

The Bill was then read a second time and committed.

IN COMMITTEE.

Clause 1.—Repealing first section of "The Jury Act (Amendment) 1880:" Agreed to.

Clause 2.—"The radius of twenty-five miles of the place of attendance mentioned in the seventh and sixteenth sections of 'The Jury Act, 1871,' shall be thirty-five miles, in all cases where a man shall be summoned to attend at Perth, or at any sitting of the Supreme Court, or of any Court of General or Quarter Sessions of the Peace, on any jury or inquisition."

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the word "thirty-five" be struck out, and "thirty-six" inserted in lieu thereof.

Agreed to, and clause, as amended, put and passed.

Clause 3.—Short title:

Agreed to.

Preamble and title agreed to.

Bill reported.

RAILWAYS ACT AMENDMENT BILL.

This Bill was, on the motion of the Attorney General, recommitted, and some verbal alterations effected in the seventeenth clause, which, however, elicited no discussion. (*Vide* "Votes and Proceedings," page 25.)

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

LEGISLATIVE COUNCIL,

Monday, 28th March, 1881.

Auctioneers Act, 1873, Amendment Bill: first reading—Eastern Railway: Goods Traffic and Tariff: Late Trains—Eastern Railway: Route through Stirling Square, Guildford: Report of Select Committee—Closure of Street in Guildford Bill: third reading—Stamp Duties Bill: in committee—Jury Act Amendment Bill: third reading—Eastern Railway Extension Bill: in committee—Adjournment.

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

PRAYERS.

AUCTIONEERS ACT AMENDMENT BILL.

A Bill was introduced by the ATTORNEY GENERAL (Hon. A. C. Onslow) to amend the Auctioneers Act.

EASTERN RAILWAY—GOODS TRAFFIC AND TARIFF—LATE TRAINS.

MR. SHENTON, in accordance with notice, asked the Honorable the Colonial Secretary, (1.) "When the Commissioner of Railways will be prepared to declare the first section of the Eastern Railway open for the conveyance of Goods Traffic, and to declare the Tariff for the same?" (2.) "Whether arrangements cannot be made for running a train between Fremantle and Perth, starting about 9:30 p.m.?"

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

"1. The Commissioner cannot fix the exact time when he will be prepared for working the Goods Traffic, but every exertion is being made to enable him to commence at the earliest possible period. The Tariff will be gazetted previous to the running of Goods Trains."

"2. The Commissioner considers it imprudent, for the present, to run regularly a Night Train, as all those composing the working staff of the Line are not, as yet, well versed in their duties."

CONSIDERATION OF MESSAGES POSTPONED.

The consideration of Messages Nos. 5, 6, 7, and 8—the first Order of the Day—was postponed until Wednesday, 30th March.

EASTERN RAILWAY: ROUTE THROUGH STIRLING SQUARE, GUILDFORD: REPORT OF SELECT COMMITTEE.

MR. STEERE moved the adoption of the report of the Select Committee (*Vide* p. 60, *ante*) appointed to proceed to Guildford to report upon the proposed deviation of the route of the Eastern Railway through Stirling Square. Personally, he had no further information to afford the House on the subject than he had when it was under discussion before. He then said that the question, in his opinion, was not one of engineering at all but of common sense; and, now that he had inspected the locality in

question, he was more than ever of that opinion, and that the resolution adopted by the House the other day should be adhered to. As to any "grave dangers" and "deplorable results" likely to accrue from the deviation, he had not been able to discover them. Even according to the Commissioner's own evidence, the only danger would consist in the traffic from the Eastern Districts having to pass the railway along an unguarded thoroughfare. There was nothing novel in that; it was the case in much more populous and busy towns than Guildford, and he had yet to learn that it was fraught with any serious danger. He hoped the House would support the clause in the Railway Bill introduced the other day by the member for Murray, and which had led to the appointment of the Select Committee whose report was now under consideration.

