients. Having carefully considered the question in all its bearings, the Council, very properly, as I conceive, came to the conclusion that it would not be doing as much good to the Colony generally if the direct line to Northam were agreed upon, and, I think very wisely, determined to adopt the direct route to York. I say wisely at that time, for it was necessary that there should be no delay in carrying on the line, and, in order to obtain the consent of the Secretary of State to our proceeding with the work, it was essential that we should show him that we were prepared to carry the railway from Guildford to some point in the Eastern Districts which, under the circumstances, would afford the greatest benefit to those districts. It has been asked, why not have stopped at the point which the Secretary of State has agreed upon our carrying the line in the first instance—Chidlow's Springs? My own opinion is, that if we had done that, we should not be in the position we are in now, that unless we showed the Secretary of State we were prepared to go on to York, or some other centre of population, we should not have had a railway beyond Guildford at all. His Lordship, as a man of sound common sense, would have said "I'm not going to let you take a railway into a forest, and then, when you get there, and not before, decide where you would take it afterwards." In all the projects for railway extension

brought before this House, we have two main and essential objects to consider; we have to decide what, in our opinion, is for the greatest benefit of the Colony, and also what is likely to secure the approval of the Secretary of State; otherwise the project we may decide upon cannot be carried into effect. Applying these considerations to the two routes which were officially before the House last Session, the Council decided upon adopting the direct line to York. Another reason why this line was adopted was that, after carefully reviewing our financial position, it was found that it could be constructed without having resort to any increased taxation; and I think—nay, I am sure—that this consideration weighed greatly with the members of this House in inducing them to give their adherence to this route, for it was clearly understood immediately the Council met, that members were not prepared to advocate any increase of taxation. Since last Session, a great deal of agitation has been created and fomented in connection with this question of route, and certain statistics have been put forward for the purpose of showing the great mistake which the Council made in adopting the line which was recommended for the approval of the Secretary of State, instead of going by the more circuitous line, which it is alleged would be more advantageous. These statistics were hurled at my devoted head, openly and defiantly, and I have been asked to digest them. At the time they were quoted against me, I certainly was not prepared to submit them to the process of assimilation, but I have since had ample leisure for digesting them, and the result of the process has been that I have had to reject them as utterly unreliable. I have submitted the figures to a careful analysis, and compared them with the official statistics published in the Blue Book for last year (1880), carefully comparing the relative number of acres under cultivation in each district, the quantity of grain cultivated on those acres, and the value thereof; also the quantity of sandalwood and wool produced—all taken from the Blue Book. And what do I find? I find that the value of the produce of the York district is £73,954, and in the Toodyay district is £60,852,—or £13,000 less than in the former district. If I add to the total

produce of the Toodyay district one third of the produce of the Swan district—which would probably be about the proportion which would be carried on the Chittering line—it would increase the amount to about £66,000—and not £255,692 as stated at the meeting at Guildford, being fully £7000 less than the value of the produce of the York district. So much then for these figures. I cannot more forcibly illustrate how absolutely misleading they are than when I point out that, according to the returns referred to, and which I have found so very difficult to digest—as will every other man whose powers of digestion are not those of an ostrich—it is shown that the whole produce of the Eastern Districts for one year is valued at £423,233, whereas the total value of the exports of the whole Colony is only £492,000. But, to return to the question of routes. It is quite true that when the report of the Commissioner of Railways was before us last Session, there was in addition to the two direct routes (one to York, and one to Northam) a dotted line on the map indicating a detour by way of Spencer's Brook to York, merely showing that the gentleman who had surveyed the other routes had also visited Spencer's Brook, and that an alternate line might probably be found in that direction. But that line had not been surveyed at the time, therefore I may say it was never before us officially at all—it was never pretended that the House could regard it in that light, or that we could have arrived at any accurate decision with regard to it. Nor have any reliable data, that I am aware of, been furnished with respect to this alternate line, so as to lead this House to arrive at any other decision than that which we arrived at last year. In this respect, I fully endorse the paragraph in His Excellency's speech at the opening of Council, when His Excellency stated that, "although considerable discussion has taken place on the question of route, I have, up to the present time, seen no sufficient reason to recommend any departure from the route approved by Your Honorable Council by resolution dated the 25th August last, and submitted to the Secretary of State." But I do consider that our position is very considerably altered in consequence of the

decision of the Secretary of State that this railway is to be made by instalments, or in sections; I think that that decision affords us an opportunity for reviewing our position as to the final section of the line, while the second section from Guildford to Chidlow's Springs is being constructed. I think myself that the most advisable course to adopt now—and in this I have no doubt I shall carry the House with me—is, that steps be immediately taken to have a survey made in order to ascertain, as regards the final section, whether any more advantageous route can be found than that agreed upon last Session. If there can, if it is shown that another line offers greater facilities to the settlers of the Eastern Districts, without at the same time involving the Colony in an expenditure beyond its means, I have no hesitation in saying that it will be the unanimous wish of this House that such route should be adopted. I am not at all dissatisfied, myself, with the decision of the Secretary of State with regard to the manner of proceeding with the line in sections, for, as I have already said, it affords us an opportunity of ascertaining whether it is not possible to discover a route from Chidlow's Springs to York possessing superior advantages to that already surveyed. In the course of the discussion which has taken place on this subject, several comparisons have been made as to the relative distances of various points on the several routes from each other, but according to the statement of the Commissioner of Railways the distance to York by way of Spencer's Brook is 64 miles, and the branch lines serving Northam and Newcastle would be 20 miles more, or 84 miles altogether, whereas the Chittering line is officially stated to be 108 miles in length, which, I need hardly point out, would make a very considerable distance as regards the cost of this railway. And there are other people besides the inhabitants of the Eastern Districts who have a right to be considered when the question of expenditure comes to be regarded. There are colonists living at the South, there are settlers living at the North, who are just as much entitled to be heard on this point as the colonists of the Eastern Districts, for the whole Colony will have to bear its share of the cost of construction. Indeed, it appears

to me that, in this respect, the representations of the residents of the districts which will not be directly benefited by this railway are entitled to more consideration than those of the districts more immediately concerned, and who will receive a *quid pro quo* in the shape of direct benefits. If these people are asked whether the railway should reach its destination (York) by the shorter or the longer route, can there be any doubt that they would pronounce in favor of the shorter line? I just wish to say a few words with reference to an assertion very frequently made lately, both publicly and privately, that this question was hurried through the House last Session. The statement, when I first heard it, took me very much by surprise, as I think it is altogether unfounded, and capable of easy refutation. On looking at the "Votes and Proceedings" of the House, I find that the question was first formally brought before us last Session on the 23rd August, when the hon. member for Toodyay gave notice of his intention to move that the House should resolve itself into a Committee of the whole to take into consideration the report of the Commissioner of Railways on the extension of this railway. On the 25th August, Mr. Shenton, in accordance with notice, brought forward the following resolution: "That in the opinion of this Council it is expedient, in the interests of the Colony, that the extension of the Eastern Railway to York via Spencer's Brook should be proceeded with at once, as such route would be equally beneficial to the Newcastle, Northam, and Beverley Districts." To that I moved, as an amendment: "That in the opinion of this Council it is expedient, in the interests of the Colony, that the extension of the Eastern Railway to York should be proceeded with as soon as possible, and that the route to be adopted should be the one indicated in the report of the Commissioner of Railways." That amendment was carried, and it was not until the 6th September that the resolutions giving effect to it were discussed in the House and passed; so that for a period of fourteen days this question was before the Council at its last Session. How any reasonable person, after that, can say that the matter

was hurried through the House passes my comprehension, and I hope we shall not hear any more such unfounded assertions made, that the whole question was rushed, as I have heard it stated, in an indecorous manner through the Council. A good many strange assertions have lately been made, and among them a very singular one put forward by a very strong advocate of the Chittering line, namely, that, even if that line were not adopted, the country would have to thank its advocates for having the line carried by way of Spencer's Brook. This was stated by a gentleman who said that, so far as he was concerned, he would have the railway go by way of Chittering and no other; and how it could possibly be said that, by advocating that line, to the exclusion of all others, the country was indebted to them for the adoption of another line altogether, is certainly beyond my comprehension. So far from influencing the House in arriving at a decision on this point, I maintain that the agitation created in favor of the Chittering line has had no effect whatever. Had there not been a single meeting held, or a single speech delivered, or a single letter written on the subject, I believe that the members of this House would have arrived at the same conclusion as I feel confident they will to-night, namely, that the railway should be continued as far as Chidlow's Well, and that, in the meantime, a further survey should be made in order to ascertain if a more advantageous route can be discovered from that point to York, other than the direct route. Before I conclude, I think I ought to state briefly my reasons for bringing forward this resolution to-night. His Excellency the Governor informed me that he felt precluded from bringing in the Railway Extension Bill at all, unless he had the assurance of the House that it was prepared to abide by its decision of last Session; that the loan was sanctioned on the distinct understanding that the line was to be extended in the direction indicated, and that His Excellency would require to be assured by the House that we were still prepared to adhere to our former decision,—unless a better line could be found after going as far as the end of the section now sanctioned; and the Secretary of State agreed to the line deviating from its original course

from Chidlow's Well to York, if a more advantageous route could be discovered than the direct line. If the House agrees to the resolution now before it, there will be no delay, I believe, in proceeding with the work, for His Excellency, I understand, will be prepared to introduce the necessary measures at once. I therefore trust that the resolution will meet with the approval and support of the House, and that this Session we may initiate a work which will prove of lasting benefit to the Eastern Districts directly, and indirectly to the Colony at large.

