

amendments to make in the same clause, with the same object in view.

MR. BURGESS said he was very willing that every encouragement should be given to people who might wish to take up bits of ground for a garden or a vineyard; at the same time he would point out that if this right of free selection were to be granted in every part of the colony, and more particularly in the Northern District, it might very seriously injure the pastoral leaseholders.

MR. VENN: Why?

MR. BURGESS: I will tell the hon. member why. A leaseholder may have any amount of applications for little blocks of land for garden purposes within his lease, and, we may depend upon it, that the blocks selected would be those where water was available; and, in this way, a leaseholder might have all the springs and water holes on his runs taken up, and his runs by that means rendered valueless to him.

MR. VENN submitted an amendment to strike out the clause altogether, and substitute another one, reducing the size of the blocks to five acres, but imposing conditions of improvement in the shape of fencing and planting. (The amendment, however, was negatived.)

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he wished to withdraw the amendment he had proposed, as to striking out the words "in the South-West division," as, upon further consideration, he saw there would be some difficulty about it, as it would be contrary to the provisions of a former clause which prohibited alienation, except within certain areas, in other parts of the colony.

MR. VENN: I am rather startled at the hon. gentleman's intention to withdraw his amendment, at a moment's notice. It is rather awkward.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I simply say I am not prepared to go on with it now.

MR. VENN: I think it is scarcely right that the hon. gentleman after moving an amendment, which virtually extended the application of the clause to all parts of the colony, should at a moment's notice withdraw it.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I merely say that at the present moment I am unable to

proceed with the amendment. When we have had further time to consider the subject, there is no reason why we should not consider it again on the recomittal of the regulations.

MR. PARKER: May I ask then if it is intended to recommit the regulations?

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): It seems to me we shall have to do so.

MR. PARKER: It appears to me there would be no difficulty now in altering the provisions of the other clause so as to make it consistent with the proposed amendment in this clause.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest): I think it would be better to report progress. I do not know that it is in accordance with parliamentary practice to force a member to go on with his amendment contrary to his own wish.

MR. CROWTHER moved that progress be reported, and leave given to sit again another day.

Agreed to.

Progress reported.

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

LEGISLATIVE COUNCIL,

Friday, 6th August, 1886.

Proposal for the construction of a Railway on the Land Grant System from Derby or Wyndham to the Goldfields—Customs Return, Derby and Wyndham, for the year ending 30th June, 1886—Survey of Railway route from Derby to the Goldfields—Subsidy for Chaplain at Roebourne—Goldfields Bill: in committee—Magisterial Districts Bill: third reading—Adjournment.

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

PRAYERS.

PROPOSAL FOR CONSTRUCTION OF A RAILWAY TO THE GOLDFIELDS.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) laid upon the table a proposal by Messrs. Stone and Burt, on behalf of a syndicate of London capitalists, to construct a railway on the land grant system from Derby or Wyndham to the goldfields.

CUSTOMS RETURNS, DERBY AND WYNDHAM.

MR. MARMION asked the Acting Colonial Secretary to lay on the table the following Returns, viz. :—

- a. A list of vessels that have entered inward and cleared outward between June 30th, 1885, and the same date in 1886, at the ports of Derby and Cambridge Gulf; together with the harbor and other dues paid by each of such vessels, and the number of passengers that arrived in each such vessel.
- b. A statement of duties collected under the Customs Ordinance upon goods imported at Derby and Wyndham between June 30th, 1885, and the same date in 1886; such duties to be shown under the various Schedules attached to said Customs Ordinance; and whether such duty has been paid at the before-mentioned ports, or at Fremantle, or elsewhere.
- c. A return of the number of packages of Mother-o'-Pearl Shells (and the weight of same) that have been shipped or exported from King Sound or Derby between June 30th, 1885, and same date in 1886, together with particulars of export duty paid upon same; character of package, weight, and export duty paid to be shown upon each shipment, and the name and destination of vessel in every case.

The hon. member said he was very anxious that every care should be taken to protect the revenue at these Northern ports.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said the return asked for would be laid upon the table as soon as it could be prepared.

SURVEY OF RAILWAY ROUTE FROM DERBY TO THE GOLDFIELDS.

