

was reported. [*Vide* 'Votes and Proceedings,' p. 114.]

THIRD READING.

The Branding Consolidation Ordinance, 1854, Amendment Bill, 1879, was read a third time and passed.

The House adjourned at ten minutes past two o'clock, p.m.

LEGISLATIVE COUNCIL,

Wednesday, 10th September, 1879.

Railway bridge at Fremantle—Duties of House Surgeon at Colonial Hospital—Registration system in the Registrar of Deeds' Office—Melbourne exhibition—Timber concessions to Mr. M. C. Davies—Lights on Fremantle jetty—Point of Order—Concessions to cultivators of tropical productions in the Northern Territory—Message (No. 9): consideration of—Message (No. 13): consideration of—Adjournment.

THE SPEAKER took the Chair at seven p.m.

PRAYERS.

RAILWAY BRIDGE AT FREMANTLE.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) stated—in reply to the question asked by Mr. Crowther, on the 9th September, (p. 155, *ante*), relative to the use of square piles in the construction of the railway bridge at Fremantle—that the Commissioner of Railways informed him that the reason for the adoption of square in place of round timber was one which would be very difficult to explain to non-professional persons, except personally, with the aid of drawings. The Commissioner of Railways would be happy to afford any hon. member full information in the matter if he would call at his office.

DUTIES OF HOUSE SURGEON AT COLONIAL HOSPITAL.

MR. S. H. PARKER, in accordance with notice, asked the Colonial Secretary whether there were any regulations and rules relative to the admission of patients into the Colonial Hospital, and defining the respective duties of the Colonial Surgeon and the Hospital House Surgeon; and, if so, to lay them on the Table of the House. Also what class or classes of patients were entitled to gratuitous medical attendance at the Hospital, and if the House Surgeon is entitled to demand fees from persons receiving medical attendance and medicines at the Hospital.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) replied that he could lay on the Table a copy of the rules and regulations, which were at present in force, but he might inform the hon. member that they were now undergoing revision by the Government, which revision was expected to be completed in the course of a few days. With regard to the other part of the hon. member's question, all persons in the permanent service of the Government, together with their wives and families, were entitled to and received medicine and medical attendance at the Colonial Hospital. There was no regulation at present with respect to the charge of fees for attendance on, and medicines to, persons not entitled to them at the public expense.

REGISTRATION SYSTEM IN THE REGISTRAR OF DEEDS' OFFICE.

MR. S. H. PARKER, in accordance with notice, asked the Colonial Secretary what steps (if any) were being taken to improve the registration system in the Registrar of Deeds' Office, for which a sum of £350 was placed on the Estimates for 1878?

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy), in reply, said that a new system of indexing memorials had been decided upon by the Government, and books for the purpose had been prepared at the Government Printing Office. A special clerk was employed on this duty, under the orders of the Registrar of Deeds.

MR. S. H. PARKER, in accordance with notice, thereupon moved: "That in

"the opinion of the House the improvement of the registration system and of the method of indexing prevailing in the Registrar of Deeds' Office can only be satisfactorily performed by some person skilled in the preparation and registration of deeds, and in the habit of making searches in the office." He said it would be in the recollection of the House that, on his motion, last Session, a sum of £300 was placed on the Estimates for the purpose of carrying out certain improvements in the system of registration and of indexing, but he had no idea that the money voted would have been expended other than in a way that would be productive of some substantial advantage. This could not be secured without the assistance of a skilled professional man, as every one conversant with the subject and with the nature of the work to be performed, would bear him out. In former years the work was uncommonly well done by the late Auditor General (Mr. Knight), who had considerable knowledge of conveyancing; but latterly the work had not been, by any means, satisfactorily performed, although no doubt those entrusted with the duty had done their best. But owing to their not being possessed of the necessary technical knowledge, the system of registration and of indexing now prevailing was the source of much dissatisfaction, inconvenience, and loss of time, to all who had occasion to avail themselves of it. The hon. member cited several instances that had come within his own knowledge illustrative of the egregious errors which were committed in the office, and said it was only that very day he had been informed by a gentleman who was in the habit of making searches, that, in consequence of the irregular manner in which documents were registered and indexed, a search which otherwise would have taken him two minutes to make occupied him two hours—he knew very well he could not depend upon the index or the registry, and was therefore obliged to search through the original documents. It was impossible for the present Registrar General or the Registrar of Deeds—neither of whom had any technical knowledge on the subject—to perform the work efficiently or satisfactorily; and, for his own part, although he had last Session moved to

place £300 on the Estimates for having the work done, yet if it was to be conducted by the present Registrar of Deeds without the assistance of some one possessed of a technical knowledge of the duties to be performed, he thought it would be much better that the money should not be spent at all.

MR. SHENTON seconded the motion. He did not do so from any personal knowledge of the present system of registration and indexing; but what he had been informed by other professional men fully bore out what had fallen from the hon. member for Perth—that the money voted would be entirely thrown away unless the reorganisation of the existing system was entrusted to some one possessed of technical knowledge of the subject. It was generally understood last year, when the money was voted for this purpose, that the work would have been undertaken by some professional man.

