

referred to a select committee, consisting of Mr. Steere, Mr. Marmion, Mr. Venn, Mr. Crowther, and the mover.

Agreed to.

MESSAGE (No. 32): SANATORIUM FOR INDIAN TROOPS.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to transmit, herewith, for the information of the Honorable the Legislative Council, copy of a despatch (No. 62, dated the 17th July, 1884), with enclosure, from the Right Honorable the Secretary of State for the Colonies, relative to the question of the establishment of a Sanatorium in Western Australia for Her Majesty's troops in India.

"2. The Governor's despatch No. 74, of the 11th April last, replied to by the Earl of Derby, will be found printed at page 62 of Council Paper No. 21 of this Session.

"3. It will be seen that the question has been referred for the opinion of the Government of India.

"Government House, Perth, 29th August, 1884."

MESSAGE (No. 33): TRANSFER OF IMPERIAL CONVICT ESTABLISHMENT.

THE SPEAKER announced the receipt of the following Message from His Excellency the Governor:

"The Governor has the honor to transmit, herewith, for the consideration of the Honorable the Legislative Council, copy of a despatch, dated the 21st of July last, which he has received from the Right Honorable the Secretary of State for the Home Department, in reply to his despatch No. 9 of the 8th of April last, printed at page 4 of Council Paper No. 22 of this Session.

"2. The Governor will be glad to learn whether the Legislative Council are prepared to consent to the transfer to the Colonial Government of the Imperial Convict Establishment on the terms stated in paragraph 2 of the Governor's above-mentioned despatch, which are as follows:—

"a. Payment at the rate of £45 per annum for each individual maintained by the Colony on account

"of the Imperial Authorities. Lunatics at £42 as already agreed.

"b. Transfer to the Colony, free of charge, of all Imperial property, including stores.

"c. All buildings to be placed in good condition before being handed over; e.g., the prison roof now requires extensive repairs.

"d. All Imperial Officers to be at once pensioned, and their pensions paid to them irrespective of their re-employment by the Local Government.

"Government House, Perth, 29th August, 1884."

THE COLONIAL SECRETARY (Hon. M. Fraser) moved, That message No. 33 be referred to a select committee; such committee to consist of Mr. Forrest, Mr. Steere, Mr. S. H. Parker, Mr. Marmion, and the mover, and, by leave, Mr. Venn, Mr. Loton, and Mr. Shenton.

Agreed to.

The House adjourned shortly after midnight.

LEGISLATIVE COUNCIL,

Monday, 1st September, 1884.

Railway from Geraldton to Dongarra, Cost of construction—Representation of the Government in the Legislature—Financial Statement: Estimates—Consideration of Message (No. 18), Land Grant Railway to Eucla—Consideration of Message (No. 20) re Mr. Horder's Colonisation and Agricultural College Scheme—Further Consideration of Message (No. 25): Mr. Horder's Amended Proposals for Construction of Land Grant Railway from Beverley to Albany—Cattle Trespass Act, 1882, Amendment Bill—Albany Mechanics' Institute Bill: recommitted—Deeds of Grant Bill: third reading—Adjournment.

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

PRAYERS.

COST OF CONSTRUCTING RAILWAY FROM GERALDTON TO DONGARRA.

In reply to Mr. CROWTHER, THE COMMISSIONER OF RAILWAYS (Mr. C. T. Mason) said he estimated that the approximate cost of

constructing a line of railway from Geraldton to Dongarra was £2807 per mile, without including any compensation for land.

REPRESENTATION OF THE GOVERNMENT IN THE HOUSE.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Colonial Secretary to inform the House whether the Government of the colony is represented in the Legislature, and, if so, by whom? He might say he did not ask the question in any hostile spirit whatever, but simply for the convenience and for the information of the House, in order that the House might understand in what relation it stood to the Government bench, the present position of affairs being different apparently from the position in past years. They had always been accustomed to regard the Government bench as representing in that House the voice of the Government,—and by the Government he meant the Governor; and seeing that the Governor it was who directed the affairs of the colony, and that it was to him they looked for carrying out the decisions of the House in the matters referred to, it was extremely convenient of course, as hon. members must be aware, that the views of the Governor should be represented in the House. The official members were nominated to the House for the purpose of representing those views, and they had always hitherto regarded them as the representatives of the Government in the Legislature. The accuracy of this view of the position had been confirmed in his mind by a despatch he had recently read from Lord Derby to the Governor of Jamaica, written in February of this year, in which the Secretary of State for the colonies stated:—“In Jamaica, as in all other colonies and countries, the officers of the Government having seats in the Legislature are necessarily obliged, by the conditions of their employment, to support the Government by their votes unless expressly excused from doing so.” In the past, officers of the Government having seats in the Legislature of this colony had always, in concert, represented, as hon. members had reason to believe, the views of the Government of the day, but at present they found that the occupants of the Treasury bench did

not act in concert. They apparently were free lances. He might mention in support of this statement what took place in the House on Thursday, which was somewhat startling. One of the occupants of the Government bench declared that the question then under consideration was probably the most important question that had come before the colony since the change in its constitution, and, with regard to that question, they found the leader of the Government bench saying he was prepared to accept a certain compromise, while two other occupants of the same bench got up and for two hours implored the House not to do so. In these circumstances he must say the House seemed to be placed in a position he could hardly understand. They must assume that the Government—and by the Government, he said again, he meant the Governor—formed some definite opinions on these matters, and if those who represented the Governor did not act in concert, some of them endeavoring to direct the business of the House one way and some in another way, they must come to the conclusion that the Governor's views were not represented, or, if represented, that they were not represented by the Government bench as a whole but only by a part of that bench, and he had therefore asked the question standing in his name.