MR. GRANT, in accordance with notice, moved the following resolution: "That this House, in view of the promising prospects of the Kimberley goldfields, is of opinion that it is desirable the Government should take steps, during the coming recess, to send an exploring party to examine a suitable route for the construction of a railway from Derby to the goldfields and also to examine the country between Roebuck Bay and the goldfields, as to this country's suitability for railway construction towards the goldfields." The hon. member said, looking at what we may expect in the way of an influx of people and the development of this part of the colony within the next few months, it behoved the Government to take time by the forelock with respect to this matter. They would be bound to make roads to enable people to travel to and from the goldfields, and the question was whether it would not be better at once to make a railway, which would meet the exigencies of the case better than an ordinary road. He thought it would be well that the Government should immediately take steps to gain as much information as possible as to the best route for a railway to these goldfields, whether from Derby or from Roebuck Bay. The latter place was quite as near to the site of the goldfields as Derby was, and the route probably presented other advantages, the country to be traversed being far better adapted for the construction of a railway. He moved this resolution now in order that the Government might be prepared next session with the necessary information as to the nature of the country; for, if the goldfields turned out as we hoped they would and as we had every reason to believe they would, we should certainly require a railway constructed.

MR. McRAE seconded the motion.

MR. VENN thought they would have to go a little further than this resolution went—a resolution merely affirming the desirability of obtaining certain information—if they really wished the Government to move in the matter. The Government could not obtain this information without the necessary funds being placed at their disposal for the

purpose. The mere fact of the House passing this resolution would have no practical effect at all. He was quite in accord with the resolution so far as it went, but he thought it was absolutely necessary they should go further and pledge themselves to vote the money to enable the Government to carry out the resolution. For his own part he was quite prepared to do so.

MR. WITTENOOM thought it would be better to defer the consideration of this matter until they heard something more about the proposal which had just been laid on the table, for the construction of a land grant railway in this district.

THE SURVEYOR GENERAL (Hon. J. Forrest): It seems to me that if we are in earnest about this railway, from either Roebuck Bay or Derby, we should go at it in a more definite way than the hon. member for the North puts it in this resolution. The hon. member speaks of the Government being empowered to send an exploring party to examine the country. The hon. member must know that the country between Roebuck Bay and the goldfields has been travelled over by several persons, and traversed and triangulated; in fact it is already well known whether the country presents any engineering difficulties or not. I myself know the country well, between Roebuck Bay and Mount Wynne, on the Fitzroy—a distance of over 250 miles—to within about 200 miles of the goldfields; and Mr. Johnston, who is on the spot, has been there and back again three or four times. Then, again, we have Mr. Price, another experienced surveyor and an engineer, who has been appointed Warden of the goldfields, and who will have to travel the same route. So that all the knowledge necessary to enable us to form an opinion as to whether there are likely to be any engineering difficulties is already in the hands of the Government, or at any rate may easily be obtained. That being the case, I cannot see what would be the use of sending another party to examine the route between Roebuck Bay or Derby and the goldfields, unless we are prepared to make a survey of the country and to make a section of the ground. There is no doubt that there are no engineering difficulties until we arrive close to the goldfields, for it is

all up the Fitzroy and Margaret rivers. There may be difficulties, but they are not insurmountable. For instance, the bridging of the Fitzroy itself would be a great work, whether near its mouth or higher; but the difficulties are not such as could not be overcome if we had the money. There would be no great cuttings or tunnels on the line,—at any rate until we got close to the goldfields. I therefore think, if we are in earnest about the matter at all, this resolution should take a more practical form, and a sum of money should be placed on the Estimates for a survey to be made. Then comes the question—unless we are prepared to proceed with the construction of the railway, very soon, what would be the good of going to the expense of making a survey?