THE ACTING ATTORNEY GENERAL (Hon. G. W. Leake) hoped he should not be considered captious or resentful in rising to oppose the resolution, because in reality there was something in what the hon. member for Perth had said. But he thought the motion went too far. He had been acquainted with the Registry Office ever since September, 1843, and he knew pretty well how it worked. In reality the system of registration itself was altogether too cumbrous. It was this: when a lawyer prepared a deed he had to make an abstract of it and take it to the office to be registered, and in place of the abstract being bound up in a book, as it ought to be, for the inspection of the public, it was in reality re-analysed, and re-transcribed into the registry book, thus involving an immense amount of clerical labor. So far as the work of registering and indexing was concerned, it ought to be as simple as possible: an indexer was, possibly, about as low a specimen of a literary hack as could be found. He thought that a very slight modification of the Act would be beneficial, so far as to provide for the registration of deeds. The examples of irregularity referred to by the hon. member for Perth merely showed that some clerical errors had been committed by the person entrusted with the duty.

If the "abstracts" or "memorials" of deeds were handed into the office and then bound in a book, and the contents thereof simply indexed—merely the names of the parties, and a short note showing to what locations the memorial referred—that would be all that was necessary. He could not go so far as to say that such duty as this could not be satisfactorily performed by any person other than one skilled in the preparation and registration of deeds, as contended by the hon. member for Perth. He would be very glad indeed to confer on the subject with the hon. member, who, he thought, had quite misunderstood the question, and confounded professional and technical skill with mere clerical accuracy. He would therefore move, as an amendment—"That in the opinion of 'this House the improvement of the 'registration and of the method of 'indexing prevailing in the Registrar of 'Deeds' Office need not be performed 'by a person skilled in the preparation 'and registration of deeds, and in the 'habit of making searches in the 'office.'"

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy) seconded the amendment. He would draw the attention of the House to what took place last Session when the hon. member for Perth called the attention of the House to this matter. He saw nothing before him in the official report of the debate to show that any mention was made or promise given that a professional man should be employed to undertake this duty. In fact the only promise given by him upon the occasion was that a sum should be placed on the Estimates for the purpose of ensuring an efficient system of indexing in the future. That was now being undertaken, and he could not see what was the object of the hon. member in moving the present resolution. No question of a revision of the registration system had been before the House at all. He did not know whether the hon. member was aware that if that were undertaken it would necessitate an alteration in the Act; nor did he think that the hon. member was aware of what had been done in the registration office with reference to what had been asked for by the House, namely, re-indexing. It was stated to him that if a legal gentleman

undertook the work, in all probability the outside public would be unable to make a search: it would simply be putting money into the lawyer's pockets. What they were anxious to do was to get such a system that any person of ordinary abilities could go to the office and make a search without the aid of professional assistance. He was convinced that what was now being done would be for the good of the Colony, though perhaps not of the legal profession.

MR. CROWTHER said it was admitted by the Attorney General that something wanted doing to improve the present system, but the object of the resolution was to rectify what had been done in the past, and to do this it appeared would require professional knowledge so as to simplify the work of searching hereafter. An indexer might be a low literary hack, but they did not want to ride one of those hacks, but a very superior animal. They wanted technical knowledge and professional skill to bring order out of chaos, and he thought it would have been well if the Government had spent the money in doing what the House and the country wanted.

MR. CAREY supported the resolution. The hon. gentleman opposite (the Colonial Secretary) said it was not mentioned in the course of the debate last year that the work should be entrusted to a legal gentleman; but he (Mr. Carey) believed it was generally understood that a legal man would be employed, and from what fell from the Attorney General (Mr. Hocking) at the time, it appeared he intended it should be a skilled person. Mr. Hocking said: "At present it was 'a most painful drudgery people had to 'go through if they wanted to find out 'whether there was any encumbrance on 'land, simply owing to the fact that 'the Registry Office had never been 'conducted on what he might call a 'scientific principle.'" When he talked of 'scientific principle,' the hon. gentleman evidently contemplated that some technical knowledge would be required.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said it appeared to him the only opinions on the subject worth having had been those

expressed by the two legal gentlemen, the hon. member for Perth and the hon. the Acting Attorney General (Mr. Leake). The hon. member for Vasse when quoting what had fallen from the Attorney General (Mr. Hocking) last year ought to have gone a little further, when Mr. Hocking said: "What was wanted was to get 'hold of a proper system of indexing;' and so far as he (the Commissioner of Crown Lands) was aware, judging from the work in his own office and what he had seen in the other Colonies, the system of indexing was one which could be undertaken by any ordinary clerk, if he was careful. For his own part he failed to see any necessity for employing a professional man here, any more than in the other Colonies.

MR. SHENTON said the Commissioner of Crown Lands seemed to forget that in the other Colonies the system of registration was carried on under a proper system, and not in the lax and irregular way in which it had been carried on here for some years past; therefore the hon. gentleman's argument did not hold good. It was clear from what fell from Mr. Hocking last year that the work would have to be done on scientific principles if it was to prove of any use, and this could only be done by a man possessed of professional knowledge. That there was a necessity for improvement was patent to everybody who had occasion to go to the office: mortgages were registered as releases and releases as mortgages, simply owing to the ignorance of the clerk. He was sure the intention last year was that some professional and skilled person should be employed to put the office into working order, so as to simplify the task of making searches.