THE COLONIAL SECRETARY (Hon. M. Fraser) said the hon. baronet had asked a question which he presumed devolved upon him personally to answer, but it required some explanation before he gave his official reply to the question. The inquiry involved a direct question as to how the present system of Government was worked. He was perfectly aware, from his long experience in the House, extending from the time the present constitution first came into force, that things had been worked this session on principles different from what they had been worked in past sessions. Every hon. member—except possibly one or two who had only been in the House for the last two years—must be aware of that fact. The Government of the day, during previous Administrations, had come forward in that House with certain fixed opinions, and on those opinions they were prepared to stand or fall. Was he not right? [Mr. Brown: Hear,

hear.] Now, however, they were working on different lines—he confined himself entirely to the present session, without reference to the past or the immediate future; but now, he said, they were working on a different system. They were working on this system—the Government came to that House and asked its opinion on certain questions of policy, and the Government bench did not come forward with any direct proposition of its own, but left it to the majority to decide. The Governor, who, as the hon. baronet rightly observed, was the Government,—there was no contradicting that; hon. members might say what they liked, the Governor under this constitution was the Government; there was no gain-saying that—[Mr. Brown: Hear, hear]—the Governor, therefore, or the Government rather, came forward and asked the House to come to a decision on certain questions and on certain proposals, with reference to which the Governor had professed no fixed opinions, having delegated to the Legislature of the colony the power of saying whether those proposals should be carried out or not. The Government had come forward with—he would not call it a policy, he would call it a platform, and they asked a majority of the House to decide whether that platform was an acceptable one or not. The hon. baronet, the member for Plantagenet, asked whether the Government was represented in the Legislature, and, if so, by whom,—he would answer that question presently; but he thought that in what he had already said he had truly represented the present position of affairs. The hon. baronet seemed to raise a doubt as to who did represent the Government in that House. He would tell the hon. member who it was represented the Government. Whether it be Frederick Barlee or whether it be Malcolm Fraser, he maintained it was the Colonial Secretary, who not only was the senior member of the Council but who also was the representative of the Government in that House. Let any hon. member gainsay it who may—he was not speaking of persons he was speaking of offices—the other occupants of that bench represented, not the Government but particular branches of the Government, in that House. They had law, they had land, they had works, each of which branches

of the Government were represented, and honorably and efficiently represented, in that House. His answer therefore to the question of the hon. baronet was—that the Government of the colony is represented in the Legislature, and represented as it was intended under our present constitution it should be represented, by the official members occupying seats on that bench.

SIR T. COCKBURN - CAMPBELL: Then the fact of the matter is, the Government have had no views to represent.

FINANCIAL STATEMENT: ESTIMATES,
1885.

THE COLONIAL SECRETARY (Hon. M. Fraser), in moving the House into committee to consider the Estimates of expenditure for 1885, said the task before him was one which he approached with mixed feelings—a feeling of pleasurable emotion on the one hand, and of anxiety on the other. To a certain extent he had to point out to success and he had to point out to progress on the part of the colony, while at the same time there were not wanting elements which gave rise to anxiety, or, if not anxiety, to the gravest consideration. When he looked back at the past year, and found that we started with a credit balance of £32,355 and that the actual revenue derived from all sources amounted to a trifle over £284,363, giving a total of £316,719, he was bound to admit that the prospects of the colony last year were more pleasant to look at than they were at the present moment. The expenditure during the past year had been £240,566, and, by economical management, the Government had a balance on hand at the close of the year amounting to £76,152 17s. 1d., which, he said again, must be a source of congratulation to hon. members and to the country at large. The Government, regarding the future as doubtful, proceeded with caution, and, if it exercised a little parsimony in regard to its expenditure, it must be admitted that they were justified in doing so, and it was owing to this exercise of parsimony and economy that the year closed with the result he had just stated. Coming now to the current year, the ordinary estimated expenditure, as hon. members were aware, was £289,246, to which

there was a supplemental estimate of £23,579, which had been passed a few weeks ago, bringing up the total estimated expenditure this year to £312,825. This expenditure, he confessed, appeared a large one, but it must be admitted that on the whole it had produced or was expected to produce, satisfactory results. What he meant to say was, that it was not wasteful expenditure, but expenditure incurred, as they all hoped and believed, in forwarding the interests of the country. It was an expenditure, too, which was warranted by their income. The revenue derived from all sources during the first six months of the present year amounted to £167,628, which, proportionately with the expenditure, was satisfactory, and the Government estimated that at the end of the year they would have a credit balance of £39,888 19s. 5d., or, in round numbers, £40,000. The estimated revenue for the coming year was £295,666, which, with this credit balance, would give them £335,554 19s. 5d., and the estimated expenditure was £294,920. There was nothing discouraging in that. It would give them, he hoped, a credit balance at the end of the next year amounting to about £40,000. In addition to these satisfactory anticipations, he would remind the House that they had a nest egg to look forward to in the shape of the increased rental which would become payable in respect of the leases about to expire, which would double our revenue from that source, and, according to the Surveyor General's estimate, would give us about £25,000 a year extra after a period of some five years. All this, he said, was very encouraging: it was the silver lining to the cloud. He had next to ask the consideration of the committee to a subject which was not so pleasant to talk about. It was always unpleasant for a man to speak of his debts, but no prudent man would put them out of his thoughts altogether; and while speaking on this subject he would ask the committee to give him their earnest attention. The present debt of the colony was £765,000, which included the necessary capital to complete the line of railway now in course of construction to York. Then we had a prospective loan of £525,000. Hon. members said, 'hear

