

ERECTION OF FREMANTLE-ROCKINGHAM TELEGRAPH LINE.

MR. SOLOMON, in accordance with notice, asked the Director of Public Works when the Government intended to erect a telegraph line from Fremantle to Rockingham, for which purpose a vote of £500 was placed on the estimates last session.

THE DIRECTOR OF PUBLIC WORKS (Hon. H. W. Venn) replied that tenders would be called for this work very shortly.

PERTH GAS COMPANY'S ACT AMENDMENT (PRIVATE) BILL.

MR. CANNING, in accordance with notice, moved for leave to introduce a Private Bill intituled "An Act to amend 'The Perth Gas Company's Act, 1886,' and to extend the powers and privileges of the Company."

Question—put and passed.

MR. CANNING moved that the Bill be now read a first time.

THE SPEAKER having reported that the Clerk of the Assembly had certified that the Bill was in accordance with the Standing Rules and Orders relating to Private Bills,—

The motion was agreed to.

Bill read a first time, and ordered to be printed.

MR. CANNING moved that the select committee to report upon the Bill consist, in addition to the mover, of Mr. Sholl, Mr. A. Forrest, Mr. Loton, and Mr. Simpson.

Question—put and passed.

RETURN SHOWING PASTORAL LEASES AND LAND RENTALS IN EASTERN DIVISION.

MR. MONGER, in accordance with notice, moved that there be laid on the table of this House a return showing all holders of pastoral leases in the Eastern division of the colony; and the areas and amounts of rent paid for same.

Agreed to.

SAFETY OF DEFENCES BILL.

Read a third time, and ordered to be transmitted to the Legislative Council.

ADJOURNMENT.

The House adjourned at a quarter to 3 o'clock p.m.

Legislative Assembly,

Monday, 14th November, 1892.

Prohibition of *Hansard* Reporters from supplying copies of Speeches to the Press—Position of Gnarlbine Gold-find—Investigation of Charge re Kidnapping Natives—Public Health Act Further Amendment Bill: first reading—Issue of Certificates of Land Titles to Midland Railway Company—Treasury Bills Bill: third reading—Adjournment.

THE SPEAKER took the Chair at 7.30 p.m.

PRAYERS.

PROHIBITION OF HANSARD REPORTERS FROM SUPPLYING COPIES OF SPEECHES TO PRESS.

MR. MONGER, in accordance with notice, asked the Premier: Is it a fact that the *Hansard* reporters of the Legislative Assembly have been prohibited from supplying copies of the speeches delivered by hon. members for publication in the newspapers; and, if so, why?

THE PREMIER (Hon. Sir J. Forrest) replied: I beg to state that the Government have not prohibited them from supplying copies to the Press, and have no objection, in present circumstances, to their doing so; but as the reporters have been placed under the control of the hon. the Speaker, representations upon the subject should be made to him.

POSITION OF GNARLBINE GOLDFIND.

MR. TRAYLEN, in accordance with notice, asked the Commissioner of Crown Lands whether the Gnarlbine goldfind is within the area lately sold to a syndicate for £27,000.

THE COMMISSIONER OF CROWN LANDS (Hon. W. E. Marmion) replied that the surveyor who had been sent out to determine the position of "Bayley's Find" at Gnarlbine had reported that it was between one-and-a-half and two miles from the limit of the area in question.

INVESTIGATION OF CHARGE *RE* KIDNAPPING NATIVES.

MR. TRAYLEN, in accordance with notice, asked the Attorney General whether he would investigate the charge of kidnapping about 20 natives, made by Bishop Gibney in the *West Australian* of 11th November, 1892.

THE ATTORNEY GENERAL (Hon. S. Burt) replied that he would willingly do so, if the hon. member would be good enough to assist him with some reliable particulars.

PUBLIC HEALTH ACT FURTHER AMENDMENT BILL.

MR. TRAYLEN, in moving for leave to introduce this Bill, said it had become necessary in consequence of certain defects that were found to exist in the carrying out of the sanitary laws in the city of Perth, and within the jurisdiction of the Local Board of Health. This Bill was intended to meet the more pressing of the existing deficiencies.

Leave given, and Bill read a first time, and ordered to be printed.

On the motion for ordering the second reading,

MR. SOLOMON said this Bill would affect the health jurisdiction of other Municipalities and Boards of Health throughout the colony, and it was desirable that copies of the Bill should be sent to those bodies, and a sufficient time be allowed for hon. members to receive instructions from their constituents, before the second reading of the Bill was proceeded with.

The second reading was made an Order of the Day for Monday, 21st November.

ISSUE OF CERTIFICATES OF LAND TITLES TO MIDLAND RAILWAY COMPANY.