MR. STONE said that, with a view to elicit discussion, he would formally move a resolution, which was as follows:— "That this Council, having considered the report of the Select Committee on the Eastern Railway extension route through Guildford, sees no reason for departing from the decision arrived at on the 23rd instant, and concurs with the Select Committee in its recommendation, that an amendment in accordance with that decision should be inserted in the Schedule attached to the Railway Extension Bill." The Council had now before it the report of the Committee and also the evidence given by the Commissioner and by Mr. Clayton Mason; and he thought they might very fairly gather from that evidence that there was no reason whatever why the proposed deviation should not be carried out. Although the Commissioner, in his reports to the Governor— which reports had been forwarded by His Excellency to the House—had spoken of "deplorable results" and "insurmountable difficulties," still, when the question was put to him by the Select Committee, and he was asked to explain what these "deplorable results" would be, all he could say was that they would not be able to work the station properly, and that they would have to go a circuitous line instead of a straight one. Hon. members were well aware of the number of curves on the first section of the line,

between Perth and Fremantle, and particularly when approaching the latter town. It was strange that the Commissioner had never apprehended any "deplorable results" to follow in that instance, whereas at Guildford, from the very same cause, he seemed to be apprehensive of some dreadful catastrophe. He thought by this time that members of Council were pretty well satisfied that if the Commissioner possessed one prominent quality more than another it was that of obstinacy. They had a taste of it during the memorable "battle of the routes" between the North and the South side of the river, when the first section of the line was about to be built. They had another taste of it in connection with the "Green" at Fremantle, and, again, at Perth, when he insisted upon the railway running through the swamp gardens because of his disappointment in not getting the station at Weld Square. They had a further taste of the same quality in the introduction of Fairlie engines for the Champion Bay line, and they now had a further display of it in connection with this square at Guildford, with reference to which he had given expression to as extravagant opinions as it was possible for a man to indulge in, and gone so far as to say that unless the Council gave away to him he must ask His Excellency to intercede for him with the Secretary of State and get him another billet. It was these absurdly extravagant statements which shook the confidence of the public and of the members of that House in any assurances emanating from this officer. From the knowledge which members possessed of the locality concerned in the question now before the House,—and supported in their opinion, as they were, by the report of the Select Committee,—he thought they might unhesitatingly adopt the resolution of the hon. member for Murray, and run the risk of the results that would follow. No doubt it would be said he, an amateur, had no right to stand up in his place in the House, and pronounce an opinion adverse to that expressed by a professional gentleman. But being a professional gentleman himself he hoped he knew what was due from one professional man to another; at the same time he could not allow statements which were an insult to his common sense to deter

him from expressing an adverse opinion. Mr. Clayton Mason, in his evidence before the Select Committee, said that the proposed deviation would only increase the length of the line by about two and a-half chains, that the sharpest curve would be but fifteen chains radius, and that, with moderate speed, such a curve was not a dangerous one. It would be quite another matter if this dreadful curve occurred at a place where the train would be going at its full speed; but when they found that it happened at a spot where the train must slacken its speed—close to the station—any element of danger which might otherwise lurk therein vanished. What objection then remained to it? The only shadow of an objection that he could make out was that the line would be a circuitous one instead of straight. That was all he could make out, from the Commissioner's own evidence, in support of his extravagant assertions about "insurmountable difficulties" and "deplorable results." He hoped hon. members would unanimously support the resolution which he had submitted for their affirmation, and adopt the report of the Committee.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) thought it was a pity that the movement in favor of this deviation had not been made at an earlier date. As one of the members of the Select Committee who had gone up to Guildford yesterday, he had had an opportunity of personally inspecting the locality in question, and there was no doubt on his own mind that the Commissioner was perfectly right when he advocated the extension of the railway in a direct line with the present terminus, as the best. There was no denying that. But it was a question of policy perhaps whether it was desirable to insist upon going against the expressed wishes of the inhabitants of the town in this matter. At any rate it was satisfactory to see that His Excellency the Governor was so desirous of having the question fully considered, and that, so far as possible, regard should be had to the strong opinion expressed by the Commissioner on the one hand, and, on the other hand, the equally strong desire which existed on the part of the people to preserve their recreation ground. His Excellency was naturally anxious that, before approaching

the Secretary of State on the subject of this deviation, he should be in possession of the deliberate opinion of the Legislature. It would be observed from the report of the Select Committee that Mr. Brown and himself, although agreeing in some portion of the report, did not feel justified in stating that "grave and insurmountable difficulties" did not exist to making the deviation suggested by the majority of the Committee; and he could only reiterate his regret that the matter had not been considered at an earlier date, before the site of the present station at Guildford had been fixed upon. In the event of a division, he should be found voting against the resolution submitted by the hon. member, Mr. Stone.