MR. S. H. PARKER said the hon. gentleman opposite (the Colonial Secretary) had spoken of the Registration Act, and said it would be necessary to alter the Act before the present system of registration and indexing could be revised. In telling the House that, the hon. gentleman merely showed that he was wholly ignorant of the provisions of the Act, as usual. He was sorry to find that the hon. gentleman would persist in quoting these Acts; he really ought to consult his hon. and learned colleague (the Attorney General) before doing so.

All he (Mr. Parker) wanted was to get the indexing into proper order. Not only was it distinctly understood in the House last year, but the hon. gentleman himself was aware, when he then moved the resolution on the subject, that it was a professional man alone who could perform what was necessary to be done. As to the Act, all he required was to work under it, and put the system of indexing in order under it. He did not want any new system of registration at all, but that the present system should be kept properly entered up, and that mortgagors should not be mixed up with mortgagees, as they were now, and charges registered under wrong persons' names. What he contended was that no person could put the office in order but a man skilled in such work. The hon. gentleman opposite was so fond of imputing motives to hon. members. He talked of putting money into lawyers' pockets. The Government had already in their employ a gentleman quite competent to do the work, efficiently, and prepared to undertake it, for a consideration. (THE COMMISSIONER OF CROWN LANDS: Name.) MR. PARKER: The Commissioner of Land Titles;—showing how the hon. gentleman was altogether wrong in insinuating about putting money into lawyers' pockets,—as if lawyers wanted Government billets. He did not believe any of them would accept one, if they got a chance. So far as the registry books were concerned, he thought they ought to be kept in the office of the Commissioner of Titles, and kept by him or the Registrar, who constantly had occasion to search them. It was absurd to think that the Registrar General with the assistance of a clerk could do it. The Registrar General was also the chief clerk in the Colonial Secretary's office, and they were always told about the clerks in that office how they were so overworked. How, then, could the Registrar General expect to find time to reorganise the system prevailing in the registration office? He (Mr. Parker) had frequently pointed out to the Colonial Secretary how badly the present system worked, and the necessity for reforming it, and he had brought the matter before the House simply because he could get no satisfaction from the hon. gentleman himself.

The House then divided, when the amendment was negatived, the numbers being:—

Ayes	4
Noes	11

Majority against	...	7
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AYES.	NOES.
The Hon. G. W. Leake	Mr. Burgess
The Hon. M. Fraser	Mr. Carey
Mr. Hamersley	Mr. Crowther
The Hon. R. T. Goldsworthy (Teller.)	Mr. Glyde
	Mr. Hardey
	Mr. Harper
	Mr. Marmion
	Mr. Monger
	Mr. Pearse
	Mr. Shenton
	Mr. S. H. Parker (Teller.)

The original motion was then put and carried.

MELBOURNE EXHIBITION.

MR. S. H. PARKER, in accordance with notice, asked the Colonial Secretary, "Whether it was the intention of the Government to appoint a Commission to control the expenditure and conduct the business in connection with the representation of the Colony at the Melbourne Exhibition; and, if so, whether any Elected Members of the Legislature would be placed upon the Commission."

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy), in reply said that nothing had been decided on with respect to the Melbourne Exhibition, nor could any decision be arrived at, till the Government had received replies giving the information called for in the notice published in the *Government Gazette* of 26th August, 1879.

TIMBER CONCESSIONS TO MR. M. C. DAVIES.

MR. CAREY, in accordance with notice, asked the Commissioner of Crown Lands to furnish this Council with a copy of the agreement made by the Government with Mr. M. C. Davies of Adelaide, in the matter of the Timber Concessions recently granted in the vicinity of Cape Hamelin, Vasse District; the area over which such concessions extend, and the various Reserves within this area, as well as the purposes for which such Reserves have been made, to be shown.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) replied it was not usual to grant returns unless required for some specific purpose, but if the hon. member would come to his office he would be happy to show the record copy to him.

MR. CAREY said that in asking for these returns he had done so simply that hon. members might be in a position to see what concessions had already been made to Mr. Davies in the Vasse district, as the subject of additional concessions to the same gentleman, in the Wellington district, would be brought before the House that evening. For this reason, he regretted that the Commissioner of Crown Lands had not complied with his request.

LIGHTS ON FREMANTLE JETTIES.

MR. SHENTON, in accordance with notice, asked the Colonial Secretary, under whose charge and supervision are the lights on the Fremantle Jetties? The hon. member also called attention to the fact that on the arrival of the *Rob Roy* from Geraldton, on Friday night, the 5th inst., there was no light on the new jetty.

THE COLONIAL SECRETARY (Hon. R. T. Goldsworthy), in reply, said he could not answer this question better than by reading a telegram from the Harbor Master:—"First jetty lamp is under my charge. Second jetty lamp went out suddenly just before steamer arrived. My boat's crew attend to the lamp. This day, the fifth inst., boat returned from Rottnest shortly before dusk, lamp was trimmed and lighted at sundown by boatman Gillmore; it is impossible to depend entirely upon these jetty lamps without some one stops up all night and watches them; this the department cannot afford. Jetty lamps are not recognised lights, nor are they advertised as such. Formerly, here, jetty lights were never lighted on moonlight nights, as not wanted. Everything that can be done is done to ensure their efficiency."