MR. TRAYLEN, in accordance with notice, moved, "That in the opinion of this House no certificates of title should be handed to the Midland Railway Com-

pany until the respective sections are completed according to contract, and that this House regrets that the Government should have promised titles without first taking the opinion of the honorable members." He said: It is not without a considerable degree of regret that I rise to make a motion of this kind. I think that, without surrendering my independence in any way, I have been a firm supporter of the Government in the various measures that they have brought before us for our consideration. In but few instances have I had occasion to differ from them, and I have been glad in the main to give them a cordial support; and this remark applies to some of the actions which were taken by the Government last session in connection with this very subject. They then brought before our notice a proposal to make a certain guarantee to the Midland Railway Company, and to that proposal I gave my assent in common with a large majority of the members of this House; so that I cannot help regretting that I should now find myself in opposition to the Government. In common with other members of this House, I have watched the progress of the Midland Railway scheme. I remember with what a tone of jubilation our late Governor, Sir Frederick Broome, announced in the Town Hall, to a small group of us, that he had just signed the Midland Railway contract. I remember what a chorus of congratulation there was, and what high hopes were raised in our minds by the anticipation of the good things that were to follow upon the entering into of that contract with the Midland Railway Company. We have all looked on with interest, and often with regret, at its fitful progress; and I shall but echo the sentiments of all hon. members here if I say we all regret to see it brought to a deadlock. The immediate circumstances out of which this motion arose are that within the past few days news has reached us by telegram that some of the English newspapers have been describing us as a somewhat dishonest community; that our Government were repudiating their liabilities to this Company; and altogether the complexion of those cablegrams was such that the Premier seems to me to have taken alarm and yielded to those representations, with a view of freeing

himself and the Government of this colony from such false allegations. If hon. members will look at the terms of the motion, they will see that it is separable into two distinct parts, one of which claims for this House a privilege, and the other part asserts that a certain policy would be advantageous to the best interests of this country. When I put forward a claim for privilege, I must certainly satisfy hon. members as to my authority; and I propose to quote such authorities as will not be questioned within this House. The first one is the Premier himself. On turning to *Hansard*, at page 879, I find that the Premier said last session, "We have come to a decision upon the matter; we have come to a unanimous decision upon the matter as to the best course we should follow. Now it is for this House to say whether the unanimous decision of the Government is to be adopted, or whether it is not to be adopted." I do not think there can be much difficulty in comprehending the significance of those words. They lay down, as a principle, that seems beyond question, that it was the duty of the Government to formulate a scheme, and then place it before this House for acceptance or rejection, as the case might be. Of course I know this principle applies only to schemes of magnitude; but this is one of those schemes of magnitude, and so I venture to claim the hon. the Premier himself as one of my strongest authorities for arguing that this House has not had the privilege allowed to it that it should have had. I next quote another authority that no one in this House will question, the hon. the Attorney General. In *Hansard*, at page 758, I find it stated: "I hope it will not be inferred that the Government are going to accept any proposition by themselves without consulting Parliament." I suppose that what he referred to was this: that some month or so previously the Government had entered into an engagement guaranteeing £60,000, and the Attorney General seems to have feared that there were some members in the House who anticipated that the Government might act on their own mere will, by entering into a new engagement with this company without consulting Parliament, and he deprecated even our thinking such a thing. So that I think

it is made clear that Parliament is the proper body to be consulted on all matters of magnitude affecting the interests of this colony. Then I think I am fairly entitled to quote the language that is printed at the head of all the Bills that are laid before us, that the Queen passes this into law, "By and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia." So that the Government, of their own power, cannot change, say, the amount of a penalty inflicted by a statute from 5s. to 10s., without coming to this House and getting its advice upon the subject. And yet, when there is a large matter involving thousands of acres of Crown lands, and when we are in session, the Government take upon themselves to act without consulting this House; and not only that, sir, but have actually set aside the arrangement that we agreed to their making. This is not a new matter—not one that they could plead they had not received the mind of Parliament upon—yet they actually proceeded to set aside the arrangement that we had advised them to enter into; an arrangement agreed to not by a narrow majority, but by the resolution of a majority of 20 to 7. I know that the objection which may be raised to all I have said, so far, is that the action of which I complain is purely a Ministerial act, that it is merely carrying out the terms of the contract that was entered into years ago, that therefore we have really little or nothing to do with it, that we have no right to expect to be consulted on a matter of this kind, which they urge, or probably will urge, is a Ministerial act. I answer that this is not purely a Ministerial act; it is one involving discretion, and discretion is the very thing that this House last year was asked to give advice upon. And I cannot help thinking that the slight to this House is intensified by the consideration of the fact that the Government have decided—have used their discretion—on this matter at the very moment that the House is sitting, and when it was one of the easiest things in the world to do what the hon. the Premier has already laid down as their proper course of action, namely, to formulate a scheme—to have looked at it all round, as he said—later on he said he