MR. SHENTON, in rising to support the resolution, said he considered this matter had now been fully ventilated, and the House was in a position to express a decided opinion upon it. The hon. the Commissioner of Crown Lands complained that steps were not taken in the matter at an earlier date: the hon. gentleman seemed to forget that the inhabitants of the town more immediately concerned had moved in this matter many months ago, and this was the very first opportunity which that House had had of expressing an opinion upon the subject. The hon. gentleman also intimated that if the House insisted upon the deviation, the Secretary of State would have to be referred to, forgetting, apparently, that the Railways Act empowered the Commissioner, with the consent of the Governor, to make a deviation of one mile on either side of a surveyed line.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser): But the Commissioner says he won't.

MR. SHENTON: We know he won't if he can help it; but he may find himself in a different position before this Council has done with the matter. The fact should not be forgotten that when the line is extended Eastward, the Guildford Station will not be a terminus, and consequently there will not be so much room required for working the station. As to the curve, I have very little doubt the Commissioner could easily get over that if he liked. As to the alleged danger of having to pass the railway along a public thoroughfare—*Vide* Commissioner's reply to Question, No. 7, before the Select Com-

mittee—why, if the railway were carried right through the square, it would have to cross two public roads, and, if it goes as the majority of hon. members wish, it would not have to cross any more. On referring to the report of the Select Committee, I find that it is recommended that the line should go through James Street. That street, I find, is 99ft. wide, and if the railway occupied 16ft. of the middle of the road, it would leave 28½ft. clear on either side, in addition to 13ft. for foot-paths on each side of the street—quite enough surely for a small town like Guildford, more especially when it is borne in mind that, at Geraldton, including foot-path room and all, there is only about 20ft. clear space off the line. The fact should not be lost sight of, too, that by taking the railway down the centre of the street, we shall save compensation for five or six town allotments, through which the surveyed line now passes, in addition to the compensation which the municipal authorities would be entitled to—the same as at Fremantle—in consideration of the town being deprived of its only recreation ground. So that something like £2000 or £3000 would be saved, in addition to preserving the local Hospital from destruction. Taking everything into consideration, I think the Council certainly ought to go with the Select Committee in this matter, and insist upon the clause moved by the hon. member for Murray being introduced into the Railways Act.

MR. BROWN was sure that every hon. member, whatever view he took of this question, had solely at heart the interests of the country, and he was glad to find such a large amount of discussion taking place on the subject, which, it must be admitted, was one of very serious importance. It was evident that there did not exist a unanimity of opinion with regard to it, and that perhaps was not to be wondered at, for, even upon matters of much less importance than this, human beings, endowed with common sense, did differ. The Select Committee whose report was now before the House consisted of five members—the sixth (Mr. Burt) not having attended. Three of the members (Messrs. Steere, Carey, and Randell) agreed in favor of the deviation, while on the other hand the Commissioner of Crown Lands and himself had agreed to differ from the

majority, their opinions on the subject being very much at variance. In his (Mr. Brown's) opinion, the Commissioner of Railways was perfectly right in holding the strong view which he took of this question, and that it would be far more to the interest of the country if the railway went through Stirling Square rather than if it deviated as was proposed. It might be considered presumptuous on his part to express an opinion upon a question of this kind, but, as other hon. members had not hesitated to enunciate their views, he thought he was justified in putting forward his own. The hon. member Mr. Stone said that, so far as he could ascertain, the only objection to the deviation was that the line would be a circuitous instead of a straight one. The hon. member was a clear-headed man, and also very painstaking, and he (Mr. Brown) was surprised to find him stating that he could see no other objection, according to the professional evidence given before the Committee. It would be observed, on comparing the evidence given by the Commissioner and by Mr. Mason, the Resident Engineer, respectively, that these two professional gentlemen did not disagree in any way, and the combined weight of their evidence was surely deserving the serious consideration of that House upon a question of this character. He was quite prepared to make allowance for the feelings of the inhabitants of Guildford in this matter, but he would ask hon. members to bear in mind what amount of sacrifice it would entail upon the country if, in deference to this local feeling, they were to carry the line in direct opposition to the opinions of the professional advisers of the Government. Sooner than do that, if hon. members were to propose an expenditure of £10,000 as a concession to the inhabitants, as a solatium for their disappointment, and to enable them to provide another recreation ground, he would be prepared to support such a proposition. [Cries of "Oh! oh!"] Hon. members might cry "Oh, oh!"; but, placing reliance as he did upon the professional opinion expressed by the Commissioner, he was satisfied that the time would come when that House would be called upon to fall back upon precisely that route which the Commissioner