MR. CROWTHER said he had much pleasure in seconding the resolution. In doing so he felt somewhat abashed by the very poor opinion formed of the members of that House by the collective wisdom of Newcastle in public meeting assembled, for, according to the estimate formed by these modest and otherwise estimable folk, as to the knowledge and intelligence possessed by the members of that House, we were discussing this railway question in the most blissful ignorance as to the geography, physical character, or natural capabilities of the country concerned. All he could say was—from all he had seen and all he had heard—he most cordially supported the resolution now before the House, and that was, to go as direct to the terminus of the next section as the money would carry us, and then, if a better route than that already approved could be discovered, that they should adopt it, and proceed by a route that afforded the greatest convenience to the greatest number at the lowest possible cost. He supported the resolution also because he felt sure that both the Government and the House could have but one object in view, and that object was, to make the best line they possibly could at the lowest possible cost to the country.

MR. SHENTON: As the representative of one of the districts more immediately concerned in this railway, and as the mover last Session of the resolution affirming the expediency of extending the line along the very route which it now seems to be the general wish of the House to have it extended, I feel it incumbent upon me to offer a few remarks upon the resolution now before the House. When I introduced the

motion referred to, last Session, I stood almost alone in my advocacy of the line which in my opinion at that time was the most desirable one to adopt. The line by way of the Avon Valley, Chittering Brook, Newcastle, and Northam, to York, having been abandoned, owing to its great expense, the Council resolved to adopt the direct line from Guildford to the Eastern terminus. Since then, as hon. members are aware, the whole matter has been taken up very earnestly by the settlers of the Eastern Districts. Deputations from York and deputations from Toodyay have waited upon His Excellency the Governor, pointing out the merits and advantages presented by their respective routes, and memorials numerous and influentially signed have been presented to this House on the subject, each party claiming that the route which they advocate is undoubtedly the best. When the deputation from Newcastle waited upon His Excellency, I, as the member for the district, accompanied them. On that occasion it was stated by some of the members of the deputation that by going some three or four miles northward of the surveyed line via Chittering, the engineering difficulties met by Mr. Palmer, the surveyor, would be avoided; and, accepting this statement, as I did, I considered I was bound to go with the deputation in asking the Governor if he would permit the deputation to obtain the services of a surveyor, to test the accuracy of the opinions which they had formed as to the easy character of the country which they had found a few miles to the north of the surveyed line. This was done, and if that survey had come out as I had hoped it would, I should have felt bound to adhere to the Chittering line, which had always been my favorite. But when I found, from the survey made by Mr. Mason, that this line, at the very lowest estimate, would be 20 miles longer—Mr. Mason made it 28 miles longer—I felt I ought to pause before I gave it my active support any further, more especially when I found from the despatch of the Secretary of State that, for the present, His Lordship was only prepared to sanction the raising of £100,000 for the purposes of this railway. I felt that this amount expended on the line via Chittering would simply result in the construction

of a section that would lead nowhere and be of no practical use to anybody,—neither to Newcastle, Northam, or York, or any other part of the Eastern Districts. When I saw that this would be the case, and also that public opinion to a great extent had gone against the decision of the Council last year with regard to the direct route, and that it would be a more advisable and a more equitable arrangement to all parties that the line should go by way of Spencer's Brook, I felt that any further advocacy of the more circuitous route would be useless. For these reasons I feel it incumbent upon me to support the resolution before the House. In doing so, I am conscious of being placed in a somewhat difficult position, by reason of the strong feeling prevailing in the district which I represent in favor of the other line. But I maintain that every member returned to this House, although in the first instance he is bound to advocate, by every legitimate means within his power, the interests of the district which he represents, is bound to be ultimately guided by what he conceives to be best for the general welfare. If this railway were to be subscribed for entirely by the settlers of one particular district, no doubt they would have a perfect right to demand that the line should, at any cost, go their way; but when the whole Colony is called upon to bear its share of the burden of taxation, which an undertaking of this kind must impose, I think it becomes the duty of every member to lay on one side, not only his own personal predilections in favor of this or that route, but also to sacrifice purely local interests for the general welfare of the Colony at large, if that end cannot be attained without such sacrifice. It is for this reason that I feel constrained, under the altered circumstances of the case, to act in this matter contrary to what I believe to be the prevailing feeling among my constituents. I stand here to-night supported by the majority, if not the whole, of my fellow-members, as the advocate of a route which I was almost alone in supporting last Session—the Spencer's Brook line. When I brought forward that line last year, before the amendment in favor of the direct route was finally put to the House, I appeal to hon. members that, if they did not consider the financial posi-

tion of the Colony warranted us in raising the whole amount necessary for the construction of the more circuitous route, we should adopt the suggestion of the Commissioner of Railways, namely, that, as the first 25 miles was common to both lines, we should first construct the first section, and then see what course would be most desirable to follow, with regard to the remaining section. It is very satisfactory to me to find that the Secretary of State has come to precisely the same conclusion as I did myself, in this respect, and that it is more advisable we should proceed with the work by instalments, until our financial equilibrium is restored. With regard to the final section, I feel sure that the Secretary of State, if it is shown to him that a deviation from the direct route will prove advantageous to the settlers generally, will cordially support such a proposition. There is one remark which fell from the hon. member for the Swan which I cannot altogether agree with, and that is, as to the somewhat hurried manner in which this question was disposed of by the House last Session. I think we might have devoted a little more time to it. Hon. members will recollect that when the debate had proceeded some considerable time, I moved that Progress be reported, and appealed to the House to adjourn the debate for a few days. That proposition, however, was not agreed to. If hon. members will carry their memory back to the time when the first section of this line was under consideration, the question was constantly before the House from the 17th of June to the 4th of July (1878). Meeting after meeting was held, and communications went almost daily backwards and forwards between members and the Commissioner of Railways, with regard to the question whether the line should go on the North side of the river or the South, and it was not until the matter had been thoroughly ventilated and discussed that the present route was adopted. Looking at this fact, and at the fact that the question of route as to the second section was disposed of in one night, I think perhaps there may be some show of reason for saying that the matter was rather hurriedly passed through the House. The resolution now before us meets my views, and shall

have my support, inasmuch as I conceive it contemplates a much more equitable and advantageous arrangement for all parties than the route originally agreed upon. I may be permitted to add that another reason why I have felt constrained to abandon the Chittering line is the answer given last night by the Colonial Secretary to the question which I put as to how long it would take to make a proper survey of that line. The reply was, that there would first have to be a preliminary survey to determine the route as nearly as possible—which would take about twelve months to accomplish. This preliminary survey would have to be submitted to this House and discussed; and, in the event of the House approving it, the matter would then have to be referred to the Secretary of State, and, in the event of receiving his assent to the line being constructed, there would have to be a final survey made. It will thus be seen that a period of at least two years must elapse before any extension of the railway could take place; whereas, with regard to the other line, I understand that the final survey will only occupy about two months, and I hope that within four months from this date we may witness the turning of the first sod of the extension from Guildford to Chidlow's Springs.

MR. STONE: Last Session when this question was under consideration I took a very decided stand against the amendment moved by the hon. member for Swan, and in support of the resolution submitted by the hon. member for Toodyay, in favor of the Spencer's Brook route. I stated then, that in adopting the direct route I thought a great blunder was going to be repeated—a blunder similar to the one committed in connection with the first section of this railway, when the line was taken on the North instead of on the South side of the river. Having taken the strong stand which I then did in favor of the Spencer's Brook route, I now, sir, feel in a position analogous to that of an elected member, who, upon a dissolution of the House on a question with regard to which he has held a very strong opinion, is again returned by an overwhelming majority to support the same views, which views, backed as they will

have been by the verdict of his constituents, he will naturally advocate with more fervour than ever. Feeling as I do that, last Session, when supporting the Spencer's Brook line, I acted in the matter upon my own individual opinion, and that I am now in the position of the member whose case I have illustrated, I feel I can now support that route with greater force of argument even than I could last Session. It is for that reason that I intend to provide that there shall be no loophole, so far as I can prevent it, to enable the House to escape from the position it has now taken up, and hereafter take the line by the direct route instead of *viâ* Spencer's Brook. With this object in view, I have come prepared with the following amendment upon the resolution of the hon. member for the Swan: To strike out all the words of the second section, and insert in lieu thereof the words "That the Council is "of opinion that whilst it is most desirable "in the interests of the Colony that the "extension of the Eastern Railway from "Guildford to Chidlow's Spring should "be proceeded with without delay, this "section of the line being common to "both the surveyed routes, it is "expedient that a further survey should "be made from Spencer's Brook to York, "to ascertain whether as easy and "practicable a route from the termination of the second section could be "adopted as the one already surveyed "direct to York." If hon. members will compare this amendment with the wording of the resolution, they will observe that it is proposed to omit certain words in the second section, which to my mind afford a loophole for escaping back to the direct line, which, as regards the final section, I am anxious to see abandoned altogether. For instance, I propose to omit the words "on the direct line to York," which it appears to me provides such loophole. The resolution also affirms the expediency of a further survey being made "from the termination of the second section, to ascertain whether any easier and more practicable route, *viâ* Spencer's Brook, or any other way," could be adopted. I propose that the survey shall commence at Spencer's Brook, and not at the termination of the section, and that the survey should be confined to the country between Spencer's