MR. SHENTON said he considered the explanation afforded in the telegram a most unsatisfactory one. On the particular night referred to, it must have been known to the Harbor Master and his

crew that the *Rob Roy* was expected from Champion Bay, and he presumed it was part of the Harbor Master's duty to see that there was a proper light on the jetty when the steamer arrived, and that some of his men should have been on the jetty at the time. In the event of an accident or anything going wrong, the Harbor Master and his crew would naturally be the very first men people would have to look to for assistance.

Mr. CAREY said it was a very fortunate thing that the steamer did not run into the jetty on the night in question. When she hove in sight there was no light on the jetty, and some gentlemen who met the Harbor Master shortly afterwards called his attention to the circumstance, when he replied, with the utmost nonchalance, "he supposed it (the light) had gone out."

POINT OF ORDER.

Mr. S. H. PARKER, in the course of the discussion on the above question, raised a Point of Order as to the right of members to speak to a motion for the adjournment of the House.

Mr. SPEAKER ruled that a member having once spoken to a question could not move or second the adjournment of the House, but he could speak to the question when the adjournment had been proposed and duly seconded by any other member.

CONCESSIONS TO CULTIVATORS OF TROPICAL PRODUCTIONS IN THE NORTHERN TERRITORY.

IN COMMITTEE.

Mr. HARPER, in accordance with notice, and without comment, moved the following resolution: "That in the opinion of this Council it is desirable, for the purpose of introducing the cultivation of tropical productions in the Northern portions of the Colony, that the Government should be empowered to make concessions to *bonâ fide* cultivators, on the following conditions:—Land purposely to be used in the cultivation of coffee, sugar, cinchona, tobacco, or any other merchantable tropical or semi-tropical production,—to be selected in blocks of not less than 500 acres nor more

than 1,500 acres by any one person, nor less than 500 acres nor more than 4,000 acres to any one company of persons—on an engagement that in three years one-tenth shall be brought under cultivation, and in seven years one-fourth shall be similarly dealt with; and at the expiration of the whole term of seven years, provided the above conditions have been complied with, the occupier may claim and be entitled to a Crown Grant without payment. Also, that a bonus of £500 be offered to any one person or company which shall produce and export five tons of coffee or twenty tons of sugar from such grants of land. Provided that the above advantages shall not be granted to more than two companies or distinct establishments."

Mr. MARMION said that as the hon. member who had moved the resolution did not accompany his motion with any explanatory remarks, he (Mr. Marmion) felt bound to move an amendment, which would to a very great extent remove the only objection he had to the resolution as now worded. The main object of the amendment which he was about to move was the prevention of the monopoly by any one person or company of large tracts of land, to the detriment of others. The amendment he had to propose was as follows: "That, with a view to encourage the cultivation of sugar, coffee, tobacco, and other tropical products in that portion of this Colony lying North of the 25th Parallel of South Latitude, it is advisable to make free grants of land, in blocks not exceeding 640 acres each, to any person or persons who shall give satisfactory proof to the Government of his or their intention to embark capital in the cultivation of either or any of the above-mentioned tropical products; such free grants not to exceed in the whole 6,400 acres—not more than one (1) block of 640 acres to issue in the name of any one person, nor more than four (4) of such blocks in the name of any company, and before the fee simple of any block shall be granted, the holder or holders of such block shall have securely fenced and cultivated with either or any of the before-mentioned tropical products at least one-fourth of such block, failing which

"fencing and cultivation, within seven (7) years after the issue of the permit to occupy, such block shall be liable to revert to the Crown. And that an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to offer a bonus of £500 to any company or person that shall first produce in the Colony, in any one year, and sell therein or export therefrom twenty (20) tons of sugar; and a like bonus of £500 under similar conditions for the production of five (5) tons of coffee."

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) regarded the motion before the Committee as somewhat premature. Hon. members were aware that within the last few days they had received telegraphic intimation from Mr. Alexander Forrest announcing the successful completion of his exploration of the territory to which the motion under consideration referred. The question of dealing with pastoral lands in that portion of the Colony had wisely been postponed until further information relative to the country in question had been received, and he thought it would be well also if the question of dealing with that portion of the same territory suitable for the cultivation of tropical products were deferred pending the receipt of Mr. Forrest's official report. Of course there could be no objection to hon. members placing on record their opinions as to the best means of turning this territory into account, but, on the part of the Government, he felt bound to say that any resolution now passed by the House—before the Government were placed in possession of the report of the leader of the expedition which had just completed an exploration of the country—would not be regarded as binding upon the Government. As soon as Mr. Forrest's report was received, the Government would be in a position to formulate some scheme for the utilisation of the territory referred to, which scheme would be submitted to the House when it next met, and it would be for the House then to adopt the proposals of the Government or to submit any other scheme which it might deem more advisable to adopt, and which would have every consideration at the hands of the Government. He would suggest that the hon. member

for the North should withdraw his motion.