hear.' He hoped they were prepared to face the matter openly and fairly. When we contracted this new debt the liabilities of the colony would amount to over a million and a quarter, which he thought was a very handsome debt indeed for a colony of 30,000 people. The interest and charges in our present debt amounted to £38,780 a year, or, with the provision that had to be made for the sinking fund, to £42,820: and when we raised our next loan of £525,000, say at four per cent., we should have a further charge in the shape of interest to meet amounting to £21,500 a year, and an additional sinking fund, which would bring up our total charges in respect of loans to nearly £70,000 a year in round numbers. That was a pretty considerable sum to come out of the earnings of a handful of people, which—the producers—might be roughly estimated at 6000 souls. This, it must be borne in mind, was no expenditure required to carry on the ordinary work of the Government, but expenditure which would have to be met every year to meet the charges upon borrowed money—expenditure which amounted to about £2 8s. for every man, woman, and child in the colony. The total debt of the Australasian colonies was, a year or so ago, about £110,000,000, or about £36 per head of the entire population. When this colony shall have incurred the additional liability connected with its proposed new loan, our indebtedness per head of the population would be about £40. It would thus be seen that in this respect, at any rate, we would soon attain pre-eminence—he would not say a proud pre-eminence—over the whole of Australasia. The other colonies, with all their extravagances, with all their luxuries, with all their idealities, had a year or two back only incurred liabilities equal to £36 per head of the population, while Western Australia, when her new loan was floated, would stand forward with a debt equal to £40 per head of her population. These were things which members would do well to ponder over. He did not say it any spirit of distrust as to the future, nor did he wish in any way to damp the ardour of hon. members, but it would be well to ponder over these things. No doubt the colony was well able to meet this liability. As yet it might be said we had

no such thing as direct taxation. Up to the present we had been able to meet all our liabilities, all our expenditure, out of such revenue as we derived from our land sales and Customs. No doubt our Customs tariff was very high, and he should be very sorry to see it rise to a higher level. It was already in advance of the tariff of some of our neighbors, and he should regret to see these duties in any way increased. But these were the main sources of revenue which we had to depend upon—land and Customs. There were other what he might call adventitious sources of revenue, but they were not such as could be relied upon; and it was for the House to consider what the actual position would be when the colony incurred the liability which it now proposed to incur. He said again he did not wish to frustrate the good intentions of the House, he had no desire to throw cold water upon these proposals, he had no intention to unduly check the exuberance of hon. members' fancies; but there it was. We should have a debt of £40 for every man, woman, and child in the colony, and we should have charges amounting to £2 8s. a head per annum for each unit to meet in respect of this debt, apart altogether from the ordinary expenditure of administration. When he again reminded the House that what he might call the adult working members of the population, the taxpayers and producers did not number more than 6,000 people, this was not at all a trifling matter, and the wonder was how the thing could be done. It certainly spoke well for the energy and self-reliance of the colonists when this prospect could be regarded with equanimity, and, as he believed it might be, without any serious apprehension. It was the paucity of population that constituted our great drawback, and he very much regretted to think that matters in this respect did not improve as they would wish to see them. With our unrivalled climate and the other attractions which the colony presented to those inclined to lead a "quiet life," it was to him a marvel that our population should remain as it did remain, almost stationary from year to year. The arrivals by sea last year counted 1507, while the departures numbered 1071, and all the efforts of our Immigration Board, he was afraid, would not go far to counteract this exodus. Last year the total number of nominated immigrants introduced into the colony was 296, and up to the 30th June this year there had been an additional 169 souls added to the population through the exertions of the Board. This, it must be admitted, was not very encouraging. When he turned to statistics showing the progress of settlement and cultivation, the result was equally unencouraging. In 1873, according to the Blue Book, the area of land under cultivation in the colony was 52,000 acres, and, last year, it had only reached 58,000. This, to his mind, was an unfortunate state of affairs, but it showed, and showed emphatically, to his mind, that Western Australia was not an agricultural colony. It was this which more than anything induced him to ask the House to be cautious in increasing the country's liabilities for railways. Others might take a more hopeful view of the situation, others might regard the agricultural outlook with complacency, but for his own part he must say—and he had always said so—that there was little or no prospect of this colony ever rising to any eminence as an agricultural country. No doubt it had other resources, boundless resources he might almost say, but agriculture was not the staff that Western Australia must rely on. He knew it was not a pleasant tale to tell. He told the committee, in his opening remarks, that he approached the consideration of our position with mingled feelings of gratification and anxiety, and he thought he should be unworthy of the position he held in that House, and of his position in the colony, if he did not invite the attention of the committee to these things. They might be unpalatable truths, but it was better to face them openly and frankly. On the other hand, as he had already pointed out, there was much to be gratified with in the actual financial position of the colony, and he could only hope that the future would give us no reason for apprehension on this score. The liabilities of the colony were increasing, but he had no fear of the result, so long as we exercised caution and prudence. He believed the colony had that within it which would hereafter justify us in increasing our liabilities largely; but we must be content to advance by degrees. He would say no