Brook and York. Then, again, why should we limit the selection to an "easier and more practicable" route—why not be content with one as easy and practicable? We know from the report of the Director of Works that a line from Chidlow's Spring to Northam would be much easier than the one direct to York, and as the line has already been surveyed as far as Northam, I fail to recognise the necessity of any further surveys in that direction. At any rate, care should be taken that Northam is not left farther off than it is from the Spencer's Brook line, as it now appears on the map. What we want to discover is whether a line as easy and practicable as the direct route can be found from Northam or Spencer's Brook to Newcastle on the one hand and York on the other. As there is no amendment before the House relating to the Chittering line, which appears to be now altogether forsaken, it is unnecessary for me to allude to it, or to the arguments which have been put forward as to the merits of the rival routes. Hon. members now see that a mistake was committed last Session in adopting the direct line all the way to York, and that it would have been better if we had adopted the amendment of the hon. member for Toodyay and the suggestion of the Commissioner of Railways. For my own part I fail to see that the Secretary of State has, as intimated in the third paragraph of the resolution, decided in favor of the direct line to York. It appears to me that he has simply acted upon the suggestion of the Commissioner, that the first section of the extension (which was common to both of the surveyed lines) shall be proceeded with, and that the question of route from the terminus of this section to York shall in the meantime be carefully considered and determined upon. I trust that hon. members will see their way clear to fall in with the amendment, so that the desire which has been expressed, that the House should be unanimous in whatever decision it arrives at on this question, may thus be realised.

MR. HIGHAM said, although he could not give his unqualified support to the amendment, he would formally second it, in order that it might afford an opportunity for other hon. members to express an opinion upon it.

The amendment was then put to the House.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): The hon. member's amendment has come somewhat suddenly upon us, but having given it the best consideration I have been able to do, within the last few minutes, I feel it my duty to ask the hon. member to withdraw it, and, shortly, for this reason: the hon. member seems to think that it is an amendment which does not go to the root of the whole resolution; but to my view—and I think I shall be able to show it is a correct one—it does go to the very root of the resolution, which, in point of fact, is a repetition of the resolution of last Session. Unless it were so, the action of the Governor in the matter must be stayed. The resolution of last Session bound the House to a certain surveyed route, which was sent home to the Secretary of State, who has sanctioned that route in its entirety, and not a portion of it, as the hon. member Mr. Stone seems to think. And unless the resolution which the House is asked to adopt this Session in point of fact affirms in its fullness the resolution of the last Session, it is my duty here to say that the hands of the Governor will be stayed in respect of this railway. I refer of course to the main portion of the amendment; with regard to the minor point, I think it is one that the House might accept, for it does not radically affect the resolution of last year or the resolution now before the House. But I think it is clear, if you accept the remainder of the amendment, that this resolution will be destroyed in fact, for it not only alludes to the question of route in the second clause which the hon. member Mr. Stone wishes to repeal, but the same thing is repeated in the last clause, which affirms that the Council recognises the fact that no deviation can take place from the route which has been sanctioned, without a further reference home. That route has been sanctioned in its entirety, and not merely a portion of it. For these reasons, shortly, I trust my hon. friend will be induced to withdraw his amendment.

MR. STEERE said that, for the reasons so lucidly and forcibly given by the Attorney General, he could not accept the amendment, and he felt confident

that, after hearing those reasons, the hon. member would be willing to withdraw his amendment, seeing that, if carried, it would practically put an end to any railway extension at present, for the Governor it appeared had made up his mind that he will not allow the necessary measures to be introduced unless the resolution before the House, or one to the same effect, is adopted.

MR. STONE said that, after hearing what had fallen from the Attorney General and from the hon. member for the Swan, he felt that he should effect no good purpose by pressing the amendment as it now stood. He did not, however, feel prepared to withdraw it altogether, but, with the leave of the House, he would so alter it as to admit of the retention of the words "on the direct line to York." Beyond that, he did not feel inclined to go.

MR. BURT: I think the hon. member may as well withdraw his amendment altogether, on the ground that it is useless to run one's head against a brick wall. For myself, I fail to see any principle involved in the words referred to. They may, in the mind of some people, mean a great deal, but for my own part I cannot help thinking that the resolution of last year still holds good, and that, until the route is altered, it remains as it then was—the direct route to York. It will be after the proposed survey is made, and not before, that the question of adhering to our former decision or otherwise will come before the House, and it appears to me that at present we are sufficiently bound by the resolution of last year without further binding ourselves with any more bands. It must, however, be borne in mind that we are now dealing with a question that has very considerably agitated the public mind for some time past, resulting in public meetings, and deputations, and memorials, and what not. I cannot help thinking myself, that it is our duty to endeavour, in some way or other, to deal with these memorials. I do not see how, as representative members in this House, we can ignore them, or the arguments that are put forward by the memorialists in favor of their respective lines. It is on that account that I desire to express the reasons why I cannot agree with the agitation or the memorial put

forward in favor of the Chittering Line. I feel very much for the hon. member for Toodyay, in this discussion, for he approaches the question with the fear of his constituents before his eyes, and also with an eye to the general interests of the Colony at large—a by no means enviable position; and I congratulate the hon. member upon his having the courage of his opinions, and that, notwithstanding the representations of his constituents, he is prepared to give his adherence to the proposal for taking this line by way of Spencer's Brook. I, on the other hand, represent a constituency removed a considerable distance from the scene of the agitation which has recently been going on, and am therefore in a position to review the situation calmly and dispassionately, and without the fear of my constituents or any one else before my eyes. I may therefore be regarded as not only unprejudiced but also unfettered as regards my opinions on this subject, which opinions I will briefly proceed to expound. As to the Chittering line, it is condemned in my mind for various reasons. The line, so far as I am able to judge, is almost twice as long as the other line,—if not actually twice as long, it is certainly very nearly so. Then, again, I consider from what I have been able to gather, that, although it may pass through some good agricultural land, and open up two or three districts—no one, not even their best friends, call them vast or extensive districts—Chittering, Bindoon, Dandaragan, and Victoria Plains, still, on the other hand, it must be borne in mind that the other line would, in addition to the three principal centres of population, also serve to benefit Beverley, Moorumbine, and all the country south of York. In this respect, I think the latter line possesses great advantages over the former. Again, it must be borne in mind that we are peculiarly situated here, as regards our sparse and scattered population. It is all very well to talk about opening up land for settlement by means of railways; but no country undertakes to open up agricultural areas unless it has population to follow, and to settle down on those areas. And I think I am right in saying that countries which carry on no organised system of immigration, or

which have not already the population necessary to settle upon the land and to cultivate it, are in no way justified in opening up new areas for the mere sake of opening them up. With us, we may say that immigration has failed entirely, or, at any rate, that at present we have no immigration policy whatever—except as regards the Chinese, which appears to be scaring some worthy people outside the limits of the Colony to a considerable extent. But with the exception of our fifty Coolies, it cannot be said that this Colony can boast of anything approaching what may be regarded as an organised system of immigration. Consequently, if we were to run a line of railway into the most magnificent country we possess, I fail to see where the people are to settle upon it. And I think it was this reason which induced the House last year to turn a deaf ear to the Chittering line, and to consider that, situated as we are, all we can afford to do at present is to offer such improved facilities as are within our means to those settlers already on the land, to enable them to transport their grain and their other produce to a market. For these reasons, I was forced to regard the Chittering line out of the question. With regard to the allegation made about this subject having been indecently hurried through the House last Session, I think the hon. member for the Swan has conclusively shown that such was not the case. The question was thoroughly ripe for discussion, there was nothing to be gained by further postponing it, and I think the House acted wisely in disposing of the question as it did. A reference to *Hansard* will show that, when the final debate on the question of route took place, almost every member who spoke stated his predilection in favor of the Spencer's Brook line, but did not consider it advisable to submit the country to the delay which the adoption of that line would have entailed, but to proceed with the surveyed route at once. Before I proceed to quote from the speeches delivered in the course of the debate, in support of this statement, I should like to point out that the resolution then submitted by the hon. member for Toodyay contemplated that the line should stop at Spencer's Brook and not go all the way to York,—for the very good and sufficient

reason that the line viâ Spencer's Brook to York was not surveyed. Mr. Shenton's words were: "He proposed that instead of the line going direct to Northam from Guildford, as suggested by the Commissioner of Railways, it should stop at Spencer's Brook." (*Hansard*, p. 211.) I think it is very material that this should be borne in mind. The hon. member for Geraldton, in the course of the debate the same evening, said—and I thoroughly agreed then, as I do now, with what he did say: "If members would only consent to sink their little differences of opinion as to the respective merits of this or that particular route, this long-looked-for railway was now within our reach. But if it was still the wish of the House to postpone the settlement of the question indefinitely, all he could say was—let the House support the resolution put forward by the hon. member for Toodyay, by all means. He need not point out what that would entail. In the first place it meant the introduction—as he had heard it said the other day—of another competent man from the other side" (p. 217). There was a grievance to begin with, and quite enough to condemn the Spencer's Brook line at that time. Mr. Brown continuing said: "Plans would then have to be prepared, and detailed information furnished, for they knew by this time that the Secretary of State would require to be supplied with every single particular with reference to that fifteen miles—between Spencer's Brook and York—before he would assent to a Loan Bill at all." Nobody knows that better than I do myself; and I have read this extract to show that the Spencer's Brook line was not regarded with favor at that time because of the delay which its adoption would entail, and because it was considered inexpedient to stop at Spencer's Brook without going all the way to York. The hon. member for Fremantle (Mr. Marmion) said on the same occasion: "Had we been in possession of full information with reference to the route proposed by the hon. member for Newcastle, by way of Spencer's Brook to York, it was quite possible—in fact quite probable—that he should have voted with the hon. member, for he thought it ought to be their object to serve the greatest possi-