MR. SHENTON said that, after what had fallen from the Commissioner of Crown Lands it would be unwise on the part of the House, and also premature, to deal with the question referred to in the resolutions before the Committee. He thought the better plan would be to postpone the consideration of the subject until next Session, and, to that end, he would move, That Progress be reported.

MR. HARPER said his reason for bringing forward the resolution now was in order to obviate any unnecessary delay in the utilisation of the territory referred to. If they waited, without taking any steps in the matter, or recording their views on the subject, until Mr. Forrest's report was prepared and furnished to the Government and to the House, the Session would be ended, and another year would thus be lost, before anything could be done in the matter. As to withdrawing his motion, as suggested by the Commissioner of Crown Lands, he would be happy to meet the hon. gentleman's views if he could do so without going to the extent of withdrawing the resolution. He was quite prepared to accept the motion of the hon. member for Toodyay to report Progress.

MR. MARMION said he was not inclined to do so himself, nor was he inclined to agree with the Commissioner of Crown Lands that it was premature to deal with the subject at the present time. Many hon. members might be desirous of expressing their opinions on the subject referred to, and having these opinions placed on record; and he thought an opportunity should be afforded them to do so. This was the last Session of the present Council, and it was within the bounds of possibility there were members present now who would not have seats in the new Council, but who might be desirous of placing on record their views as to the most advisable course to adopt in dealing with the land in the locality in question. It appeared to him it could make very little difference indeed—so far as the resolutions before the House went—what Mr. Forrest's report might say with regard to this territory. If the report was favorable, there would be all the more chance of the facilities which it was now

proposed to offer being taken advantage of: if the report spoke indifferently of the country, there would be the less probability of its being utilised—that was all. They might, at any rate, show the outside world that, in the event of the report being favorable, we were prepared to offer inducements for the cultivation of the soil. The present discussion could only be regarded as an expression of opinion on the part of the House, which, though it might carry weight with the Governor, would not in any way bind His Excellency to any particular course of action. He therefore failed to see what harm it would be if the resolution or the amendment before the Committee were adopted. He was of opinion that the amendment which he had put forward would possibly be more in accord with the views of the majority of hon. members on the subject, and for this reason he would have liked to have heard an expression of opinion on the part of those who had given the matter their attention. He was therefore sorry that the Commissioner of Crown Lands should at this early stage of the debate throw a 'damper' upon the discussion which the resolution was calculated to elicit.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) failed to see how the House could justly make fish of the pastoral section of the community and flesh of the agricultural section. It was only the other evening that they decided that nothing should be done with reference to the pastoral lands in the territory which had just been explored, until Mr. Forrest's report was received; and he failed to see how they could consistently proceed to deal with any other part of the country required for other than pastoral purposes. He thought the majority of hon. members would agree with him that it would be better to defer the consideration of this question until they were in a position to deal with the whole subject of the utilisation of the newly-explored territory.

MR. CAREY said it was always a source of gratification to him to be in accord with the Government, which he certainly was in this instance. He was one of those who had moved that the applications for pastoral lands in the locality referred to should not be dealt

with until the country was in possession of Mr. Forrest's report, and he certainly thought it would be not only inconsistent but unwise to deal with any other portion of the territory in question until the information which the report of the leader of the expedition was made public.

MR. MARMION drew attention to the difference that existed between the two cases. In the one case, if the pastoral leases were actually granted the land in respect of which they were issued would be to a certain extent alienated for a number of years from being used for any other purpose, but if the House merely adopted the resolution now before the Committee it merely expressed an opinion that in the event of a person or company embarking a certain amount of capital in the development of what might hereafter prove a valuable and important industry, that person or company should, as a concession, have a certain acreage of land suitable for the cultivation of tropical products and for no other purpose.

MR. HARPER thought the parallel drawn by the Commissioner of Crown Lands between the resolution adopted the other evening as to the pastoral lands and the resolution now before the Committee was by no means analogous. The former resolution affirmed the desirability of withholding all pastoral leases until Mr. Forrest's report was furnished; the present resolution did not contemplate the granting of any leases, or bind the Government to take any action, but merely enable them to do so, if it were found desirable that some action should be taken.

Question—That Progress be reported—put and passed.

MESSAGE (NO. 11): TIMBER CONCESSIONS TO MR. M. C. DAVIES.

The House then went into Committee to consider the Message received from His Excellency the Governor [p. 137 *ante*] relative to an application made by Mr. Maurice Colman Davies for a license to cut timber on an area of 30,000 acres of land, adjacent to his saw mills, in the Wellington district.