could not get round it—and to have brought it to this House for our advice. And my reason for alleging that this is not a purely Ministerial act is that there is no section of the line complete as yet according to contract. This is information conveyed to the House by the hon. the Commissioner of Railways a few days ago. In answer to my question, he had to admit that no section is yet complete according to contract. Then, sir, there was no legal or moral obligation on the part of the Government to convey titles. The contract entered into was a conditional one on the part of the Midland Railway Company. They entered into it with their eyes open, and if they have not performed its conditions, they have no legal or moral claim to have the lands conveyed to them—even the 6,000 acres per mile. Perhaps it will be said that the deficiencies are so slight that some allowance should be made in respect to the 14 miles which were not allowed for; but I reply that the Government have gone up to the very hilt of what they are able to give, namely, 840,000 acres, because it is only as the company complete the sections of 20 miles each that the Government are bound to give any land; therefore they are not bound to give any land, in consideration of the imperfect manner in which the line is constructed. The truth is that many and very serious misrepresentations have been made about this line, in England. I suppose we can guess very easily who made those misrepresentations, who supported them in the columns of the English press, who gave them point and force. We may understand all that, sir. Misrepresentations were made; this colony was libelled; and I must say, sir, there was a little color given to those misrepresentations by an unguarded statement of the Premier's, which I find recorded on page 877 of the last volume of *Hansard*, thus: "The main thing we all ready know is that 154 miles of this railway are now completed, and in working order. No one will deny that." He says no one can deny that; but it is denied by his colleague, the Commissioner of Railways, who says the line has not been completed in any section according to contract. It was an unguarded statement on the part of the Premier when that went forth to the

world; and I believe it gave some kind of warrant to the statements in English newspapers that the company were being very badly dealt with in this respect, that the titles to the land were not made over to them by this Government. A complete answer to all those misrepresentations, to all those libels on the Government and on the colony, could have been made in a very different way from the method adopted. They had but to telegraph to the Agent General in London and ask him to publish in the newspapers that were misleading the English public that no section of the Midland Railway having been completed according to contract, the company were not entitled to a single acre of land, and that until completed the Government would not in any way be bound to give them those titles. I am sorry to find that the Government, which has been thought to be so strong, composed as it is of men who are for the most part strong men, should have proved so weak before a libel. Why, sir, if we cannot stand being libelled, and hold our ground when we are conscious of being in the right, it does not augur very well for us; and I did think that the Government had enough stamina in them, enough resolution, to hold their heads upright and say: "We are not dishonest men; we don't deserve any such false allegations as are made against us; and we will proudly hold up our heads, conscious of our rectitude." Or, if they thought discretion the better part of valor, then I reiterate it was for them to come to this House to represent the circumstances, calling our attention to the false and libellous statements, and to ask whether, under the circumstances, it might be an advantage, an ultimate advantage, to give way by handing over the titles of some of the land, and so take that method of stopping the mouths of our English detractors. Again I enter my protest against the Government having acted without consulting us. This motion also asserts a policy—a policy adverse to what I understand the Government are doing. It is alleged, and they do not contradict it, that certificates of title are being handed over to the company. I think I am right in saying that these certificates have not, so

far, actually reached the hands of the representatives of the Midland Railway Company; and if they have not, then I urge upon the Ministry, if there be a possible means of retaining them, or holding any lien upon them, not to hand them over until these miles of railway shall be completed according to contract. We all of us desire the completion of the line, and because I bring forward this motion it is not to be argued that I am against the completion of the line—I want to see the line completed. Most of us have, at some time, expressed ourselves in favor of completing the line, and not only so, but most of us have said something to the effect that we were willing to give a good deal or forego a good deal in order to see the line actually completed. I am sorry to be obliged to think that the Government have taken a course which will preclude the completion of the line for a long time to come.

THE PREMIER (Hon. Sir J. Forrest): How is that?