ble number of settlers along the route, with the view, of course, of thereby receiving the greatest amount of traffic on the line; and he considered that a question of £20,000 or £30,000 was one of very little weight if that object could be attained." There is no doubt in my mind that the hon. member Mr. Burges also rightly interpreted the views of the Council when he expressed a hope that the House would unanimously adopt the amendment, "and not jeopardise the whole thing by causing delay and difficulties. Our credit was now good, the line was much wanted, and we could not do better than accept what we could get." Are we not asked to-night to accept what we can get? It is well, I think, that we should bear in mind that we must do so, and having got this £100,000 it would never do for one moment to let it go. We must accept the inevitable, and get to York along the best way we can, which, from what I can see at present, is by way of Spencer's Brook. I think I have quoted quite enough to bear out what I have stated—that this House, in accepting the Spencer Brook line, in no way stultifies itself, or is retracing its steps, when it supports the resolution before it. All that is affirmed in that resolution is that we should go on with the work as far as the money will carry us, and avail ourselves of the breathing time thus afforded to have a survey made of what last year was regarded as the better route to adopt, but which the House did not feel justified in then adopting, because of the delay which it would interpose in the way of getting the Secretary of State's permission to commence the extension at all. In giving my reasons against the Chittering line just now, I omitted one argument which I think may fairly be used against the advocates of that line, and that is the delay with which they have dealt with this question. The House must agree with me that they have very little to complain of, when it is borne in mind that this Chittering route was surveyed as far back as eight or ten years ago. Whether they have seen that survey or not I cannot say, but coming forward, as they did, as public men to lead a public agitation such as this, it was their duty to have acquainted themselves with the

fact that a survey of their line had been made years ago, and that that survey went to show that the route was an impracticable one, by reason of the zig-zags and the tunnelling to be encountered on the line. This survey was undertaken out of public funds, and the result was before the country years ago, and should have put an end to all agitation in favor of that line.

MR. BROWN: I wish to give my general support to the resolution before the House, because I think it is highly desirable that the Government and the public should be furnished with the views of the Legislature upon this question of railway extension, under the altered circumstances through which we now view it. The hon. member for the Swan has pointed out very fully and clearly indeed what those altered circumstances are, and said, I think, very nearly everything that can be said on the subject, in far more expressive terms than I can hope to do. At the same time I do not think the hon. member mentioned all the circumstances; and, at the risk of rendering the debate somewhat tedious, and of wearying the House, I should like to say a few words further on the subject. One of the chief reasons why the Council last year adopted the direct route instead of waiting to find a line that might possibly have been an improvement upon it was this: it found that, in any case, this supposed superior line *viâ* Spencer's Brook would be considerably longer than the direct line, and consequently cost a very considerable amount of money more than the shorter line. I say a very considerable amount, because a sum even of £20,000 or £30,000 is an object for this Colony. It was felt by this Council that we could not raise the interest and sinking fund to meet the cost of constructing the longer line, concurrently with the construction of the other very important and desirable work which the House wished to see carried out—the overland telegraph to Roebourne; but that, by cutting everything very close indeed, we could see our way clear to find the interest and the sinking fund in connection with the direct route. The House also saw that, although it was possible there might be a more advantageous route by the way of Chittering, still, under the most favorable circumstances,

that such route could not present such very superior advantages over the direct line as could in any way be considered largely material, at any rate; and, whatever those advantages might be, they were nothing in comparison with the disadvantages which would be entailed by the delay. Under those circumstances I think the House did wisely in adopting the course which it did; and, personally, I concur in the statement made by His Excellency in his opening speech, that, up to the present time, no sufficient reason whatever has been urged for departing from that course. And I shall be delighted, if now, under the altered circumstances of the case, the Governor can see his way to carry out what I believe is the wish of this House, namely, that—as we are not at present allowed to proceed with the extension beyond Chidlow's Springs—he will cause a survey of the country embraced in the final section to be made, with the view of ascertaining what may be the best and the most desirable route, under all circumstances, to connect the terminus of the section with the town of York; so that we may be in possession of the required information in this respect when we are called upon to decide that question. The hon. member for the Swan has very clearly pointed out what some of the altered circumstances are which have induced the House to adopt this step, but another of them is this: since this House adopted the direct route and recommended it for the approval of the Secretary of State, a number of persons have exerted themselves to create an agitation in favor of the Chittering line. But these persons have entirely lost sight of the fact that they were the very first whose claims were considered in reference to this question of railway extension. They have not thought proper to admit that, but set it aside altogether, and charge this Council and the Government with having hastily disposed of the question and ignored their interests entirely, whereas, as a matter of fact, the desire of the Council and the Government, eight years ago, was—if it could be proved that a practicable route could be found which would serve to connect Chittering, Newcastle, Northam, and York, at an expense which the Colony could bear—that such route should be adopted, in preference to all others at

that time projected. In pursuance of that wish what did the Legislature do? Did it ignore the claims of the districts referred to? No, it voted a large sum of money indeed for the purpose of examining and surveying that route, and those very gentlemen who have been lately noising it abroad that they have been unfairly treated, rendered their able assistance years ago to the surveyors engaged upon the work referred to, wrote their letters to the newspapers, and did their very best to influence public opinion, and to induce the Council to favour their claims. But what was the result? That, after due consideration, this Council and the Government felt constrained to abandon that route, upon the ground that it was incontestably proved that it was not only altogether beyond the means of the Colony to carry out, but it was impracticable—utterly impracticable. On these grounds the Council felt bound to set it aside, if it was ever intended to extend a railway to the Eastern Districts during the present generation. The Council then cast about for another route, and a more direct one, which, whilst it would not equally benefit all the districts, would still prove very advantageous for the country to adopt. The discussion upon the question was public, but the result was not altogether satisfactory, because of a misconception on the part of the Legislature as to the effect of a certain resolution which, after various amendments and counter-amendments were proposed, was carried, and which left the matter that Session *in statu quo*. This Council was then, as now, accused of having stultified itself, and the members were stigmatised as being very foolish people indeed—as they are now in some quarters—and that they did not know the meaning of their own resolutions. Next year, the question of route was again brought forward, and publicly discussed in this House; but during all this time we heard nothing from the settlers of Chittering, or Bindoon, or Dundaragan, or this Yatheroo which has recently attained such prominence. And why? Because they tacitly sanctioned the course taken in the matter by the Government and this House, believing it to be a wise course. Finally, in the most public manner possible, this House adopted a resolution requesting the Government to

make two surveys, one of a line direct to York and the other to Northam, and at the next Session of the Council the relative merits of these two lines were carefully discussed in all their bearings, and ultimately disposed of, after years of consideration and floods of talk on this subject of railway routes. Yet we are charged with having disposed of the question hurriedly. I admit it is our duty, as the representatives of the people here, to see what wisdom we can gather from outside agitation, and to watch the drift of public opinion; and, in this case, I am glad to think that the general public approves of the course which the Council adopted last Session, and will approve, I believe, of the course which we are about to adopt this Session. The gentlemen who have been fomenting a counter agitation—I am ready to concede that they are guided in their actions by purely patriotic and entirely disinterested motives, although they have been very lavish in attributing to members of this House unworthy motives in the part which they have taken in the matter—these gentlemen consitute, I am pleased to think, in point of numbers, but a very insignificant section of the general public. I notice it is stated in the resolution now before the House that the Secretary of State has sanctioned an extension of the railway as far as Chidlow's Springs. I desire to point out that this is a mistake: he has not sanctioned anything of the kind, and I think it is undesirable we should put forward any statement, to be incorporated with the public records of this House, calculated to place the Secretary of State in a false position. If this statement is allowed to remain part of the resolution, it might be argued hereafter, in the event of the money now about to be raised being insufficient to carry the railway as far as Chidlow's Springs, that the Secretary of State had approved of an instalment of the cost of the railway as far as that point, and that we should keep him to his word; whereas, in reality, no such approval has been received. I do not think we have a right to go away from the position of last year, for, so far as I can see, we have no valid grounds for doing so, as yet. It may turn out that the relative advantages of the two routes may be in favor of the direct line, but as

time is now afforded us to determine that point, I think it is highly desirable that a further examination of the country should be made *viâ* Spencer's Brook, and also from Chidlow's Spring to York by the direct line, for I understand that by making a slight *détour* a very objectionable cutting on the direct line, in approaching York, may be avoided, and which—should the line, after all, go that way—would not only be a considerable saving of expense as regards construction, but also in working the line. I therefore think it is advisable to ask the Government to make a further survey of this direct line, as well as of that *viâ* Spencer's Brook.