now suggested. Nor did he think that day was very distant—certainly within ten years hence. And he thought it was uncommonly likely that such a step would be initiated by the representatives of the people in that House, themselves. It appeared to him that the inhabitants of Guildford were not prepared in this matter to sacrifice much of their local feelings for the public interest: they would only be satisfied with the square, the whole square, and nothing but the square. In his opinion the value of that piece of land as a recreation ground would not be practically destroyed by the railway going along the line as at present surveyed, as a considerable space would still be left, and which might be utilised and improved in the manner suggested by the Commissioner, which would make it one of the prettiest grounds in the Colony. But the inhabitants, it appeared, were not prepared to make any concessions in the interests of the general public, and he did not think they would have much to complain of if the public insisted upon the line going as recommended by the Commissioner.

Mr. BURT said the reason why he did not proceed with the members of the Select Committee to Guildford was because they were to be accompanied by the Commissioner, and were not allowed to exercise their own independent judgment, and because the House had already decided the question twice, after the fullest discussion. The hon. member for Geraldton was, as a rule, always ready to accept, unreservedly, any assurances given by the occupants of the Executive benches, and when the right hon. gentleman the leader of the Government in the House the other day stated that it was not the intention of the Government to take the line through this square, the hon. member was the very first to accept that assurance, and was very severe indeed upon him (Mr. Burt) for proceeding with his resolution in the face of such a statement. But it appeared to him that the hon. member's speech this evening involved nothing more nor less than a vote of censure upon the Government. He was rather grieved to place the hon. member in such a position, but he would ask the hon. member, upon what grounds he went when he so quickly satisfied his mind the other day that the

Government had given this matter their careful consideration, and that consequently he was quite prepared to accept the assurance of the Colonial Secretary that it was not their intention to carry the line through this square. It would appear now that the hon. member had either lost faith in the Government, or that the Government the other day had no ground whatever to go upon, or that the opinion which they had formed was worth nothing at all. Instead of depending upon the assurances of the Government, in opposition to the views of the Commissioner, as the hon. member expressed his readiness to do the other evening, it appeared now, that, having had a look at the place himself, he was prepared to take the Commissioner's part in opposition to the Government, and to sacrifice the announced intention of the Government, as expressed the other day by the right hon. gentleman opposite, in favor of the Commissioner's views. The hon. member Mr. Stone had alluded to the Commissioner's weakness for making wild and rash statements; they need not go further than the evidence attached to this report in illustration of that. In his report of the 23rd of June, the Commissioner stated that the increased length which the deviation would entail would be 6 chains 30 links; whereas, from the evidence of Mr. Mason, who was pointedly asked what the actual increased length would be, it appeared that it would be only about $2\frac{1}{2}$ chains. When this was pointed out to the Commissioner, and he was asked if it would alter his opinion as to the cost, the Commissioner coolly replied that it would, "to the extent of the difference." The Commissioner's answer to Question No. 8 was a very clever one, and quite worthy of that gentleman. The question was this: "Supposing compensation for Guildford Town Lots 39 to 43 is estimated at £1,500, would this not cover the extra cost incurred in the deviation?" That was a very pertinent question, and one that would have put most men into a corner. Not so, however, with the Commissioner, whose reply was "Yes, it would; but—I don't believe in the estimate." As to the main objection put forward by the Commissioner, namely, that the line would be more circuitous if

they deviated from the surveyed route—anybody could see that. But were they not to have their railways go where they wanted them to go, because they involved an S curve within a few yards of the station? If the Commissioner could not make a line that would be safe to work, with half-a-dozen S curves, they must get a man who could,—that was all. The House had resolved more than once, in deference to the wishes of the inhabitants of the town, and guided by the dictates of common sense, to deviate from the surveyed route, and he thought it was the plain duty of the Commissioner to endeavour, as far as possible, to meet the wishes of the House and of the public—and he might add of the Government—in this matter. He had been twitted by the hon. member for Geraldton for not accepting the assurance of the Colonial Secretary the other evening, that the Government did not intend the line to go through the square, and for not, in the face of that assurance, withdrawing his resolution. But his reason for that was this: no assurance on the part of the Government could have any weight against the schedule of a legislative enactment, and according to the schedule of this Railway Bill the line was bound to go through the square. It had struck him, that if the Government had really formed any decided opinion upon the subject at all, they would have altered that schedule before introducing the Bill into the House. He was also aware, that whatever might be the personal views of the members of the Government, the Commissioner, if opposed to them, would be able to defeat them, and that if they put him out of that square he would get in again, unless they prevented him from doing so by legislative enactment. Knowing as he did that the Commissioner was a man holding very strong opinions indeed, it had occurred to him that he might possibly prove too strong for the Government, and it was for that simple reason, in order to protect them against the opinions of their own advisers, that he was desirous of having this clause introduced into the Bill.