IN COMMITTEE.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said if hon.

members had perused His Excellency's Message and his own memorandum attached to it, they were as *an fait* with the matter as he was himself. He wanted the House to understand that the difficulty which presented itself to the Government, and the first question to settle, was the policy of dealing with the application as one affecting the welfare of the district, but encumbered with a stipulation which necessitated a large outlay of money. And the second question was, as to whether the giving so large an area might not give license to a monopoly, to the prejudice of those now in the district, and serve to debar others attempting to start also in the same trade. The Resident Magistrate, who appeared to have gone into the whole matter very thoroughly, estimated that between £3,000 and £4,000 would have to be expended in putting in repair that portion of the road between Bunbury and the point where the road to Mr. Davies' mill left the main road. If hon. members would look to the return showing the proposed appropriation of the roads loan, they would see that a sum of £2,000 had been apportioned for a part of this road—from Bunbury to the turn-off at Dardanup—which was the main Blackwood road, and which stood in need of immediate repair, not only for the convenience of those engaged in hauling timber but for the settlers in the neighborhood. Of course the granting of a special timber license would occasion an unusual amount of traffic on this road, and therefore an unusual expenditure of money to keep it in repair would be required. That could not be guaranteed for this specific purpose out of the roads loan, and therefore it was that His Excellency had deemed it advisable to consult the House, as to whether it was prepared to sanction the necessary expenditure by a special vote, in consideration of the great advantages which the district might be expected to derive from the extension of Mr. Davies' works, on a concession being granted him. He had just been informed by the hon. member for the Vasse—who, in the absence of the hon. member for Wellington, naturally, represented the district where he resided, and where Mr. Davies' operations were carried on—that he was prepared with a resolution which he under-

stood would meet with the approval of the majority, if not of all, hon. members, and wherein it was not proposed to give Mr. Davies so large an area of country as he had asked for. For himself, and speaking on behalf of the Government, he might say that the question had also occupied his thoughts as to whether granting such an extensive area as 30,000 acres, or forty five square miles of country, would not be giving an undue advantage to one individual. He understood that, in the opinion of the hon. member for Vasse—and he might say, for his own part, he was quite in accord with the hon. member—an area of 4000 acres was the greatest concession that should be granted. With these few words of explanation, he would now leave the matter in the hands of the House.

Mr. CAREY regretted that his request for a copy of the agreement made by the Government with Mr. Davies in the matter of other timber concessions, had not been complied with, inasmuch as it would have furnished the House with some useful information relative to the concession which had been already granted to Mr. Davies in the Vasse district. He thought it would be well that hon. members should be informed on this subject, before dealing with the question now before the House. He had reason to believe that a timber concession of 90,000 acres had been granted to that gentleman in the vicinity of Cape Hamelin, and that, in fact, he had the monopoly of all the timber south of Yelverton's station. Included in this 90,000 acres, he had a reserve of 640 acres—at Cape Hamelin, he believed—and seven other reserves (judging by the map) of about 100 acres each; and some of the run-holders in that locality complained that they wanted the water in these reserves for their stock. For these very extensive concessions, Mr. Davies paid a sum of £150 per annum, which exempted him from the payment of any license fees whatever; and, as at Cape Hamelin there were no means for collecting Customs duties, it also cleared him of all imposts under that head. At all events, he held something like 140 square miles of country, which, if he paid for it at the usual rate fixed by the land regulations (£20 per square mile) would cost him £2,800 a year, instead of £150. Hon. members were aware that a concession had been

granted some years ago to the W. A. Timber Co., at Lockeville, but that concession granted no such privileges as these: it merely gave the exclusive right to cut timber over a certain area. They were not, like Mr. Davies, exempt from the payment of all fees and licenses. According to Mr. Simpson,—and Mr. Simpson's authority was Mr. Davies' manager—the police had not, for years back, looked after even the timber haulers employed by Mr. Davies, whereas they had taken very good care to do so in the case of the W. A. Timber Co.'s haulers; so that it appeared Mr. Davies was a very favored individual in every respect. In the first part of the Commissioner of Crown Lands' memorandum attached to His Excellency's message, it was stated that the license now sought for by Mr. Davies was to cover 30,000 acres, and he was glad to hear that the Commissioner now concurred with him that this was too large a concession to be made to any one person. He knew the country referred to very well, and the concession if granted would embrace the whole of the timber country south of the Collie. North of the Collie it was all private land, so that if Mr. Davies' very modest application were approved it would virtually give him the monopoly of the whole timber trade of the District. It was stated in the second paragraph of the Commissioner of Crown Lands' memorandum that the engagement offered on Mr. Davies' part was the erection of sawing plant and machinery capable of cutting 120,000 feet of timber in a month, the employment of about 200 men and 60 teams. Mr. Davies had been engaged in the timber trade for several years past, had carried on operations on a very extensive scale during that period, yet the whole of his operations had been confined to one square mile (640 acres). That being the case it appeared to him that when he came forward and asked for 30,000 acres—in addition to the 90,000 acres he already had obtained in the Vasse District—he (Mr. Davies) could not be regarded as very modest in his requirements. Indeed, he was surprised he had not asked for all the timber country in the Colony. As to the promised employment of teams, Mr. Davies during the past few years had employed on an average about 20 teams,