MR. HAMERSLEY: I shall certainly support the resolution of the hon. member for Swan in its integrity, and shall oppose the amendment because it would, it appears to me, have the effect of doing away with any chance of effecting improvements in the future surveys of either the continuation of the direct line to York or that *viâ* Spencer's Brook, which is clearly contemplated by Mr. Steere's resolution. Hon. members have left me little to say on the subject, but the remarks I may make supplementing their statements may derive additional value from the local knowledge I possess of the country and its resources. The hon. member for the Swan has furnished the House with a comparative statement, derived from the Blue Book, of the value of the resources of the York and Toodyay districts; and, in considering this, it would be well that hon. members should bear in mind—and it appears to me an omission on the part of the hon. member not to have pointed it out—that a very large portion of the Toodyay district, taking in Northam, and say seventeen miles in length of the best country in the Toodyay district, starting from the York boundary line, as shown upon the maps now before hon. members, virtually belongs to the York district. It is important that this should be kept in view in connection with the resolution before the House, because, in my opinion, the fate of the Spencer's Brook line will be dependent upon the possibility of obtaining a practicable route connecting Newcastle with the Spencer's Brook line, if possible at a point a few miles on the Guildford side of that point. The value

of the resolution is also shown by the fact that we must remember that the question of increased cost, in consequence of a deviation from the direct route, is one of material importance—that we have nothing or little before us to lead us to deviate from that route, beyond wild assertion—and that the question should be decided only after a thorough and careful comparison of the relative cost and advantages to be derived from the different lines which the resolution would enable us to examine, with a view to their improvement, as indicated in the resolution now before the House.

THE COLONIAL SECRETARY (Lord Gifford) said it appeared to him, on behalf of the Government, that it required but very few words in support of the resolution. It must be evident to all hon. members, from the terms of the resolution, that if the route *viâ* Spencer's Brook is found to be feasible and practicable, the House bound itself to go by that route, provided the Secretary of State affirmed the resolution; otherwise it must be clear that we must fall back upon the direct line to York. He thought the hon. member for Toodyay must be credited with being more farsighted than the majority last year in his appreciation of the advantages presented by the Spencer's Brook route. The hon. member last Session stood almost alone as the supporter of that line, rather than the direct one; but since then the tide of public opinion had turned, and the hon. member had the satisfaction now of finding his views supported by a large majority—indeed he might almost say the whole of his fellow members. The cause of this change of feeling in favor of the Spencer's Brook was not far to seek. Last year the adoption of that line would have entailed very considerable delay in commencing the extension, but, now, having obtained the sanction of Her Majesty's Secretary of State to proceed with a section of the line, a further opportunity was afforded, without entailing further delay, to have a thorough examination of the country, which the terminal section will have to traverse, and to find out which line will best serve the agricultural interests of the districts concerned, at the lowest possible expenditure of money. The hon. member for the Murray and Williams

had quoted at some length from *Hansard*, in order to show that the feeling of the House last Session was in favor of the Spencer's Brook line, *per se*,—had it not been for the delay which would be caused by adopting that route, and the necessity which existed for proceeding with the extension as soon as possible. In support of this contention, the hon. member had referred particularly to the speech of the hon. member for Geraldton; but if he had read a little further it would have given a very different interpretation of the views entertained by the hon. member for Geraldton as to the proposal now before the House—to complete one section of the line first. Mr. Brown, in the speech referred to by the hon. member for Murray, proceeded to say: "As to the proposition to run the railway a distance of twenty-five miles from Guildford, and then stop in the heart of a mahogany forest, where no one lived, all he could say was—if that were the only proposition before the House he certainly should not vote for it." He was sure the hon. member was convinced now that we must proceed with the line by stages, complete one section first, and go on with the rest at our earliest possible opportunity.

MR. RANDELL: I regret I did not claim the indulgence of the House at an earlier stage of the debate, but I was somewhat undecided as to whether I should speak at all. Certain statements have, however, been made, which I feel impelled to reply to. I think the speeches delivered to-night by the right hon. gentleman the leader of the Government and by his hon. colleague the Attorney General tend to show, very clearly it seems to me, that the action taken by the advocates of the Chittering line, outside this House, has been quite right, for they have set before us the fact that the Council seems to have come to some determination, in some other place than this, to change front altogether from the position taken up by hon. members last Session, and admittedly without any additional facts before them,—showing that there were after all some grounds for the allegation that the subject did not at the last Session of Council receive at their hands that amount of consideration which it deserved. And I assert here to-night, notwithstanding what has been

said by the hon. member for Swan, the hon. member for Williams, and the hon. member for Geraldton, that the subject has *not* received that amount of consideration which one of its importance deserves at the hands of this House. The manner in which the question has been dealt with reminds me of the action of the Council some time ago with reference to Responsible Government—action that was repudiated by the Colony at large; at any rate, it resulted in nothing, although the resolution was carried almost unanimously. For this reason, I think the inhabitants of those districts which will be so seriously affected by the route which this railway will take had a perfect right in acting as they did in petitioning the Governor, and through him the Legislature, praying the House to pause before it committed the country to so large an expenditure of money, upon a hastily-arrived-at decision. That decision was arrived at, I think, without any discussion worth mentioning,—although the hon. member for Geraldton says that the question was before the country for some years. If it was, it was before it in a very hazy form, and the whole matter culminated in the course of one night's debate in this House, although hon. members were asked to postpone it. I think the resolutions which were adopted last Session were adopted simply because of the feeling which existed that the advocates of the York line constituted a strong majority in the House, and those who were in favor of the Chittering line were asked and induced to give way. But I think they made a great mistake—at any rate, I feel, for myself, that I made a mistake—in not recording their opinion against the direct line, so that it should not have gone forth to the Governor, and then to the Secretary of State, that the House was unanimous in supporting that route. I think that the whole question has been to some extent mystified; nor do I feel that I am capable of clearing it up much. I consider that the principle we should go upon is that this railway should run through land capable of settlement and occupancy, not so much on account of present traffic as for the future development of the resources of the country. Taking this into consideration, I think the memorialists who advocate the Chittering line have, I won't say all the argu-

ments, but very nearly so, and I think very nearly all the justice, on their side. If their claims are ignored by the railway being taken over the hills, either by Spencer's Brook, or along the more direct line to York, they will, as a matter of fact, I conceive, be shut out from the benefits of railway communication for a great number of years to come—I may almost venture to say for ever. I think this is much to be regretted, for I believe in the statements made by a large number of settlers to whose testimony we are bound to give weight, that there is a large quantity of land in the vicinity of the route which the line *viâ* Chittering would have traversed capable of being cultivated and occupied, and of adding to the productiveness of the railway and the prosperity of the Colony. If the line to York goes by way of Spencer's Brook, or by the more direct route, branches must ultimately be made to Northam and Newcastle, and we shall then find that this line will not be very much shorter than the Chittering line. We have also the fact that a route has been discovered by Mr. Mason, the Government Engineer, better in every sense of the word, presenting fewer difficulties to overcome, easier and less costly as regards working expenses and maintenance, while, at the same time, it will develop a much larger extent of country, and accommodate a larger number of people, than the other line. The advocates of the Chittering line had no opportunity of objecting to the resolutions adopted by the Council last Session. They might, perhaps, have moved in the matter earlier than they did, but, like a great many more—probably the majority of people—they never expected that the Secretary of State would sanction the scheme proposed in those resolutions. I honestly confess I never did, and I was perfectly astonished when I heard that he had—although perhaps I can pretty well arrive at the conclusion why he did. No reference has been made to-night to the reports laid on the Table of the House this Session, from Mr. Clayton Mason and the Commissioner of Railways, on the proposed railway route to Newcastle *viâ* Chittering; and this silence with regard to reports emanating from those who, I suppose, are the only persons in the Colony qualified to pronounce an authori-

tative opinion on the subject is somewhat surprising. Possibly it is to be accounted for by the fact that the reports are—or at any rate seem to me—in favor of the adoption of the Chittering route. Mr. Mason says: "I am satisfied that the through distance to York, which now appears according to the plan 108 miles, can be decreased by several miles without a large sacrifice to construction," and he points out that if this route were determined upon a far larger proportion of the public would be served than if it went direct to York. In order to show that the Council, as I maintain, acted hastily in accepting the direct line to York in preference to the Northern line, I would point out that a reference to the map will demonstrate the fact that the gradients are altogether in favor of the latter line, being very much easier on the whole than those on the direct York route—much easier of construction and altogether more advantageous. This fact of itself goes to substantiate the statement I have made that the Council was hasty in adopting the other and more difficult route. And the action of the House to-night, in deciding to go by way of Spencer's Brook, rather than along the original route,—if we can get the Secretary of State's permission to do so—sustains me in that view. The hon. member for the Swan, in support of the York line, has quoted some statistics from the Blue Book as to the productive resources of the various districts, but I think the hon. member has not quoted them in a fair and right way. As, however, I have no doubt they will be taken up and criticised by others, and as I am not at the present moment prepared to go into the figures thoroughly, I will merely point out that in dealing with the produce on the Chittering line he only mentioned Toodyay and the Swan, leaving out altogether the other districts which that line would serve. The hon. member, also, referring to the fallaciousness of some figures put forward by the advocates of the Chittering route, pointed out that the value of the produce of the Eastern Districts according to those figures was almost equal to the whole value of the exports of the Colony. But surely the hon. member forgets that all the produce yielded in the Colony is not exported, and that much of it is retained