THE COLONIAL SECRETARY (Lord Gifford) thought it was only due to the Commissioner that somebody in the House should take his part. A great

deal had been said in detraction of this gentleman, and his professional opinion had been spoken very lightly of. But he thought that the manner in which the Commissioner had carried out the first section of this railway ought to be some guarantee to the public and to that House that the Commissioner knew a great deal more than some people were prepared to give him credit for. The hon. member for Geraldton had been charged with inconsistency in the course of the debate, because one evening he had expressed his readiness to accept the assurance of the Government that the line would not be taken through the square, and because he now supported the Commissioner's view, and contended that the line should be taken that way. But he thought others had laid themselves open to something like inconsistency in their treatment of the Commissioner. He would like to draw the attention of hon. members to a speech delivered the other day by one of themselves, on the occasion of the opening of the first section of this line, in which the speaker, alluding to the various rumours afloat, throwing doubt upon the practicability of carrying the line direct to York, was reported to have said: "He was quite aware that lately there were many rumours afloat to the effect that the line to York could never be carried out, because it presented engineering difficulties which were insurmountable. But, he would ask, to whom was the Council to pay attention? To the report of the responsible officer of the Government, or to the reports spread by Tom, Dick, and Harry? So long as the Commissioner of Railways remained in that position, as the responsible officer of the Government on questions of public works, he felt bound to pay attention to the reports which that officer presented to the House." He hoped the hon. member who spoke to that effect at the opening demonstration was able to reconcile his present attitude towards the Commissioner and his reports upon the question of carrying the line through Stirling Square. He did not think the action of the Government in this matter could be regarded as inconsistent. Out of deference to the wishes of the inhabitants of Guildford, a promise was given that the railway should

not go through the square. But that was before they received the very strong protests which had since been sent in by the Commissioner against the proposed deviation. The Government having sent these protests for the information of hon. members had no wish to influence their judgment in any way; in fact, he was fully aware that the House had made up its mind not to go through the square, but he wished, on the part of the Government, to state most emphatically that the responsibility of altering the route rested with the Council. He need hardly say that a question of this importance would have to be brought under the notice of the Secretary of State in the plainest terms.

MR. CAREY said the remarks that had just fallen from the right hon. gentleman who last spoke showed very clearly the necessity for introducing a clause into the Bill prohibiting the Commissioner from entering upon this piece of ground for railway purposes. He must confess that he, for one, was at a loss to understand the action of the Government in this matter. When the hon. member for Murray and Williams gave notice of his intention to move a resolution on the subject, the Colonial Secretary did not even wait for the motion to be put, but rose in his place and volunteered the statement that the Government were perfectly in accord with hon. members on this point. For reasons already stated, the hon. member for Murray proceeded with his resolution, which was carried unanimously, without (he might say) a dissentient voice. [Mr. Brown: Mine.] The House naturally thought the matter was then done with; but, nothing of the sort. Three Messages came down from His Excellency the Governor, and that House was asked to reconsider its decision—showing clearly, as he had already said, the strong necessity which existed for the introduction of this clause into the Act, so as to secure the square from the designs of the Commissioner with respect to it. His (Mr. Carey's) object in rising to address the House, however, was not so much to comment upon the action of the Government as to place the Council in possession of the report, not of an amateur engineer, but of a gentleman who had had as much experience in his profession