more. With regard to the proposed items of expenditure for the current year, he need not now detain the committee by entering into details. Every information which hon. members might wish for would be afforded as the various items came before them; and with these few prefatory remarks, which perhaps were not so encouraging as hon. members might wish, he now moved the first item on the Estimates—"Governor's Establishment, £543 16s. 8d."

THE HON. J. G. LEE STEERE said he should like to say a few words on these Estimates before reporting progress. He knew hon. members thought he was somewhat too prone to take a pessimist view of our finances, but he must say he regarded these Estimates with some anxiety. The proposed expenditure for the coming year was £54,000 in round numbers more than the expenditure for the past year, and this, too, in the face of the fact that some heavy items had been taken out of the category of public works usually provided for out of current revenue, and provision would have to be made for them out of loan, and, in view also of the fact that no provision was made on these Estimates for immigration. It would thus be seen that, although the proposed expenditure might be said to have been cut down as far as possible, the fact remained that it was between £50,000 and £60,000 more than last year, and the great portion of it was owing to increased departmental expenditure. In one department alone, that of Post and Telegraph, there had been an increase during the past two years of £7,000. Moreover, he noticed that although these Estimates contemplated an additional expenditure of about £54,000 compared with last year, the estimated revenue was only £11,000 more than the actual revenue received last year. This kind of thing could not go on for ever. He was induced to refer to the subject because he knew there was an impression abroad that our finances were in a most prosperous condition, and that we would be justified in incurring heavy liabilities in all directions. Under these circumstances—looking also at the fact that provision was only made here to meet the interest on £150,000 out of the proposed loan of £525,000—he did feel a little bit anxious as to our revenue next year. He

could only express a hope that the anticipations of the Government as regards the revenue would be realised. He knew our expenditure would not be less than it had been estimated—probably it would be considerably in excess, as was the case every year; and, under the circumstances, he thought the Colonial Secretary had sounded a very proper note when he pointed to the necessity for the exercise of caution. It was no pleasant task for him (Mr. Steere), year after year, to take up this position: but he could not help remembering that, in years gone by, when other Colonial Secretaries had got up in that House to make their financial statements, he had stood almost alone in exhorting the exercise of caution and prudence, and in warning hon. members of a coming evil day. Those warnings, unfortunately, in the past, had proved too true, and the colony had found itself involved in very serious financial embarrassments; and this was the reason why he had felt it his duty to address the committee on the subject that evening.

MR. S. H. PARKER pointed out that the reason why, in his opinion, agricultural settlement had not extended, was simply because people found that other industries paid better. If a man, by the same amount of labor and the same outlay, could earn more money at the sandalwood business or at timber-cutting than he could by tilling the soil, no one could blame that man if he turned his attention to the more profitable avocation. This was the cause of agricultural stagnation; not the quality of the soil. He hoped, however, that with improved facilities of transport a stimulus would be given to agricultural settlement, and it was only in this belief that he had supported the proposals for railway extension.

Progress was then reported, and leave given to consider the Estimates in detail on Wednesday, September 3rd.

BEVERLEY-EUCLA RAILWAY (MESSAGE No. 18).

THE HON. J. G. LEE STEERE, in bringing before the House the report of the select committee appointed to consider the papers transmitted to the House by His Excellency the Governor

showing the progress of the negotiations in connection with the scheme for a land grant railway from Beverley to Eucla, said it would be in the recollection of the House that during the session of 1883, this scheme, among others, was referred to a select committee, who reported a series of resolutions, recommending the principles and the terms under which arrangements might be made with any contractor or syndicate wishing to construct railways, in this colony, on the land grant system, and this report was approved of, and adopted by the House. A draft contract for the construction of a railway between Eucla and Beverley, on these conditions—which he might say were almost identical with those originally proposed by the promoters—was prepared by the Crown Agents, and forwarded by them to Sir Julius Vogel and Mr. Hordern, who with other persons had formed a syndicate for the construction of this railway. This syndicate had now made counter proposals to the Government, diverging in almost every particular from the draft contract; and the difference between the requirements now put forward by the promoters and the conditions on which their scheme was originally entertained by the Government was very strongly marked. The promoters asked, in the first place, to be permitted to commence the railway at Eucla; and secondly, they asked that the Colonial Government should give, in respect of the first forty miles from Eucla, a yearly subsidy of £10,000 for 25 years, in addition to a land grant of 6,000 acres per mile of line. The select committee to whom these counter proposals had been referred came to the conclusion that they were such as it would not be in the interests of the colony to accept. The hon. member then moved a resolution as follows: "That an humble address be presented to His Excellency the Governor, informing His Excellency that the Council approves of the Report of the Select Committee appointed to consider certain papers, transmitted in Message No. 18, showing the progress of the negotiations with Sir Julius Vogel and Mr. Hordern, in the scheme for a Land Grant Railway from Beverley to Eucla, considered by the Council last session. The Council considers that the present proposals of the pro-

moters are such as it is not in the interests of the colony to accept, and it respectfully recommends that His Excellency should declare as re-open, for general selection, the area of land which has been reserved from sale in anticipation of the construction of the Beverley and Eucla Railway."