in the Colony for home consumption, not only to meet the local requirements of the producing districts but also the requirements of the inhabitants of Perth, Fremantle, and Guildford. It will thus be seen how very unreliable even figures may be, and how they may be twisted about to suit the convenience of the person who has occasion to use them. The hon. member for Geraldton referred to the fact that there was already a surveyed line *viâ* Chittering, but I notice that Mr. Mason in his report laid on the Table a few days ago has something to say about that survey, and quite takes away any value that might otherwise be attached to it. Mr. Mason, in the concluding paragraph of his report (referring to the survey in question), says: "After seeing 'Mr. Major's line in several places, and 'examining the plan and section in this 'office, I have no hesitation in saying 'that it is worse than useless, for it is 'very much calculated to mislead. The 'line is a simple traverse, the curves are 'not even set out approximately, and 'some of the angles are more acute than '90°, and if his object was to select the 'worst possible line, he could not have 'succeeded better." That shows that there never was a proper survey made of it, and that, according to Mr. Mason, the survey which was made was worse than useless—misleading. Great stress has been laid by the advocates of the direct line upon the delay which it is alleged would take place in raising the loan if they had adopted any other line. If the borrowing of the money be the principal object we have in view, there is great force in that argument; but if that is not our principal object, then it is no argument at all. I think that delay in a case of this sort, where such important issues are at stake, is wise and prudent, rather than reprehensible—especially as we now find and admit that a mistake has been made. And having the reports of Mr. Mason and Mr. Thomas now before us, I do think we should pause and carefully consider what we are about to do. A work of this kind done now cannot be undone, and the Colony may be saddled with a very unproductive line, as well as a very expensive one, by reason of the very steep gradients to be overcome. These are some of the reasons—there are many others—why I think the

House should hesitate before taking any hasty action with regard to this most important matter, even although the Secretary of State *has* consented to our raising a loan to commence the work. We know now that the final survey is not completed, and it is possible that the Commissioner may have to alter his estimate as to the cost of constructing the line, and that we may find that this £100,000 will not take the line as far as Chidlow's Springs, but that it will have to stop at some other spot, not so convenient for the settlers of the districts concerned. It is not my intention to move an amendment upon the Resolution: there is already one amendment before the House, and, if I were in favor of the line going over the hills at all, I should support that amendment, for it would bind this Council to a certain extent to go by a much easier line. But I cannot vote for either the resolution or the amendment, for I firmly believe that we are not acting in what I conceive to be the best interests of the Colony, and that we should be doing so if the line were taken by way of Chittering.

MR. CAREY said the hon. member who had last spoken had referred to the report of the Commissioner of Railways as that of the only competent engineer in the Colony, and made a point of the statement that the report in question appeared to favor the Chittering line, rather than the more direct line with its steep gradients and other engineering difficulties. Well, he (Mr. Carey) would also refer to another report of this same gentleman—the "only competent engineer in the Colony," a report presented to that House last Session. This was what Mr. Thomas said then: "The country 'through which the line passes between 'Guildford, York, and Northam presents 'no engineering difficulties, and, from 'the easy nature of the work generally, 'the proximity of suitable timber for 'the bridges, culverts, and sleepers, and 'abundance of good stone for ballast, 'this extension will cost less per mile 'than the first section." That was the opinion of the Commissioner then, and he (Mr. Carey) believed that was his opinion still.

MR. MARMION: The subject of the relative merits and advantages of the various routes put forward in connection

with the proposed extension may be considered pretty well exhausted; therefore, I shall endeavour in the course of the few remarks I shall have to offer to travel as little as possible over what has already been said in the course of this debate. I think the hon. member for Vasse is to be thanked for looking up this report of the Commissioner's, bearing as it does upon the proposed deviation which we hope to secure.

MR. RANDELL: Will the hon. member read the last paragraph of Mr. Thomas's report laid on the Table this Session:

"It therefore becomes a serious consideration to at once not only decide upon railway extension, but by which route it should be accomplished so as to be of the greatest good to the greatest number; but before this can be settled with any degree of certainty, the line *viâ* Chittering should have such a preliminary survey made of it as that which has been done for the direct route, and then, with all the facts before them, the Government and the Legislature will be better prepared to arrive at a correct conclusion upon the question at issue."—*Report of Commissioner of Railways.*

MR. MARMION: I will come to that presently. The hon. member for the Swan said that no fresh facts or reliable data had been brought forward since last Session which would justify the House in altering its expressed opinion on this subject, and I agree with the hon. member so far as relates to engineering difficulties, or as affecting the question of the relative cost of constructing the one line or the other. But there are certain facts which have been brought to our knowledge, and which have influenced outside opinion very considerably, since this question was under consideration before; and I think that, sitting here as we do as the representatives of popular opinion, we are bound to consider those facts, one of which is with regard to the probable advantages that may accrue from a deviation from the direct line. With regard to the agitation which has been carried on for some time past in favor of the more circuitous route—a movement which was no doubt prompted by a good deal of selfishness, for each district is

naturally anxious to secure the benefits of railway communication if it can, and we can hardly blame them for agitating, so long as they do so in a fair and legitimate manner—but I think it must be admitted that the agitation was started rather late in the day. I am at variance with the hon. member Mr. Randell that this question of route was hastily decided last Session. The question had been before the country for the last ten years, and those gentlemen who have been agitating in favor of the Chittering line knew very well that eight years ago this Council had this very question under consideration, and that a large sum of money was voted for the preliminary survey of a line *viâ* Chittering to Newcastle, Northam, and York—the very route which they are now advocating—but the line was condemned as impracticable. Some years afterwards this vexed question of route came under the consideration of the House, and was the subject of a lengthy debate, but owing to some misapprehension with regard to the forms of the House and parliamentary practice, the question fell through. Still the debates were published in the papers, and those gentlemen had another opportunity of bringing forward their claims. Why did they not agitate then?

MR. RANDELL: I think I can best answer the hon. member in a slang phrase very popular at home—they considered it outside the sphere of practical politics.

MR. MARMION: The question was again revived two years ago, and formed the subject of another debate. On that occasion I pointed out that the line *viâ* Chittering having been already surveyed, it appeared there were only two other directions which required to be settled, and as the House had of late years been possessed with a mania for preliminary surveys, perhaps it would be as well that a preliminary survey of the two remaining routes should take place—one direct to York, and the other to a point equidistant between York, Northam, and Toodyay. I moved a resolution to that effect, which was adopted by the House. What were these gentlemen about then? They must have read what I and others had said with regard to the route surveyed *viâ* Chittering,—that no more money should be expended upon it, as it had been proved

to be impracticable by Mr. Major; and why did they not come forward then and state, what they do now, that Mr. Major went in a wrong direction, and that if he had gone a few miles more to the North they could have shown him a practicable line? Simply because they were too apathetic to avail themselves of another golden opportunity afforded them by this House. Eighteen months more passed over, and the Council resolved to have two more surveys made, one of a direct line to York, and the other to Northam. When these surveys were made, the matter came on for final settlement, and the House, having regard to all the circumstances which then presented themselves for consideration, determined upon adopting the direct York line. Not even then was any word of opposition or remonstrance raised by these Chattering gentlemen, who some months afterwards suddenly woke up and commenced an agitation, which if it had resulted in the attainment of their object would have postponed again for some years more the construction of a railway to the Eastern Districts. These are facts which I defy any one to controvert. Both parties are desirous of reaching the same terminus—York, one in a roundabout way and the other in a more direct line. We have now permission to proceed with the first twenty-five miles of the latter line, as far as Chidlow's Springs, which will bring Northam and York within 20 miles of Guildford, and Newcastle correspondingly nearer, so that no sooner is the first section of the line completed than it will afford increased facilities, as regard transport, to all these districts. On the other hand, if we completed a section of the same length on the Chattering line, we should benefit no one, and would only reach two-thirds of the way to Chattering itself, and about one-third the distance to Newcastle, which in fact would then be about a mile further from Guildford than it is now, while Northam and York would be several miles further from a railway than they are now. If it went through good country available for settlement, it would be a different thing, but it would do nothing of the kind. The land it would open up was not capable of settlement, otherwise it would have been settled upon years ago. We were told by some people that it was a dead level, that it

presented no engineering difficulties at all, and that as regards its physical character it offered no drawbacks to cultivation and settlement. Yet the fact remains that it has neither been cultivated or become a settled district, whereas, on the other hand, York, with all its physical disadvantages, as regards the conformation of the country, was now a flourishing settlement. I give my support to the resolution in the hope that the Government and the Director of Public Works will be in a position at the next Session of Council, or, at any rate, before the line to Chidlow's Well is completed, to show us that an easy and practicable route can be had by the way of Spencer's Brook, or as near as possible to that locality, offering the best facilities which the means of the Colony will allow to the districts more immediately interested—Newcastle, Northam, and York.