MR. GRANT: My object is this: that the Government, in the event of our receiving further confirmatory news as to the prospects of the goldfields, should be in a position to take any action they may think fit without consulting the Legislative Council, fortified by this resolution. In the event of that large influx of population which we may expect to see, I wish the Government to be placed in a position that would justify them in taking action at once as regards a survey of the line. Considering what may happen within the next three months, when we may have 10,000 or 20,000 people in this district, I think it is very desirable that the Government should feel themselves justified in taking immediate steps to meet the circumstances of the case. It would be at their own option as to what steps they would take. If they saw no necessity to act upon the resolution of the House, no harm will have been done; but I think myself it is very desirable indeed that the Government should be authorised to take immediate action should the necessity for it arise. I think we might trust the Government in a matter of this kind.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): There can be no objection, I think, to the resolution as an abstract resolution; but, after all, I think the hon. member might leave it to the Government to take such steps as may be found necessary. He may rest assured that they will do so.

MR. GRANT: That is just what I say; I want to place them in a position that would justify them in doing so.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith): There is no harm in the resolution, but there is no necessity for it. If the Government find it necessary, hon. members may rest assured that the necessary steps will be taken. If the goldfields advance and develop, and population so increases as to necessitate the adoption of some improved means for facilitating communication, the House may be sure that the Government will take the necessary steps for providing those means.

MR. GRANT: That is all very good, but would they be justified in doing so, without some authority from this House? We are supposed to hold the purse strings, are we not? Some of us, I can tell you, are not at all satisfied with some of the expenditure sanctioned by the Finance Committee. The Finance Committee may suit the people of Perth or Fremantle, but the country districts are not so much satisfied with what they do; and I am beginning to doubt myself whether we have done wisely in giving this Finance Committee so much power over the public purse strings. I think it would be well if this House had a little more voice in the matter.

MR. MARMION: If the hon. member wants to exercise more power over the purse strings he should have gone further than he has gone in this resolution, and ask for a sum of money to be placed on the Estimates. Unless the hon. member does that, nothing can come out of his resolution. But then comes the question of ways and means; and, until the Estimates are before us, we are hardly in a position to say whether the necessary sum—and I presume it would be a very considerable sum—will be available for this purpose. I would suggest to the hon. member that he should bring the matter forward again when the Estimates have been laid on the table. It is quite within the bounds of possibility that a work of this kind may be found necessary, and that within a very short time; but I cannot help thinking that if the necessity does arise for the construction of so great a work as this, the Executive Government would feel the responsibility so great that they

would not hesitate one moment in calling this Council together in order to consider the whole question. So that it seems to me there would be no great delay, and it would be much more satisfactory to hon. members, and to the hon. member for the North himself, that the House should have an opportunity of discussing such a question as this in Council assembled, should the necessity for it arise.

MR. GRANT said he had simply offered a suggestion; if the House did not think it necessary to accept it, he had no intention of pressing his motion, and was quite willing to withdraw it.

Motion, by leave, withdrawn.

SUBSIDY FOR ROEBOURNE CHAPLAIN OUT OF ECCLESIASTICAL GRANT.

MR. GRANT, who had a notice on the paper to move an humble address to His Excellency the Governor, praying that he would be pleased to cause a sum of money to be taken from the Ecclesiastical Grant, to subsidise a chaplain to attend the prisoners at Roebourne and Cossack, said he had received satisfaction in this matter, and that therefore he did not intend to proceed with his motion.

GOLDFIELDS BILL.

The House went into committee for the consideration of this bill in detail.

Clause 1.—Short title, and Act to come into operation on October 1st, 1886; Clause 2.—interpretation:

Agreed to.

Clause 3.—No miner's right, or any lease, license, or permit on any goldfield shall be issued or granted under this Act to any Asiatic or African alien before the expiration of five years from the date of the first proclamation of such goldfield:

Agreed to, without comment.

Clauses 4 and 5—put and passed.

Clause 6.—Miner's right to be granted for any term not exceeding ten years, upon payment of a sum at the rate of £1 for every year for which the same is to be in force:

MR. MARMION: Can a man apply for a miner's right for any number of years up to ten, and must he pay the money down at once for the whole term?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Yes. If he takes out a miner's right for ten years he must pay his £10 down.

The clause was then agreed to, as was also the next clause dealing with consolidated miner's rights, for companies or co-operative bodies of miners.

Clause 8.—No consolidated miner's right shall authorise the employment by virtue thereof of an Asiatic or African alien upon a goldfield:

MR. MARMION: The clause says "authorise." I presume this would absolutely prohibit the employment of any Chinese or Asiatics by any mining company on the diggings?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): A miner's right cannot be granted to an alien, nor does a consolidated miner's right empower the holder of the right to employ such alien.