MR. TRAYLEN: A very significant thing for our consideration is this—and it is information given to me by the Premier a few days ago—that no new proposals have been made by the Government to the company; and it looks as if the company, having now got the promise of the title to the land, intend to make terms with their debenture holders, and perhaps divide some little amongst themselves, thus leaving this colony unhappily in the lurch. That is only my opinion, and I state it as the ground why I am so anxious that, if the Government can retain a hold upon these certificates of title, they should do so. Then I feel that in all new negotiations—assuming that there may be fresh ones—the Government are at a great disadvantage in having promised these certificates of title. They might, as I think, have been one of the greatest levers to be used in making advantageous terms for this colony, because those in England are well aware that we cannot look on year after year and see that gap in our railway system, and they may feel now that they have a very strong hold on us. After receiving the titles to the land, they may turn on us and say: “Now that we have these titles to the land, you must come to our assistance again;” and though we shall

have surrendered only 6,000 acres per mile of line completed, it may be found that we shall be asked to do something in the way of very substantial help to this apparently impecunious company. I have not arranged for a seconder to this motion, and if there should not be one, the Government will not have an opportunity of replying on this occasion; but if any hon. member thinks this discussion should be carried on this evening, it will be needful for him to second my motion.

MR. R. F. SHOLL formally seconded the motion.

THE PREMIER (Hon. Sir J. Forrest): Sir, the hon. member for the Greenough has moved this resolution, and I don't know exactly with what object he has moved it, because he has not taken very much trouble in the matter—he has not consulted hon. members of this House, so far as to know, whether there was to be a seconder to the motion which he has made. That motion, he must know, is a very grave one. It is no less than a motion of censure upon the actions of the Government; and I think perhaps it is almost unprecedented in the history of parliaments in these colonies or elsewhere, that a member should rise in his place and move what is tantamount to a want of confidence in the Government of the day, and without having taken the trouble to consult his colleagues, the members of this House, as to whether they would even second the proposition which he has made. I do not think that this course will redound much to the credit of the hon. member for the Greenough, or to any other hon. member who takes this course, because I think Parliament may fairly complain if the hon. member takes such a course as he has taken without even consulting those hon. members with whom he is usually associated as to how far he may obtain their support. The Government have nothing to keep back in relation to the Midland Railway Company. The Government desire that this House should fully investigate everything that they have done from the very commencement up to the present time; and if the hon. member had been in earnest on the question—I doubt whether the hon. member is in earnest—he would have waited until to-morrow or next day, when the whole of the correspondence which has

passed between the Government and this company would be laid on the table of the House, and then he would be in a position to criticise the actions of the Government, step by step, from the very day we prorogued last session until we met this day, and he would be able to see whether the Government have behaved well, and whether they have conserved the interests of this country during that period. But the hon. member, with no information before him, has chosen to make this grave attack upon the action of the Government. I may tell him that we do consider that our action in regard to the Midland Railway Company, so far as the making a promise to issue these title deeds is concerned, is but the carrying out of the contract which had been entered into with the approval of this House; and we well know, without anyone telling us, that for every act of ours in relation to this matter, if it does not receive the approval of this House, we shall have to pay the penalty. We have felt sure that in every act of ours we had the direct approval of this House, or we have acted in a manner in which we felt sure we might assume the approval of this House. It is all very well for an hon. member to look at this matter from one side, but if he had only looked at it from the other side he might have been able to see it in a different light. The Midland Railway Company have almost completed 154 miles of railway, and they are working it. It is quite correct, as my colleague the Commissioner of Railways said the other evening, that no section of the railway had been entirely completed; but in this matter we considered that we must act equitably and justly, and we feel and believe that this railway company has a right to the land we had promised to convey to the company. After all, hon. members must recollect that there is one-half the land that we are going to hold until the whole line is completed according to contract; and you must also recollect that we have in our custody 200,000 acres of the very best of that land, and £15,000 of money deposited with us under the contract, and £90,000 of the company's bonds. Surely to goodness this is sufficient security for the small amount, the comparatively small amount, that we have guaranteed on behalf of

the company--200,000 acres of land, £15,000 of money, and £90,000 of bonds—surely no one can say we have not ample security for the £60,000 that we have guaranteed on account of the company. As I said, I hope the papers will be laid on the table of the House to-morrow, and they will show the whole of what has occurred from the time we prorogued last session up to the present; and I think you will see that the Government have been anxious and careful to protect the interests of the country through the whole of these proceedings. The Government believe that we are only acting equitably and fairly in giving to this company the title deeds of 840,000 acres of land, less the amount that we hold as security for the guarantee. It is quite true, as the hon. member said, that this colony has been misrepresented and abused; but I think that, notwithstanding this is so, we can rise superior to the little abuse in those English newspapers which are the partisans of certain individuals. The main thing we have to do is to try to do justice to this company, who have embarked a considerable amount of money in this colony, and have built 154 miles of railway. We should try to rise superior to a little temper. I am sometimes irritated, especially when abused without good cause, as when my actions or those of the Government are unfairly criticised or referred to; and I must say I have felt annoyed at the criticisms in the English Press, but I have tried to rise superior to them, and not in a fit of temper to retort upon this company. I say they have earned the right to this land; they have built 154 miles of railway; they have made 20 miles of earthworks beyond that; and I think they are justly and rightly entitled to this land, notwithstanding that they have not become what may be called legally entitled to it. The correspondence that will be laid before you to-morrow will show that the Government have tried their very best to assist this company, and also to look after and conserve the interests of the colony; and I should very much have preferred, if this discussion had taken place a few days hence, that hon. members had first seen those papers, rather than that the discussion should have