Mr. VENN said he did not expect there would be much said on the subject before the House, but he should like to say a few words. Hon. members were aware that he took much interest in this project, and he regretted that, so far, the negotiations had collapsed; but he thought there were many reasons for that collapse. First of all, they must bear in mind that the action of the South Australian Government with reference to the proposed undertaking, throwing cold water upon it, had a very injurious effect; but, since then, he had placed himself in communication with some people in South Australia, and he was advised by them to this effect,—that to the eastward of Port Augusta, Fowler's Bay, and in the direction of our Eucla border, land had been taken up very largely indeed, and that the feeling in favor of establishing railway communication was growing more and more every day. Possibly, in a year or two hence, there would be a better chance of this project being taken up. There was a great deal to be said *pro* and *con* as to the terms suggested by Sir Julius Vogel as to commencing the line at Eucla, and he was very pleased indeed to find His Excellency the Governor entertaining so high an opinion of the project. "A railway to Eucla," His Excellency said in the speech with which he prorogued the Council last session,—“a railway to Eucla, in conjunction with harbor improvements at Fremantle may, I think, be accepted by the colony as a central and not impracticable idea of future progress.” In that he quite concurred, and he was only sorry that he could not imbue other hon. members with the same feeling. “In any case,” His Excellency continued, “and independently of the present proposals, the geographical position of Western Australia must sooner or later assert itself by the construction of such a line.” There was no doubt of that; and he hoped the day was not far distant when the project would bear fruit, for he

considered it one of the grandest schemes ever put before that House.

The resolution was then put and passed.

MR. HORDERN'S COLONISATION AND AGRICULTURAL COLLEGE SCHEME (MESSAGE No. 20).

THE HON. J. G. LEE STEERE brought under the notice of the House the report of the select committee on Mr. Hordern's scheme for the development of the agricultural resources of the colony. Hon. members were aware that Mr. Hordern, on behalf of a syndicate, had offered to establish an Agricultural College in the colony, and to settle the pupils from this college, and other immigrants whom they might introduce to the colony, on experimental farms, conducted under the superintendence of the college authorities. The syndicate required for carrying out its object the right to select any unalienated lands, not exceeding in any one of the five pastoral districts of the colony the extent of five million acres, or a total of 25,000,000. These lands were to be held by the syndicate for a term of ninety-nine years, at an annual rent not exceeding £2 per thousand acres for first-class pastoral lands. In the case of lands held under lease or license, the proposed rental was a sum not exceeding £4 per thousand acres, on the same conditions, unless such lands should be previously purchased by the syndicate. The syndicate also was to have the right to purchase all or any part of such selected lands at any time previous to the expiration of the term of ninety-nine years, at 10s. per acre, the present upset price. The committee, after considering the proposals, came to the opinion that the conditions were not such as would be at all times in the interests of the colony to entertain. They thought the syndicate, if it wanted to experiment, might take advantage of the present land regulations for inaugurating its scheme, and establishing its experimental farms. Bearing in view the large quantity of land that would be alienated if the proposals already under the consideration of the House in connection with railways under the land grant system were carried into effect, the committee did not think it at all advisable to entertain Mr. Hordern's proposals. Even if they were capable of being

realised, the committee felt they could not recommend the scheme for adoption on the terms named. He had therefore to move, "That an humble address be presented to His Excellency the Governor, respectfully informing His Excellency that the Council is of opinion that the scheme proposed by Mr. Anthony Hordern for the development of the Agricultural resources of Western Australia is not such as it would be for the interest of the colony to entertain; and the Council approves of the Report of the Select Committee which was appointed to consider His Excellency's Message No. 20, transmitting Mr. Hordern's proposals."

MR. VENN thought the House was giving the scheme very scanty consideration and nothing like the attention it deserved, and which it probably would have received had there not been other important questions just now occupying their attention. He looked upon the scheme in its leading features as one that was largely calculated to promote the interests of the colony. It was just what was wanted to give a stimulus to that industry which the Colonial Secretary considered at such a low ebb—the agricultural industry. It was useless saying our land was not adapted for agriculture; the soil of portions of this colony surpassed in its productiveness that of some of the other Australian colonies, and he hoped the House, if it ever again had the opportunity, would give this scheme more consideration than it had received. The syndicate did not propose to alienate any land, but simply to hold it on a long tenure, and pay a very fair price for it.

MR. BROWN said no one was more inclined than himself to deal liberally with the lands of the colony, on condition of occupancy and settlement, and the chief fault he had to find with this scheme was that it gave no guaranty whatever that the land required would be devoted to agricultural settlement. All he could see the promoters intended doing to entitle them to this land was to fence it and to establish a college; and they asked on these conditions to be allowed to select an enormous territory—one 26th part of the whole colony. If we could only get twenty-five other persons like Mr. Hordern prepared to do what this syndicate proposed, and the

Legislature of the colony were prepared to give what they asked, the whole colony would be taken up, and there would be nothing left for anybody else.