as the head of the Works Department in this Colony ever had—Mr. Henry Eltze Victor. From this gentleman's report (which the hon. member read), it appeared that there would be no difficulty whatever in overcoming the objections raised by the Commissioner to the proposed deviation. He thought the Commissioner had had his own way too long. Having gained his point in the matter of the North against the South, in connection with the first section, and in other matters, he thought his dictum was to be followed on all occasions, and that the Legislature and the public were bound to bow to his wishes. The Commissioner, judging from his last communication to the Governor, seemed to think that his professional reputation was at stake in this matter, and a great point was made of that. But the Commissioner's professional reputation had been at stake before now. It was at stake—so he himself said—in connection with the Northern Railway arbitration case, as to the result of the remeasurement of the contractor's work. What was the Commissioner's reputation worth when the remeasurement was made? The results did not bear out his statements, nor did he (Mr. Carey) think would the result in the present case bear out his statements.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) could not help thinking that some of the speeches which had fallen from hon. members in the course of the present debate were somewhat outside the subject, but that was a point which at present he did not wish to pursue. He had risen to, in as few words as possible, defend the Government against the charge of inconsistency brought against them. He would ask the House to consider the position of the Government with regard to this matter. The Bill and the schedule were prepared and printed before they knew of the existence of any strong amount of feeling or agitation either in the House or among the outside public as regards this square; but directly it came to the cognizance of the Governor that a strong feeling did exist in favor of the proposed deviation, and thereby preserving the square for the good people of Guildford, His Excellency authorised it to be stated

in the House that the Government would not insist upon the railway going through the square. The hon. member for the Williams, however, insisted upon introducing a clause into the Bill which would prevent the Commissioner, under any circumstances, to make any use whatever of the square for the purposes of the railway, and it was during the discussion which took place upon that clause that further evidence upon the subject—evidence which His Excellency could not possibly ignore, coming as it did from his own responsible adviser—was submitted to the Governor, who, bound as he was to give due weight to it, had sent it down to the House for the consideration of hon. members. There was nothing inconsistent in that. It was simply done in order to strengthen His Excellency's position, and to let the Council know that it was no act of his, or of ours, if the Commissioner insisted that the line should go through the square—that he was willing to abide by his word, but he left it to the Council to finally say, after a perusal of all the evidence, whether the deviation of route proposed should be embodied in the Act.

SIR T. COCKBURN-CAMPBELL said that, so far as he could see from the report of the Select Committee, and the evidence given by the Commissioner and the Resident Engineer, the result amounted to this—if Guildford were to be a terminus it would be rather inconvenient were the railway to be diverted from the surveyed line, as there would not be quite as large an area available for siding and shunting purposes; but, inasmuch as Guildford would not be a terminus, there would be no inconvenience.

MR. RANDELL said he was one of the members of the Select Committee whose report was under consideration, and the conclusion he arrived at, after an inspection of the locality, was just the same as he had arrived at before—that this matter was more a question of feeling on the part of the Commissioner rather than of engineering difficulties or danger. Even, if the line were diverted as proposed by the Select Committee, the area of the station at Guildford would be larger than the area of the stations of the large cities in England, where the curves, too, were much more acute than they would be here. He did not think

the Commissioner had made out a case at all in favor of continuing the direct route, nor had he any reason to complain of the House dealing with his communications in the same cavalier style as he himself treated the House. The Council might very properly say to him: "You are a public servant; the public are very desirous—and a majority of their representatives in this House are in accord with them, and, so far as we understand, the Government also are of the same opinion—that this square should be preserved; consequently we request you to take this railway in the direction which we wish to see it taken." The Council might very properly say that to the Commissioner, and he presumed they had not adopted that course simply out of deference to the respect which they considered due to His Excellency the Governor.

MR. MARMION said he had moved for the Select Committee on this question, not because he placed much reliance upon what the Commissioner stated in his communications to the Governor, but because he conceived it was due to a public officer occupying the Commissioner's position that the House should endeavour to ascertain for itself whether the alleged difficulties and dangers pointed out by the Commissioner had any real existence. As a simple question of engineering, it might probably be better that the line should be carried as surveyed, but regard being had to the strong feeling of opposition which prevailed outside, he thought the Commissioner might fairly be expected to have some regard for that feeling. He thought quite enough of the time of the House had now been devoted to this question, and that nothing was to be gained by prolonging the debate.

The resolution was then put and carried, *nem. con.*

CLOSURE OF STREET IN GUILDFORD BILL.

Read a third time and passed.

STAMP DUTIES BILL.

The House went into Committee on this Bill.

Clauses 1 to 8—relating to the general regulations under which the Act is to

be worked—were agreed to without discussion.

Clause 9.—Penalty for neglecting to cancel a stamp:

THE ATTORNEY GENERAL (Hon. A. C. Onslow) moved, That the penalty should be fixed at £20.

MR. BURT thought forty shillings would be adequate penalty for neglecting to cancel a penny stamp.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the fine did not apply to penny stamps alone. The penalty was the same with regard to a stamp of the highest value under the Bill. Would the hon. member accept £10, "or any sum not exceeding £10?"