SIR T. COCKBURN-CAMPBELL did not wish to prolong the debate, for he thought hon. members must be wearied by this time with the discussion that had taken place on this subject. The correspondence which had appeared upon the question in the columns of the press had been most voluminous, furnishing a large amount of information, though unfortunately very unreliable; but he thought that every member by this time had made up his mind on the subject. He therefore did not consider it necessary to enter at any length into any arguments as to the merits of this or that route; but he thought there were one or two points in favor of the central or Spencer's Brook line which had been overlooked, and one in particular, namely the great advantage which this route presented, looking upon it as the trunk line for our future railway system, which the Chattering line did not present. Another very strong argument in favor of the central route was that which had been cursorily touched upon by the hon. member for Fremantle at the close of his remarks, namely, the equitable position as regards distance from market, and cost of transport, in which it would place the districts more immediately interested. Some reference had been made by the hon. member Mr. Randell to what the Commissioner of Railways and others had said with regard to objectionable

gradients on the one hand and engineering facilities on the other, and also to some other expressions of opinion with regard to the relative merits of the rival routes. But he (the hon. baronet) thought that these expressions of opinion were really of no great value compared with the official memorandum which the Director of Works wrote to the Governor to send home to the Secretary of State, with regard to this central line, from which it appeared that the Commissioner estimates that a revenue of not less than £53,000 a year will be derived from this line, which, after deducting all expenses, will, the Commissioner anticipates, leave a balance of £17,000 yearly to go towards the general revenue of the Colony, even if no increase took place in the amount of the existing traffic.

MR. VENN, in order that he might not be an altogether silent voter, would trespass one moment further upon the patience of the House while he offered a few words in explanation of the attitude which he assumed last Session with regard to this subject. On that occasion he found himself singular in opposing the proposed extension at all, but he spoke then before the financial proposals afterwards submitted by the hon. member for the Swan were brought forward, and when he failed to see how the Colony would be able to undertake this work and at the same time prosecute other public works of less magnitude but of equal necessity. When the resolutions submitted by the hon. member for Swan, which, among other financial proposals contemplated the funding of the £50,000 expended in constructing the Eucla telegraph line, were brought forward, and it was shown to the House and to the Colony that we would be in a position to carry out the work, he said nothing in the course of the debate on that occasion; but tacitly concurred in the generally expressed opinion that the railway should go to York by the direct route. He need hardly say that, as a matter of principle, he was in favor—as every sensible man must be—of railway extension, in all new countries which could afford the boon. What they wanted was the most amount of railway for the least amount of money—provided they got the work done properly. He saw nothing whatever to induce him to alter his opinion

with regard to the question of route, but he thought that when the residents of a district went to the trouble of memorialising the House and the Government it was incumbent upon the House and the Government to give their memorial every consideration. With regard to the advocates of the Chittering route, however, he might say that the reason why he disagreed altogether with their proposal was that, although this line would go through an immense extent of country, he was bound to state—with all due regard to the Newcastle people, who had stigmatised the members of that House as being totally ignorant of the character and position of the country—that the land which the railway would traverse was, for the most part, very worthless indeed. This route, moreover, did not, as had been pointed out, possess the advantages of a trunk line, and would go away altogether from the Southern portion of the Colony, which he hoped would some day be connected with the line which they were now about to extend eastward. If they went in a northerly direction to Chittering, the probability was that we should exhaust all our borrowing powers, and get no further. He thought the sooner they got to York the better for all of us. He could not close his remarks without reference to the discourteous manner in which the advocates of the Chittering line, in public meeting assembled at Newcastle, had referred to the members of that House, and to the reflections cast upon them in the offensive resolution already referred to, in which hon. members were charged with ignorance of the country through which the railway had to pass, and also of the position and capabilities of the districts concerned. He did not think the Toodyay people could expect that consideration at the hands of hon. members which they might have had if their claims had been put forward in less offensive and more courteous language. He did not see that the House, by adopting the resolution now before it, was in any way bound to follow the direct route to York, provided they could find a more practicable line, by deviating a little,—a line costing a little more perhaps, but accommodating a larger portion of the districts more immediately interested.

The amendment submitted by Mr. Stone was then put to the House, and a division being called for, there appeared—

Ayes 2

Noes 14

Majority against 12

AYES.	NOES.
Mr. Randall	Lord Gifford
Mr. Stone (Teller.)	The Hon. A. C. Onslow
	Mr. Brown
	Mr. Burges
	Mr. Burt
	Sir T. C. Campbell
	Mr. Carey
	Mr. Hamersley
	Mr. Higham
	Mr. Marmion
	Mr. S. S. Parker
	Mr. Shenton
	Mr. Venn
	Mr. Steere (Teller.)

The amendment was therefore negatived.

Mr. STEERE moved that the words "as far as Chidlow's Springs," in the first paragraph of the resolution, be omitted. As had been pointed out by the hon. member for Geraldton, the Secretary of State had not approved of the extension of the line to any particular point. The omission of these words would in no way affect the sense of the resolution, or weaken its force.

The motion was agreed to, and the words struck out.

The original resolution was then adopted *nem. con.*

MESSAGE (No. 1): FINANCIAL EXPLANATION.

Mr. SPEAKER announced the receipt of the following Message from His Excellency the Governor, with reference to the financial statement laid on the Table by the Colonial Secretary on the 22nd March (*Vide p. 9, ante*):

"Your Honorable Council will observe that the item £4,082 19s. 6d., being difference between par and proceeds of Loan of 1878, has been omitted from the statement of liabilities prepared by the Treasurer for your information. Although this item was included in our last statement of liabilities, it has appeared to the Governor, on further consideration, that it cannot properly be held as yet to be definitively a liability on general account, inasmuch as the General Revenue may never be called upon to pay it. For instance, if the

"cost of the Works being constructed out of Loan should fall sufficiently short of the nominal amount authorised to be raised, this difference would not require to be made good, while, in the contrary event, it would be for the Government and Legislative Council to decide whether the difference should be met by General Revenue or whether under the circumstances it would not be legitimate to add the deficient amount to any subsequent loan. Again, we hold an unexpended amount raised for the purchase of a Steam Tug which may not be expended for that purpose, and which, if not so expended, would be available to make good the difference in question if required. Under these circumstances, it appears to the Governor that it is unnecessary to deal with this item at present as a liability against general account, and the Treasurer, with the Governor's approval, has accordingly removed it from the statement now prepared.

"Government House, Perth, 22nd March, 1881."

MESSAGE (No. 2): MINUTES OF PROCEEDINGS OF INTERCOLONIAL CONFERENCE.

Mr. SPEAKER also announced the receipt of the following Message from His Excellency the Governor:

"The Governor forwards to the Legislative Council the Minutes of Proceedings of the Intercolonial Conference held at Sydney in January last, together with copy of a Memorial to the Secretary of State adopted by the Conference on the subject of Chinese Immigration into Western Australia.

"Government House, Perth, 22nd March, 1881."

MESSAGE (No 3): STIRLING SQUARE, GUILDFORD.

Mr. SPEAKER further announced the receipt of the following Message:

"The Governor forwards to the Legislative Council two Reports from the Director of Public Works on the subject of the Railway route through the town of Guildford.

"Government House, Perth, 23rd March, 1881."

[Enclosures.]

‘WESTERN AUSTRALIA.

‘Department of Public Works,
‘Perth, 21st March, 1881.

‘SIR,—I have the honor to acknowledge
‘the receipt of your Excellency’s Minute
‘of the 19th instant, on the subject of so
‘altering the first portion of the Second
‘Section of the Eastern Railway as to
‘avoid the Town Reserve at Guildford.

‘Holding the position I do, I should fail
‘in my duty did I not point out that the
‘deviation proposed from the Plan of the
‘Extension, as submitted to The Right
‘Honorable the Secretary of State, is in
‘my opinion a grave Engineering mistake,
‘one which I am sure would not have
‘received the sanction of the professional
‘advisers of the Colonial Office, and I
‘therefore desire to record most respect-
‘fully, but at the same time emphatically,
‘my protest against it, as being a step in
‘the worst interests of the Line.

‘I have in my Minute of the 23rd June,
‘1880, given the objections to this pro-
‘posed change, and it appears to me now
‘quite unaccountable that there should
‘be considered any valid reason for such a
‘deviation, that a Line of Railway intended
‘for the benefit of the Eastern Districts,
‘the Capital, and the principal Port of
‘the Colony should be injuriously altered
‘in order to save going through an un-
‘cultivated Reserve in a little village.
‘The whole inhabitants of Guildford do
‘not exceed 300; this Reserve is twelve
‘acres in area, and what is proposed to be
‘taken for Railway purposes is not a
‘quarter of an acre; surely this would not
‘interfere with the few—the very few—
‘persons who ever walk across this Reserve,
‘or the children who use it as a play-
‘ground.

‘I have, &c.,

‘JAS. H. THOMAS,
‘Commissioner of Railways.

‘His Excellency Sir W. C. F. Robinson, }
‘K.C.M.G., &c., &c., &c., Perth.’ }

‘WESTERN AUSTRALIA.

‘Department of Public Works,
‘23rd June, 1880.