The clause was then agreed to, and also the subsequent clause dealing with the privileges conferred by a miner's right.

Clause 10.—Leases may be granted for mining upon Crown land:

MR. MARMION asked how this would affect leases granted under the land regulations?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said that the Commissioner of Crown Lands would not, after the passing of this Act, grant any mining leases under the land regulations; all would come under this Act.

Clause agreed to.

Clause 11.—No mining lease shall embrace an area exceeding 25 acres, and shall not be granted until two years after the date of the proclamation of a goldfield:

MR. MARMION asked whether it would not be wise to extend the time within which these mining leases would be obtainable. Two years after the proclamation of a goldfield seemed rather short. Some months had already elapsed since these Kimberley goldfields were proclaimed, and it might be some considerable time yet before we received any thoroughly reliable information as to the true character of the diggings, and, even then, he presumed that only a portion of the gold-bearing country would have been touched. In this way persons might obtain very valuable leases before the real character of the country was ascer-

tained. He thought it would be well to extend the prescribed limit beyond two years.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said that after some consideration the Government had decided to make it two years. If the term were extended—to any extent at any rate—we might be sorry for it, perhaps. Two years must elapse before a lease could be applied for, and the application would come through the warden, and there was nothing in the Act to compel the Commissioner of Crown Lands to grant the lease. There was a difficulty about making the time too long as well as about making it too short. In Queensland the term was two years, and he believed it was the same in Victoria. Until we knew something more about the character of the field it was difficult to say how long the issuing of miner's leases should be prohibited. He thought they might let it stand for the present at two years.

The clause was then agreed to.

Clauses 12 to 17 agreed to, *sub silentio*.

Clause 18—dealing with the privileges conferred by a "business license" (for which the annual fee is £4):

MR. MARMION asked whether under this clause a man who took out a business license on a goldfield would be enabled to move from one part of the field to another, where there might be a new rush?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Not without paying for a fresh license. The license will only entitle him to carry on his business on the quarter-acre block in respect of which it is granted. If he wants to move about, and follow every rush that may take place, he must take out a new license wherever he wants to commence business, and that license will give him a right over that particular spot, to the extent of a quarter of an acre, and over that particular spot only.

The clause was then put and passed.

Clauses 19 to 28—agreed to, without comment.

Clause 29—Administration of justice; appointment of wardens and other officers:

MR. VENN said he noticed that throughout the Act the Governor alone, and not the Governor-in-Council, was to do all there was to be done under the Act, including the appointment of all

officers, without reference to the Executive. Was not that an unusual power to place in the hands of a Governor, under our present constitution?

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): Under our present constitution, as I am advised, all appointments lie with the Governor and not with the Executive, and that is the reason why this clause is so worded; and I have followed the same wording all through the bill.

MR. MARMION said it seemed that under this clause the Governor was not only to make all appointments, but also to fix all the salaries and the amount of remuneration which any officer on the goldfield should receive. He thought the Legislative Council ought to have some voice in that.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): The Legislative Council will have the privilege of voting the money of course; but the authority in whose hands the power of appointing an officer lies must be in a position to tell that officer what his salary is to be.

THE HON. J. G. LEE-STEERE: I presume all this can only be done under the regulations to be framed under the Act, and those regulations have to be laid before this House.

MR. MARMION: It is unfortunate that those regulations are not yet framed, while this House is in session.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said they were prepared, and if the hon. member wished it, he should be happy to show him a copy of them.

MR. MARMION would prefer that the regulations should be laid on the table for the information of other hon. members as well as himself.

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said the exigencies of the Printing Department would not enable them to print everything at once, but any hon. members who wished might see the proposed regulations. They were just about the same as the regulations obtaining elsewhere.

The clause was then agreed to.

Clauses 30 to 38:

Agreed to, *sub silentio*.

Clause 39.—“Before any assessor shall be summoned by any warden, such warden shall demand and receive the

“sum of one pound ten shillings from the person demanding assessors, and in case the hearing of any complaint shall be adjourned to any future day, the warden shall demand and receive the further sum of one pound ten shillings for every such adjournment, and the said sums, together with the amount of all fines on assessors, shall form a fund for paying the expenses of assessors, to be dealt with and accounted for as the Governor may direct.”