MR. BURT said that would be a fair compromise.

MR. RANDELL said he would have been glad to have supported Mr. Burt's original suggestion—40s. He thought that our legislation, as a rule, had been of too penal a character, and, for that reason, it often defeated the very object which the Legislature had in view.

The proposal to insert the words "any sum not exceeding £10" was agreed to.

Clauses 10, 11, and 12 agreed to *sub silentio*.

Clause 13.—Documents executed without being stamped:

MR. STONE said that, according to this clause, the Colonial Treasurer or any sub-collector of revenue, if satisfied that there was no intention to evade payment of the proper duty, might, upon payment of a fine proportionate to the time that had elapsed between the date of the execution of the document and the production of the same to the Treasurer or Sub-Collector for stamping, affix the proper stamp thereto. This, he presumed, was intended to apply to cases where no stamps were procurable at the place where the document was executed. He thought, however, the time within which the provisions of this clause should apply ought to be extended, so as to meet extreme cases, where the parties to the execution of a document might reside a long distance from any person authorised to issue stamps. The hon. gentleman moved an amendment to that effect.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) pointed out that the amendment, if carried, would cover not

only the case of a person residing at a remote distance from town, but would also apply to every similar case in the centres of population.

MR. STONE said he had noticed that; and it had struck him as an objection to the amendment, but he observed that in the Queensland Act the time allowed after the execution of a document was one month, which was a much longer time than he proposed.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) pointed out that under the 15th section of the Bill, the Colonial Treasurer was empowered to remit the fines prescribed under the clause now under consideration, if satisfied that the omission or neglect arose from urgent necessity or unavoidable accident.

The amendment was withdrawn, and the clause agreed to.

Clauses 14 to 17—agreed to, without discussion.

Clause 18.—Persons having doubts respecting the proper amount of stamp duty may, upon payment of 5s., apply to the Colonial Treasurer for an adjudication with a view to remove such doubt:

MR. BURT: Five shillings is too much to pay for a Treasurer's advice.

THE ATTORNEY GENERAL (Hon. A. C. Onslow): Seeing that it is not a lawyer's advice, probably half-a-crown would be quite as much as it would be worth.

The clause was amended accordingly.

Clause 19.—Governor may license vendors of stamps:

Agreed to.

Clause 20.—Every person who shall sell stamps without having duly obtained a license in that behalf shall, upon conviction, be liable to a fine not exceeding £20:

MR. MARMION thought this would involve a great deal of hardship in cases where there was no intention to defraud the revenue. Many people were in the habit of obliging one another with the sale of stamps, when it was not convenient to go as far as the Post Office or a licensed vendor; but, he apprehended, under this clause such friendly transactions would be punishable.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said such a transaction as that referred to by the hon. member would not be regarded as a transgression

of the law. The clause was intended to apply to persons who, in the first instance, issued the stamps without having duly obtained a license in that behalf.

The clause was then agreed to.

Clauses 21 to 26—put and passed.

Clause 27.—License for the issue of bank notes :

MR. MARMION asked if this clause applied to the notes or "orders" issued to customers by merchants and others in business, payable to order, and which in this Colony were frequently taken in payment, like cheques or bank notes.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he was much obliged to the hon. member for calling his attention to the custom of which he was not cognisant. The subject was one which he would like to have a little more time to consider, before he pronounced an opinion upon it.

The consideration of the clause was then deferred.

Clause 28.—Banks and parties licensed to issue and re-issue notes shall pay, in lieu of the stamp duty, a commission or percentage, quarterly, for every £100 worth of notes in circulation :

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said the amount of percentage proposed to be paid in this respect according to the Bill as now printed, was at the rate of $2\frac{1}{2}$ per cent. per annum upon the average amount or value of the bank notes circulated by any company, bank, or corporation; but the Government were prepared to be guided in this matter by the opinion of the House.