‘SIR,—Referring to your Excellency’s
‘Minute of the 21st inst., forwarding me
‘a copy of a Memorial re Public Recrea-
‘tion Ground, I have the honor to report
‘as follows:—

‘In the laying out of a Railway it is
‘assumed that its construction is for the
‘advantage of the public generally, and in
‘my experience it is seldom, if ever, that
‘they are made without serious interfer-
‘ence with the rights of either public or
‘private property. I have seen in my
‘time both splendid mansions and parks
‘destroyed or disfigured, public recreation
‘grounds in a like manner interfered with,

‘and roads diverted to the great incon-
‘venience of the local population, and
‘therefore a Railway in this Colony, as in
‘every case elsewhere, cannot be made
‘without the privileges and immunities of
‘an Act of Parliament or Act of Council.

‘The case in question, I admit, not that
‘the proposed line will altogether spoil
‘the Recreation Ground at Guildford, but
‘that it will seriously interfere with its
‘usefulness.

‘The memorialists state that the run-
‘ning the line through the square in an
‘oblique direction would destroy the
‘symmetrical shape of the ground. This
‘is a mistake, as the line, as will be seen
‘by the plan attached, runs as near as
‘possible parallel to Mangles Street. The
‘statement, also, that the Hospital will be
‘interfered with is equally erroneous, as
‘the line does not touch the grant upon
‘which it stands.

‘The route proposed by the Memorialists
‘would have the effect of entirely closing
‘the approaches to the Recreation Ground
‘on the whole length of its South frontage,
‘creating great annoyance and danger to
‘the road traffic in so narrow a thorough-
‘fare as Mangles Street; and the reverse
‘or S curve, in close proximity to the Sta-
‘tion would be a perfect nuisance and
‘standing source of danger.

‘As to the compensation to be paid for
‘passing through the ‘valuable private
‘property, Guildford Town Lots 43, 41,
‘42, 40 and 39,’ I would point out that a
‘similar, if not greater, amount would
‘have to be paid for entirely closing the
‘frontage of the same Lots to Mangles
‘Street, if the route suggested by the
‘Memorialists was adopted, to say nothing
‘of the increased wear and tear annually
‘in working over the increased length of
‘Line with the objectionable S curve into
‘the Station; indeed I have no hesitation
‘in saying that so far from the route pro-
‘posed being ‘nearly costless,’ it would
‘be far more costly; in the first instance
‘far more costly to work, and far more
‘unsightly to the Town than that of the
‘surveyed line.

‘I would suggest that the Railway should
‘take the surveyed line, as it is, in an
‘engineering point of view, by far the
‘best; and in order to render it as little
‘unsightly as possible, in place of the
‘three-rail fence, plant a hedge of haw-
‘thorn or roses, with an ornamental rustic
‘bridge to connect the severed portions of
‘the Square, which would afford a safe
‘place from which the Public might watch
‘the passing and re-passing of the Trains.

‘I am, of course, prepared to carry out
‘the Line in whatever way I am instructed;
‘but for my own reputation’s sake as an
‘Engineer, I must place my opinion on
‘record, that the Government would be
‘making a great mistake in doing what

'the memorialists require, as the Line suggested would be more costly, of greater length by six chains thirty links, far more expensive and dangerous to work, and disfigure the Town to a far greater extent than if the Line was carried out as originally surveyed.

'I have, &c.,

'JAS. H. THOMAS,
'Commissioner of Railways.'

THE COLONIAL SECRETARY (Lord Gifford) moved, That the above Messages be taken into consideration next day.

Agreed to.

PETITION.

A petition was received through His Excellency the Governor from the settlers of Northam, pointing out the advantages of the Eastern Railway going *via* Spencer's Brook.

CONTRACT WITH OWNERS OF "OTWAY" AND "ROB ROY."

MR. SHENTON, pursuant to notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to cause to be laid on the Table of the House the contract (or copy of same) made between the Government of this Colony and the owners of the *Otway* and *Rob Roy*."

Agreed to.

NEW BILLS.

THE COLONIAL SECRETARY (Lord Gifford) moved the first reading of the following Bills:—

Eastern Railway Extension Bill, 1881.

Stamp Duties Bill, 1881.

Loan Bill, 1881.

Jury Act Amendment Bill, 1881.

Motion agreed to, and Bills read a first time.

RAILWAYS ACT AMENDMENT BILL, 1881.

FURTHER CONSIDERATION OF IN COMMITTEE.

Clause 22.—Recovery of penalties:

Agreed to, without discussion.

Clause 23.—"If any party shall feel aggrieved by any determination or adjudication of any Justice or Justices with respect to any penalty or forfeiture under the provisions of this Act, such party may appeal from such determination or adjudication, subject to and in

"accordance with the forms and provisions of an Act passed in the twenty-third year of Her Majesty, No. 3, intitled 'An Ordinance to improve the Administration of the Law so far as respects Summary Proceedings before Justices of the Peace:—'"

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said, as the clause now stood, it only admitted of an appeal subject to a specific Act, and an appeal only upon a point of law; but he thought it would be desirable to give a wider scope to the section, so as to admit of an appeal being made upon the merits of a case, upon certain conditions, with regard to the time within which such appeal should be allowed. He would therefore move, "That all the words after the word 'adjudication,' in the 7th line, be struck out, and the following be inserted in lieu thereof:—'To the Supreme Court. Provided always, that notice of such appeal shall be given to the convicting Justice or Justices within three weeks, and that such appeal shall be entered for hearing within two months after such determination or adjudication.'"

Amendment accepted, and clause agreed to as amended.

Clause 24.—Interpretation—agreed to.

MR. BURT then moved, That the following new clause be added to the Bill. "All sums of money exceeding Twenty pounds which may be payable by the Commissioner in respect of the taking, using, or interfering with any lands under a Contract or Agreement with any person who shall not be entitled to dispose of such lands or of the interest therein contracted to be sold by him, absolutely for his own benefit, shall be paid to the Master of the Supreme Court, to be by him deposited as directed by section 13, or to Trustees in manner directed by section 15, of 'The Railways Amendment Act, 1879'; and it shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, but all such monies shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands

"as well in possession as in remainder
 "reversion or expectancy: Provided al-
 "ways, that it shall be in the discretion
 "of the Supreme Court or the said
 "Trustees, as the case may be, to allot
 "to any tenant for life or for any other
 "partial or qualified estate, for his own
 "use, a portion of the sum so paid to
 "the Master of the Supreme Court or
 "to such Trustees as aforesaid, as com-
 "pensation for any injury, inconvenience,
 "or annoyance, which he may be con-
 "sidered to sustain, independently of
 "the actual value of the lands to be
 "taken, and of the damage occasioned
 "to the lands held therewith, by reason
 "of the taking of such lands and the
 "making of the works." The hon.
 member said that in the clause of "The
 Railways Amendment Act, 1879," dealing
 with the application of money payable to
 parties under disability, a very material
 omission had been made, relating to
 money which the Commissioner might
 have to pay on account of a contract or
 agreement which he might make with
 any person under a disability to dispose
 of land required for the purposes of a
 railway, and the present clause was intro-
 duced with a view to remedy that omis-
 sion.

The clause was agreed to without com-
 ment, and ordered to stand part of the
 Bill.

MR. BURT moved, That the following
 new clause be added to the Bill:—"No
 "Justice of the Peace holding any ap-
 "pointment, or otherwise employed, in
 "connection with any railway shall have
 "or exercise any jurisdiction under 'The
 "Railways Act, 1878,' 'The Railways
 "Amendment Act, 1879,' or this Act." The
 hon. member said this clause was
 introduced in accordance with the under-
 standing arrived at when the Bill was
 previously under discussion in Com-
 mittee.

The clause was adopted *sub silentio*, and
 ordered to stand part of the Bill.

Preamble and title agreed to.

Bill reported.

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

LEGISLATIVE COUNCIL,

Thursday, 24th March, 1881.

The Address in Reply—Superintendent of Roads:
 Correspondence re Gingin Road—Tramway over
 Darling Range: Report by Mr. Cowle—Princess
 Royal Harbor and Concessions to Ballarat Timber
 Co.—Financial Condition of the Colony—Message
 No. 3 (Stirling Square): consideration of—Eastern
 Railway Extension Bill: second reading; in com-
 mittee—Message (No. 4): Further Communication
 re Stirling Square—Eastern Railway Extension Bill:
 in committee—Adjournment.

THE SPEAKER took the Chair at
 noon.

PRAYERS.

THE ADDRESS IN REPLY.

At twelve o'clock, noon, the Council
 adjourned during leisure, in order to
 present the Address in Reply to His
 Excellency's Speech. On re-assembling,

THE SPEAKER announced to the
 House that the Address had been pre-
 sented, and that His Excellency had been
 pleased to reply as follows:—

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

"I receive with satisfaction your Ad-
 "dress in Reply to my Opening Speech.

"I must explain that in alluding to
 "the future of the Kimberley District I
 "did not mean to imply that the Govern-
 "ment had decided to adopt a system of
 "Coolie Immigration. No doubt the
 "settlers in that District will have to
 "look to the labor markets indicated for
 "their supplies of labor in the future,
 "but on what terms and conditions that
 "labor should be introduced—whether by
 "the settlers themselves, or under an
 "organised system of Government im-
 "portation—is a question which has not
 "yet been discussed.

"I shall be happy to place before you
 "all the information in my power relative
 "to the important questions which are
 "now under your consideration.

"Government House, Perth, 24th
 "March, 1881."

SUPERINTENDENT OF ROADS: CORRE-
 SPONDENCE RE GINGIN ROAD.

MR. BURT, in moving for the produc-
 tion of the correspondence that had