MR. CROWTHER regretted the scheme had not received more consideration at the hands of the House, for, in his opinion, there were some features connected with it which might be made to do the colony a great deal of good. The Agricultural College, he admitted, was a rather utopian idea, but there were other points about the scheme well worthy of our serious consideration.

MR. GRANT said the promoters of the scheme were very modest people indeed. They only wanted 25 million acres of land, and in return they offered to establish an Agricultural College that would cost £5,000. That certainly was the tiniest bait he had ever seen thrown out for so big a fish. If there was any virtue in the scheme at all, he thought we might ourselves do what the promoters asked to be allowed to do for us. If we were to allow this syndicate to pick out five million acres in each of the five pastoral districts of the colony, how much land would there be left that would be of any use to anybody else? We would all have to clear out, and take our departure for some other country, New Guinea or somewhere else. He thought the scheme was altogether unworthy of consideration.

MR. MARMION said that as one of the members of the select committee to which the scheme was referred, he should like to say one or two words. He might state in the first place that even if there had not been other important schemes before them, dealing with the alienation of a large extent of territory, this proposal of Mr. Hordern's was not in his opinion of such a tempting nature as to entitle it to his support. Mr. Hordern's Land Grant Railway scheme would give his syndicate such an enormous quantity of land that it appeared to him a glorious opportunity would be afforded him to carry out his colonisation project, without asking the colony to give him any more land. It must be borne in mind that there were already a few people in the colony, who wanted elbow room, and that it would not be fair towards the present residents and their descendants

to hand over the whole country to any syndicate.

The resolution was then put and passed.

MR. HORDERN'S AMENDED PROPOSALS
RE LAND GRANT RAILWAY BETWEEN
BEVERLEY AND ALBANY (MESSAGE
No. 25).

The House then proceeded to further deal with the report of the committee of the whole House upon Mr. Hordern's proposals, embodied in his letter of August 25th, 1884, the debate upon which was adjourned on August 29th.

Question—That the report of the committee (of the whole House) be adopted:

MR. VENN moved, as an amendment, "That the House adopts the report of the committee, subject to the following provisos, viz., That in respect to the compensation paid by the contractor for lands in townsites for permanent ways, stations, workshops, &c., the contractor to select lands (in fee) at the rate of 10s. per acre to the amount of compensation so paid by the contractor; such selection to be confined to the area from which the contractor has to select lands as a subsidy for the line, and in blocks of not less than 5,000 acres, unless a smaller quantity of land will cover such compensation, in which case it shall be taken in one (1) block; if a fractional part remain over and above any one or more block or blocks of 5,000 acres, such fractional part may be at the option of the contractor taken in a certain block. Provided, however, that the land taken for the railway through any townsite shall not exceed one chain in width, unless with the consent of the Commissioner of Railways." The hon. member said he adopted this course, feeling that in doing so he should get support. The committee, a few nights ago, after considerable discussion, agreed that compensation for land resumed should be borne entirely by the contractors; but he felt sure that if he had moved at that time that the compensation should be in this particular form the motion would have been accepted. One of the conditions of the Eucla railway scheme was that the contractors should be paid in this way for the land which they would have to

pay compensation for, and the principle was then approved by the House. Unless provision of this kind was made to recoup the syndicate, he was very much afraid that this compensation clause would prove a serious stumbling block. Although the amount that would have to be paid for compensation might not be great, still the promoters of the scheme, living in England, looking at the quantity of land that would have to be resumed, might, with their English ideas of the value of land, think that the compensation money would amount to something enormous, and the whole scheme might be knocked on the head.

Mr. BROWN, in seconding the amendment, said he regretted exceedingly that the House had come to the decision it came to the other evening on this question of compensation. Although the amount of compensation might not be great, he was sure it would be exceedingly difficult to persuade English capitalists that land which would have to be resumed, in the construction of over 200 miles of railway connecting the two chief seaport towns of the colony, could be acquired for a few thousand pounds; and he thought this resolution would assist Mr. Hordern considerably in floating his scheme. He thought the first to suggest a compromise of this nature in committee was the hon. member for the Swan, and he was very glad to find it revived, though personally he should have preferred the suggestion thrown out the other evening by the hon. member for the Williams, that the amount of compensation to be paid by the contractor should be limited to a certain sum—and that the rest should be borne by the colony.

THE HON. J. G. LEE STEERE said he did not intend to oppose the motion, but he intended moving that certain words be added to it, limiting the right of selection to land outside the blocks reserved by the Government. He thought this would be acknowledged as a very necessary precaution. He therefore moved that the following words be added to the resolution: "That no lands to be selected by the contractor in respect of compensation shall be taken from the frontage blocks reserved by the Government on each side of the railway."

POINT OF ORDER.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he only desired to say one or two words, and more particularly he wished to raise a Point of Order, as to whether this resolution could be entertained by the House. One of the points of difference between the contractor and the Government was whether compensation for land resumed for the purposes of the railway should be paid by the contractor or by the Government; and the House laid it down that the recommendation of the select committee—which was that the compensation should be paid by the contractor—should be adhered to. Therefore it had been decided that the contractor should pay; but now it was moved, as he understood it, that the Government should pay, but that instead of paying in money, it should pay in land. Without venturing to express any opinion upon the merits of the question, it appeared to him they were going backwards and forwards, undoing today what they had done yesterday, and reopening the same question over and over again. Of course if the House liked to do this, and Mr. Speaker ruled that it was competent for it to do so, he would say no more.