MR. STEERE thought two per cent. would be a fair charge. He understood that at that rate the W. A. Bank, which had the largest number of notes in circulation, would have to pay about £200 a year, and the other two banks about £100 each.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he was quite prepared to be guided by the feeling of the House in the matter. From information which he had acquired in conversation with gentlemen connected with the banking interest, he was of opinion that the clause as now worded was susceptible of further amendment with regard to the preparation of the quarterly statements and the payment to the Treasury, and he had prepared an amended clause which he would substitute in lieu of the present

one, and in which he would embody the amendment suggested by the hon. member for Swan as to the percentage to be paid by the banks. The clause, as amended, would read as follows:—"Every company, corporation, or partnership carrying on the business of banker in the Colony, who shall be licensed under the provisions of this Act to issue and re-issue bank notes without affixing thereto the stamp by this Act required to be affixed to promissory notes, shall prepare and return into the office of the Colonial Secretary the quarterly statements of their assets and liabilities as heretofore, and shall pay or cause to be paid to the Colonial Treasurer every quarter the sum of ten shillings for every one hundred pounds in value of all bank notes, being at the rate of two pounds per cent. per annum upon the average amount or value of the bank notes circulated by such person, company, corporation, or partnership, as declared in the quarterly returns made as aforesaid, that is to say,—on the average amount shown in the return for the quarters ending on the 31st March, the 30th of June, the 30th of September, and the 31st of December in each and every year, which payment shall be made to the Colonial Treasurer upon such day after the termination of every such quarter as the said Treasurer may appoint; and if any such person, company, corporation, or partnership neglect or refuse to render any such account or statement of his liabilities and assets, or at any time render or cause to be rendered a false account, such person, company, corporation, or partnership shall forfeit the sum of Five hundred pounds."

The original clause having been struck out, the foregoing was adopted in lieu thereof, and ordered to stand part of the Bill.

Clauses 29 to 33—put and passed.

Clause 34.—Penalty for issuing or negotiating unstamped bills of exchange or promissory note,—£10, and the bill or note to be unavailable :

MR. BURT failed to see who was to be mulcted, under this clause—whether the person who drew the bill or the acceptor, but he thought from the context that the penalty was intended to apply to the drawer of the bill.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said there was no doubt of that; and the clause was verbally amended so as to render it more explicit on that point.

Clause 35.—One bill only out of a set need be stamped :

Agreed to without discussion.

MR. BURT then moved, That Progress be reported and leave given to sit again next day.

Agreed to.

Progress reported.

JURY ACT AMENDMENT BILL.

Read a third time and passed.

EASTERN RAILWAY EXTENSION BILL.

The House then went into Committee for the further consideration of this Bill.

Mr. Burt's new clause—"It shall not be lawful, in extending the said railway, or for any purpose whatever, for the Commissioner of Railways to enter upon, resume, or take any portion of that piece of land in the town of Guildford known as Stirling Square, any Act, law, or authority to the contrary notwithstanding"—was reverted to.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he had on the occasion of the previous debate upon this clause exhausted his persuasive eloquence in endeavouring to induce the hon. member for Murray to withdraw it, but without avail; and he now felt, after the result of the Select Committee's investigations, and the adoption of their report, it would be useless to oppose it any longer, and that any effort on his part in that direction would be futile. He therefore felt that there was nothing for him to do but to succumb to the inevitable.

MR. BROWN said it would of course be useless on his part to further urge his opposition to the clause, but he must say he regretted its introduction into the Bill.

The clause was then put and passed.

Schedule read :

MR. STEERE moved some verbal amendments, so as to provide for the deviation resolved upon by the House in the route through Stirling Square.

The amendments were agreed to.
Preamble and title agreed to.
Bill reported.

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

LEGISLATIVE COUNCIL,

Tuesday, 29th March, 1881.

Telegraph Messages on Sunday—Timber Concessions to Mr. Leonard, at Deep River—Auctioneers Act Amendment Bill: second reading; in committee—Message No. 2: Consideration of—Message No. 4: Consideration of—Stamp Duties Bill: Further consideration of in committee—Messages (Nos. 9, 10, and 11) from His Excellency the Governor—Railways Act Amendment Bill: third reading—Adjournment.

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

PRAYERS.

TELEGRAPH MESSAGES ON SUNDAYS.

MR. CAREY, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to permit that Messages of an ordinary kind be sent during the hours that the Telegraph Offices throughout the Colony are open on Sundays." He thought the motion was one that would commend itself to every hon. member. As the operators had already to attend at the telegraph offices at certain hours, he thought they might as well be fully employed during that time, as be sitting idle, twiddling their thumbs; and as for the public convenience which the throwing open of the lines for ordinary messages would cause, there could be no difference of opinion on that point. The proposal would not entail any extra cost, while at the same time it would tend to increase the revenue of the department. Double rates were charged for the messages which were now allowed to be sent, and he did not propose to reduce the