on an area of 640 acres, so that it would only require three blocks of that area to carry out his own proposal to employ sixty teams. He wished to point out to the House, and more particularly to the hon. gentlemen occupying the Treasury benches, that in any engagement made with Mr. Davies it would be well to have the terms of the agreement very clear—very clear, indeed, and he would mention why. Some few years ago, Mr. Forrest, of Bunbury, applied for a timber concession, and obtained it on the distinct understanding that he would erect saw mills and carry on active operations in the timber trade. Nothing however was done, and, after holding the land for some years, without expending a single farthing upon it—although obtained on the distinct understanding that the necessary sawing plant and machinery for carrying on the timber business should be erected—he sold the concession to Mr. Simpson, of the W. A. Timber Co., who subsequently disposed of it to other parties, and recently the very same land had fallen into the hands of their friend Mr. Davies, although the concession referred to was granted to Mr. Forrest and to no one else. Mr. Forrest in order to shield himself retained an interest in the matter to the extent of one shilling. He mentioned this circumstance to show that in any engagement entered into between the Government and Mr. Davies, it would be advisable to have the terms of the agreement very clear and precise. As a further illustration of the necessity of this, he might state that when Mr. Davies was in treaty for the timber country over which Mr. Forrest had obtained a concession, there was some dispute about the price, and Mr. Davies' manager finding it would be better and cheaper to purchase the land outright from the Crown, applied and paid for the land; but, owing to the concession having formerly been granted to Mr. Forrest, the purchase money was returned from the Treasury to Mr. Davies, and a considerable sum was lost to the revenue. The Commissioner of Lands in the third paragraph of his memorandum said the terms proposed by Mr. Davies were rather vague; if so, all he (Mr. Carey) could say was it would be well that in any agreement entered into with him by the

Government the terms should be anything but vague. With reference to the road between the forest and the port of Bunbury, and the proposal to expend between £3000 and £4000 in putting it in good order, and a further sum of £300 annually for the maintenance of the road, these figures, furnished by the Resident Magistrate, did not agree with that of the District Roads Board, nor with the estimate of the Superintendent of Roads. As to the statement made by Mr. Davies that the road was a public road, and was therefore bound to be kept in repair, as such roads were—for every single ton carried over it by the settlers in the neighborhood a hundred tons passed over it from Mr. Davies' station. Other timber companies had had no roads made for them by the Government, but at their own cost had made both railroads and tramroads. It was stated by Mr. Davies, as alleged in the Surveyor General's memorandum, that for some years past his firm had disbursed about £12,000 a year in the district. Now he had heard a gentleman connected with this timber station boast—and when people boasted they generally went above rather than below the mark—that their expenditure was £500 a month, which would make the annual disbursement £6000 a year, and not £12,000 as stated by Mr. Davies. As to the employment of teams, it was stated in the memorandum before the House that Mr. Davies had never been the carrier of timber cut at his mill, and that practically the whole of the available teams in the district were employed by him. This statement, to say the least, was scarcely correct, for the very best team employed in connection with the removal of the timber cut at his mill was Mr. Davies' own team. As he had before said, no such concessions as those which had already been granted to this gentleman had ever been conceded to any other party—certainly not to Mr. Yelverton (the pioneer of the timber trade), or the W. A. Timber Co.; he did not know exactly what was the extent of the concessions made to the Rockingham Co., but he did not think they were anything as liberal as those already made to Mr. Davies in the Vasse district, nor such as those now proposed in the Wellington district. But as the development and encouragement of the timber trade

was a matter of vital importance to the Southern Districts and it was necessary to foster it by granting reasonable concessions, he would propose a resolution to that effect—the object of his remarks being to draw the attention of the House and the Government to the necessity of guarding against monopoly, land-jobbing, and loss of revenue. He begged to move the following resolution: “That, in reply to His Excellency the Governor’s message, the House would respectfully submit that in its opinion the granting of a concession to Mr. M. C. Davies would confer considerable advantages upon the district in which his works are carried on. The House would therefore be glad to see His Excellency the Governor sanction such a concession to Mr. Davies, as would enable him to extend his operations; provided always that the concession be not of such a nature as to create anything in the shape of a monopoly of the timber trade in the district, which, the House respectfully suggests, might be the probable result, if Mr. Davies’ application, in its present form, were entertained. The House however, considers that it would not, at the present time, be justified in specially voting a considerable sum of money, over and above that which has already been apportioned out of the road loan, for the making and upkeep of that portion of the main roads of the district, which may be used in carrying on the larger business operations which it trusts the granting of such a concession would involve.”

MR. SHENTON thought that after what had fallen from the hon. member for Vasse the House ought to be placed in possession of full information with regard to the terms of the concessions already granted to Mr. Davies in the Vasse District. Some rather startling disclosures had been made by the hon. member, of which the House had no conception before, and he thought the resolution was one that required very careful deliberation before the House committed itself to it, in the absence of fuller information. He would therefore move that Progress be reported in order to afford the Commissioner of Crown Lands time to supply that information.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said the hon.