Mr. SPEAKER: Of course it is not at all usual, and would be entirely out of order, if the question had been dealt with by the House before. But, as a matter of fact, the question has not yet been decided, one way or the other, by the House, although the matter has been dealt with in committee; and the question now before the House is whether it will adopt the report of the committee. If the House had affirmed the principle that the contractor should pay all claims in respect of compensation, then the question could not have been brought on again, and this resolution would have been out of order. But the House, as yet, has pronounced no opinion on the subject.

THE ATTORNEY GENERAL (Hon. A. P. Hensman): I venture to submit that the House having adopted the recommendations of the select committee, one of which was that the contractor and not the Government should pay all claims in respect of compensation, the House has virtually affirmed that principle.

Mr. SPEAKER: Since then, His

Excellency, by a message to the House, has sent down Mr. Hordern's letter, asking the House to reconsider the matter, and it is the prerogative of the Governor to do so. The House has been in committee on that message, and passed certain resolutions, and the Chairman of Committees has reported to the House; and the only question now is whether the House will adopt the report. It need not do so unless it likes; but, having pronounced no opinion on the question of compensation embodied in the resolution now before it, the House has a perfect right to do so now.

DEBATE RESUMED.

MR. SHENTON hoped the House would agree to the compromise proposed in the resolution submitted by the hon. member for Wellington, with the proviso added by the hon. member for the Swan. This now seemed to be the only point of difference of any magnitude between Mr. Hordern and the House; and, as they had fixed the price of the land at the upset price, and as a similar clause was inserted in the draft contract between the Crown Agents and Sir Julius Vogel in connection with the Eucla line, and approved by the House, he thought they might agree to this compromise in Mr. Hordern's case.

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) said he felt they were going back from the position which they had taken up the other evening, and, for that reason, he was not very eager to agree to this compromise. At the same time, as they had already agreed to alienate such a large quantity of land, he did not feel inclined to offer any strong objection to the further alienation of the comparatively small quantity that would probably be required for compensation; though it did seem to him that they were dealing very liberally indeed with Mr. Hordern.

The motion, with the additional words moved by Mr. STEERE, was then put and passed.

MR. BURT then moved that the following words be added: "If the survey for laying out the railway shall not be *bona fide* commenced within one year from the date of the Act confirming the contract; or if the actual construction of the railway shall not be *bona fide*

"commenced within two years from the same date; or if 100 miles at least of the railway shall not be completed and fit for public traffic and opened within four years from the same date; or if 50 miles at least of the railway shall not be further completed, fit, and opened as aforesaid, in each and every subsequent year; or if the contractor shall not introduce immigrants into the colony according to the terms of the contract, or shall fail to comply with any other of the conditions thereof; it shall be lawful for the Government, if they shall think fit, to rescind and annul the contract." These, the hon. member said, were the conditions which the contractor himself undertook to accept, and it would be as well to embody them with these resolutions. It would enable the Government to reopen the lands, in the event of the contract not being carried out, and to take up the contract on their own account, without depriving the contractor of anything he may himself have done.

The motion was agreed to, *nem. con.*

MR. MARMION pointed out that some hardship might be caused in the event of the contractor not being able to place his immigrants on the land until the first section of the railway was completed and open for traffic. He therefore thought it would be necessary, in the event of immigrants being introduced as soon as the contract was entered upon, to empower the contractor to select a portion of the land, upon which to locate the newcomers, otherwise both he and they would be placed in a very awkward position. He had prepared a resolution which would probably meet the difficulty, and he would now move that the following words be added to the paragraphs already agreed to: "That, in order to enable the contractor to settle the immigrants to be introduced during the construction of the first section of twenty miles upon lands adjacent to the railway, the lands to be allotted to the contractor for the construction, equipment, and maintenance of the first section of twenty miles may be selected by the contractor upon the commencement of the construction of the said first section; and that the moiety of such lands to which he would be entitled in fee upon the completion

"and opening of the said first section may be occupied by the contractor, under yearly certificates, without payment, until such time as he shall be entitled to receive the fee simple of such lands."

The motion was agreed to, without discussion.

SIR T. COCKBURN - CAMPBELL, with leave, without notice, moved, "That an humble address be presented to His Excellency the Governor, in reply to his Message (No. 25), transmitting to His Excellency the resolutions adopted by the House upon the subject of Mr. Hordern's letter to the Colonial Secretary, dated August 25th, 1884."

Question—put and passed.

CATTLE TRESPASS ACT, 1882, AMENDMENT BILL.

The House then went into committee on this bill.

Clause 1.—"Section 14* of the principal Act (46 Vict. No. 7) shall be and is hereby repealed."