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) said it would be seen that the next clause provided that every assessor summoned to attend a Warden's Court should, for every day of such attendance, be paid at the rate of 7s. 6d. a day. As not less than six assessors would have to be summoned, it would be necessary to pay down £2 5s., and, as this clause only provided for the payment of £1 10s., he proposed to alter it by substituting “Two pounds five shillings” for “One pound ten shillings,” as he did not see why the Government should be called upon to pay the difference.

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

Clauses 40 to 79 were adopted, without discussion or comment.

Clause 80.—Repealing all regulations relating to auriferous land now in force:

THE ACTING ATTORNEY GENERAL (Hon. S. Burt) moved that this clause be struck out, and the following inserted in lieu of it, which made the intention more clear:

“All regulations relating to auriferous lands now in force are hereby repealed from and after the coming into operation of this Act; provided that such repeal shall not affect the validity of any act done or document issued under such regulations, and all such documents shall for the purposes of this Act be deemed to be issued under the provisions of this Act.”

The new clause was adopted, *sub silentio*.

Clause 81.—“It shall be lawful for the Governor in Council to cause to be paid a sum of money not exceeding One thousand pounds to the actual discoverers of any new goldfield; such sum to be paid under the terms and conditions to be prescribed by the regulations.”

MR. MARMION: Should it not be "discoverer or discoverers?"

THE ACTING ATTORNEY GENERAL (Hon. S. Burt): The plural includes the singular.

The clause was then put and passed.

Title and preamble—agreed to.

Bill reported.

MAGISTERIAL DISTRICTS BILL.

Read a third time and passed.

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

LEGISLATIVE COUNCIL,

Monday, 9th August, 1886.

Police Station eastward of Mt. Clere—Mail service Gingin to Moore River—Masters and Servants Bill: recommitted—Land Regulations: further considered in committee—Adjournment.

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

PRAYERS.

POLICE STATION EASTWARD OF MT. CLERE.

MR. SHOLL, in accordance with notice, asked the Acting Colonial Secretary whether the Government had any intention of establishing a police station eastward of Mt. Clere, in the Gascoyne District; and if so, at what spot? He had heard that the Government had received a petition from the settlers up there, asking for police protection, as depredations were carried on to a great extent by the natives in this locality.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said the Government did not propose establishing a police station eastward of Mt. Clere at present, as funds were not available, but the matter would not be lost sight of. In order, in a measure, to meet the

requirements of the settlers in that locality, provision would be made on the Estimates for 1887 for an additional constable to be stationed at Beringarra.

MAIL SERVICE BETWEEN GINGIN AND MOORE RIVER.

MR. BROCKMAN, in accordance with notice, moved, "That an humble address be presented to His Excellency the Governor, praying that he would be pleased to place on the Estimates for 1887 the sum of £50 for a mail service between Gingin and Moore River." He might state for the information of hon. members that at present the settlers on the Moore River got their mails once a month, and that there were fourteen householders who would be accommodated by this mail service, all farmers and graziers, besides the small population connected with them. This £50 would probably give them two more mails within the month. As the House had sanctioned a telegraph line between Gingin and Dandaragan some hon. members might think there was no necessity for increasing the mail service, but he would point out that this telegraph line would not benefit the Moore River settlers at all. Not only would this mail service benefit the local settlers, it would also be very useful to Northern stock-owners, whose stock were sent overland by this route.

THE ACTING COLONIAL SECRETARY (Hon. M. S. Smith) said he had no doubt whatever that this mail service would be of great benefit to the residents of the Moore River district, and, really, if the Government felt that the necessary funds were available they would be only too happy to give them this service; but there were so many applications for mail communications throughout the colony that it was impossible for the Government to entertain them. The sum asked for in this instance was a small one no doubt; still a number of these small items soon amounted in the aggregate to a large sum. The estimated expenditure in connection with the Postal Department for the ensuing year would show a very considerable increase, and it was quite out of the power of the Government to make any further increases.

MR. VENN said he knew nothing personally about the necessity of this