member for Vasse was not quite correct in what he had stated with reference to the concessions already granted to Mr. Davies; but, after all, he failed to see what connection there was between those concessions and that now asked for. The two localities were many miles apart. The hon. member had taken exception to some of the statements made in his memorandum, with reference to the number of men and of teams likely to be employed and the probable expenditure which this would create in the District. He (the Commissioner) had been guided in what he had stated by various documents, and first of all by a memorial which accompanied Mr. Davies' application, signed by the most important and influential men in the District, among which was the signature of the hon. member himself, setting forth that large sums of money were being spent by Mr. Davies and a great number of men employed by him. There was also Mr. Clifton's statement, which he understood was generally allowed, that for some time past the firm had disbursed about £12,000 a year in the District. This was confirmed by Mr. Davies' own assertions, and supported by what he (the Commissioner) assumed to have been an extract from the firm's day book showing that their expenditure was at the rate of something like £1,000 a month, for some months past. With regard to whether the concession now asked for should be granted in respect of the greater or the smaller area, that was a matter in which the Government were perfectly unconcerned, and in the hands of the House: they knew no more about Mr. Davies than they did about Tom, Dick, or Harry. Having secured a position in the District, he had come forward as an applicant for a concession which admittedly would confer a great benefit upon the District; and it was more in the interests of the District than of the applicant that the Government had brought the matter before the House. As for the concessions granted in the Vasse District to Mr. Davies, the House had nothing to do with that at present. With regard to the relative liberality of those concessions and the concessions made to other parties in the District, the terms of the concession made to Mr. Yelverton were, he believed, the right

to cut timber over an area of twenty-five miles for £30 a year. Mr. Davies paid £150 a year for his concession, which certainly covered a much larger area of country; but the House should bear in mind that under the existing regulations any individual could obtain the right to cut timber at the rate of £20 per square mile. It should also be borne in mind that the privileges now sought by Mr. Davies would only be for the terms prescribed by the land regulations, namely, fourteen years, and as, from the hon. member's own showing, it took Mr. Davies six or seven years to clear one square mile of country in the Vasse District, he (the Commissioner) did not think there was such a great deal to be made out of the proposed concession. He would be happy to render the House any further information within his power: if hon. members wished for more time to consider the proposals he had no objection, or if they wished to throw Mr. Davies over altogether it was a matter of indifference to the Government, apart from the fact that the interests of the District would suffer thereby.

MR. CAREY explained the circumstances under which the signatures were obtained to the memorial referred to by the Commissioner of Crown Lands, and reminded the hon. gentleman of the resolution unanimously adopted at a public meeting (and forwarded with the memorial) against a monopoly being granted to Mr. Davies.

MR. CROWTHER said the importance of the expenditure of a large sum of money in any district, north or south, at the present moment, could not be overestimated; at the same time it was just possible they might be too liberal in dealing with these concessions. As pointed out by the hon. member for Vasse, the area of country over which the concession asked for would extend, coupled with the still larger area already granted to the same applicant, was very extensive, and calculated to create a monopoly of the whole timber trade of the district. He did not think it was a wise or prudent stroke of policy to put all their eggs in one basket. Although it might take a long time for Mr. Davies to clear all this area of country, still he might dispose of it to others, as it appeared had been

done by others to whom concessions had been granted. He believed Mr. Davies' firm had done more good in the district than all the other timber companies combined, and he thought the House and the Government would do well to give him all the assistance they could, consistent with the public interests and the rights of other parties. But he would like to know whether that House had any power to deal with the subject at all or whether it was not a fact, that arrangements had already been made by the Government with Mr. Davies. He was surprised to find the estimate for the repair and maintenance of a road coming from the Resident Magistrate of the district, and not from the roads board, which body, one would have thought, would be best able to furnish information on such a subject. If the Government had any doubt as to the competency of the board to supply them with the necessary estimate, they had, in the Superintendent of Roads, "a competent man from the other side" who surely could have supplied the requisite information quite as well as the Resident Magistrate.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said there was no obligation whatever on the part of the Government to treat with Mr. Davies; they could either deal with his application or leave it alone, being quite unfettered, and, for the matter of that, quite indifferent, in the matter. As he had already said, they were actuated more by the benefits which would be conferred on the district, by the expenditure of money, and the employment of teams, than by any consideration for the applicant's own interest.

MR. CROWTHER said it was all very well to talk of Mr. Davies employing all the available teams in the district. If, after the lapse of a few weeks he found that he could get his timber carted, by employing his own teams, for 1s. 6d., and he had to pay 2s. for having it carted by "all the available teams of the district," he would not be such a fool as to pay the larger amount.

MR. BURGESS pointed out the great difference between making roads at public expense for the purposes of the timber trade and making roads for the convenience of settlers engaged in cultivating the soil. In the latter case the expendi-

ture was made in order to facilitate the settlement of the country, in the former the money would be employed in facilitating the devastation of the country.

MR. MARMION asked whether, in the event of persons receiving such concessions as Mr. Davies had already received in the Vasse district, whereby he was exempted from the payment of export duties, it would interfere with the imposition of such duties in the future?

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) said no doubt it would, unless some special provisions were made to the contrary.

MR. MARMION: Then I think no such engagement should be entered into, for, in my opinion, before many years are over, we shall find it necessary to impose an export duty on timber.

Progress was then reported, and leave given to sit again another day. (Friday, September 12.)

MESSAGE (NO. 13): CONVEYANCE OF INLAND MAILS BY THE POLICE.

On the Order of the Day for the consideration of His Excellency's Message (No. 13) relating to the conveyance of inland mails by the police being read [p. 137].

MR. CROWTHER moved that the Order of the Day be discharged, and that the consideration of the Message be referred to a Select Committee, with power to call for persons, papers, and reports; such Committee to consist of the Hon. M. Fraser, Mr. Burgess, Mr. Harper, Mr. Monger, and the mover.

Agreed to.

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