THE COMMISSIONER OF CROWN LANDS (Hon. J. Forrest) thought they would be doing a most dangerous thing if they repealed this clause. There were many tracks in the colony which the Roads Boards could not interfere with, in the present state of the colony, owing to the isolated position of the inhabitants; and it would be most inconvenient for people having special occupation lands at the back of the lands to be enclosed, if the holders of these latter were permitted to close up all tracks. This would be especially the case in some of the Southern districts, and more particularly the Vasse.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he had expressed his opposition to the bill on its second reading, and he now merely desired to say that he had heard no arguments to convince him that the repeal of this clause was desirable. He also thought it

right to draw attention to the fact that, although the bill reserved the rights of the Crown, the rights of freeholds were not reserved, as they were in the section which it was proposed to repeal.

MR. S. H. PARKER submitted that the rights and interests of the owners of lands through which paths and tracks were made, were paramount, when placed in opposition to the interests of individual outsiders; and the Roads Board Act, as he had already explained, offered every protection to the general public. As to reserving the rights of freeholds, that was only necessary when the clause formed part of the statute. It would not be required when the clause was repealed. He thought he had done all that was necessary in reserving the rights of the Crown.

The clause was then put and passed.

Clause 2—Reservation of rights of the Crown:

Agreed to, *sub silentio*.

Title and preamble agreed to.

Bill reported.

ALBANY MECHANICS' INSTITUTE BILL.

On the order of the day for the third reading of this bill being read,

MR. BURT moved that the order be discharged and that the bill be recommitted, with the view of striking out several clauses and introducing others, of which the hon. member had given notice.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said he desired to say a few words before the motion was put. The Government had been asked by the representatives of the institution in whose interests the bill had been introduced, to bring in a measure to alter the constitution of the institute, and, at the request of the member for the district, the Government consented to do so. A draft bill had been sent up by those interested in the matter, prepared at Albany, apparently by a lawyer. The object of the bill was that, for the future, instead of the trustees of the institute being certain persons and their heirs and assigns, the management of the property should be vested in the president and two vice-presidents. The bill sent up from Albany made that provision. There was also a power to mortgage the lands of the institute for a term of years. The

* "This Act shall not affect the right of any person to pass and repass, orderly and quietly, with or without cattle, through, over, and along any track, path, road, or way leading from any customary or declared public road to the several towns, habitations, stations, and other places to which such track, path, road, or way leads; or the rights, powers, or privileges given, granted or reserved to Her Majesty or her subjects in and by any ordinance, law, or deed; but nothing herein contained shall be deemed to affect the title or freehold of any owner or proprietor of land in any such track, path, road, or way."

Government adopted this draft bill, and put it forward—not as their own bill but as the bill of the friends of the institute, and they did this, he might say, out of a feeling of interest and kindness, to assist the institute and to save expense. It had been suggested since, that the property shall not be vested in the president and vice-presidents for the time being, but in other trustees,—an entire departure from the original wish of the friends of the institute. If, however, that was the desire of those interested in the welfare of the institute, as represented by the hon. baronet the member for the district, the Government had no objection to it. The original bill was framed upon certain principles recognised by law and equity, and perfectly carried out the wishes of the promoters as expressed by their representative. Having said this, he did not intend to offer any opposition to the course now proposed to be adopted with reference to the bill.

MR. S. H. PARKER said the bill was certainly a most extraordinary one. Not a single word had been said before now as to its being a private bill.

THE ATTORNEY GENERAL (Hon. A. P. Hensman) said that all he had meant to convey was that the Government had brought in the bill at the suggestion of, and to assist, certain parties.

MR. BROWN: Quite right, too.

MR. S. H. PARKER: Nevertheless, it is essentially a private bill, and, as such, it ought to have been referred to a select committee. The mere fact of the Government bringing it in did not transform it from a private bill into a public bill. It was read a second time, some weeks ago, and not a word was then said to explain that the bill was a private one; nor was anything said when it passed through committee to lead one to understand that it was not a Government bill. We have now an entirely new bill presented to us, by another hon. member, which the Government say they, on their part, are quite prepared to accept. So far as I am concerned, I looked upon the original bill as a most harmless, and I may say useless, measure; and if it was what the friends of the institute required and asked for, why should this House go out of its way to give them greater powers than they desired?

SIR T. COCKBURN-CAMPBELL said he was sorry that any blame at all should be attached to the Government in connection with the bill, for he considered himself that the Albany people were much indebted to them. The object of the bill was to enable the institute to borrow money to effect certain improvements in the building that were much required, and the Government were in no way responsible for the original draft bill. He had not been aware that the original bill would not have carried out the object which the institute had in view, until after it had passed through committee.

The motion for the recommitment of the bill was then agreed to.

IN COMMITTEE.

MR. BURT moved, That clauses 1 to 5 be struck out.

Agreed to.

MR. BURT moved, That clauses 1, 2, 3, and 4 of the bill, as reprinted, be inserted in lieu thereof.

Agreed to.

Preamble:

MR. BURT moved, To strike out all the words after "trusteeship," and insert in lieu thereof the words as reprinted.

Amendment put and passed.

Preamble, as amended, agreed to.

Title:

MR. BURT moved, That all the words after "vest" be struck out, and the following words be inserted, "certain lands belonging to the Albany Mechanics' Institute in new trustees to enable the trustees of the said institute to raise money on mortgage of the same."

Amendment put and passed.

Title, as amended, agreed to.

Bill reported.

DEEDS OF GRANT BILL.

Read a third time and passed.

The House adjourned at midnight.