taken place at the present time, with really no information before us. We have been told by this company, and you will see it in the papers to be laid before you—I don't know whether it is a reality or not—that all their troubles, in not being able to raise money to go on with the railway construction and to pay the £60,000 which we guaranteed, were owing to their not having received these grants of land. You will be able to judge, when you see the correspondence, whether they are reasonable in their contention. Everyone must admit that if, instead of pushing on so quickly with the construction as they have done in having completed 154 miles of the railway, they had been content to construct only 140 of those miles and completely finished and equipped them according to contract, they might have done this for the same money that built the 14 additional miles of railway—the same money would more than have completed the 140 miles. And you must remember that you have got 154 miles constructed, which certainly cost more than the 140 miles would cost, which would entitle the company, without question, to the land we are giving them. So that, owing to their desire and that of the contractor, to get the line completed as quickly as possible, they find themselves in this position to-day, that they cannot say they have absolutely completed the contract as far as the line is constructed. If you analyse it to see what they have to do in order to complete their portion of the contract, you will find there are a few railway stations and a few sidings—very little indeed. I look to me now rather like splitting straws to say to the company that “Because you have not completed the railway in accordance with the contract in every particular, we will not give you any land,” while this House knows that we have got more money expended in the colony on this railway than would have entitled them to the land for 140 miles of railway. I do not know that I need say much more. It is very easy for persons who have not the responsibility and have not the conduct of the affairs of the colony to criticise those who have. We owe our existence as a Government to the confidence that you repose in us; and so soon as you consider that we do not retain your confidence,

you have a way of showing it. I can only say this, that the present Government have had a considerable amount of difficulty and have gone to considerable trouble in dealing with this railway company. We have desired from the first to do all we could to further the interests of this company in order that they might complete the great work they have in hand. We believe this railway will advance the best interests of the country; that it should be completed, if it is possible to do so without unduly affecting the finances of the country; and we have done all we could to try and have this line completed. We have not been very successful, as hon. members know. The hon. member even twits the Government with having withdrawn the offer made to this House last session. Well, the position we took was this: we have a right, under our agreement, to select 200,000 acres of land to cover our guarantee of £60,000; and we also made it a condition that we should have the first choice out of the 800,000 acres due to the company. “It is impossible,” we said to the company, “to give you any deeds until these two offers are swept away; but as soon as you complete our security for the £60,000, and as soon as we withdraw the offer made to you, the course is clear; and then it is only a question whether you are entitled to the land for the railway you built.” We also say that the company have spent more money in building the 154 miles of railway, considerably more, than would have completed the 140 miles of railway, completing this length in every particular; and therefore we say that the company are justly, though perhaps not legally, technically, entitled to this land; and we feel that in acting as we have done we are acting with the approval of this House, or else you may depend upon it we would not have done it. I believe we have the approval of this House, and that of the people of the country, because the people of Western Australia—whatever may be said to the contrary by those who write in English newspapers in the interests of individuals—desire only to do what is just and right, and to act fairly and honorably and liberally to those people who come here or expend money here in building this railway and developing the resources of the colony.

MR. DEHAMEL: I agree with the hon. the Premier that this is a matter which would have been much better discussed and dealt with two or three days hence, after the whole of the papers and correspondence had been laid before us. At the same time, as the result of this debate will no doubt find its way to England, I think it well that we should dispose of this portion, at all events, at this sitting. There is a trite saying, and a true one, that every man should stick to his own last; and I think that if the hon. member for the Greenough had studied and read the contract under which this question arises, he would have found that, so far from this House being called upon, in the terms of his resolution, to blame the Government for giving this land to the company at the present time, the resolution should rather have been to blame the Government for not having done it long since. This contract is absolutely plain and clear, when you look at it, keeping clear of all technicalities. I have studied some of the sections of this contract with very great care, and it is plain to me, and I think I can make it plain to hon. members—not in a miserable, dry, legal argument, but in a very short and simple way—I can prove to the Government and to hon. members that the Government are right, and were right, in giving this moiety of land, and that they should have given it long before. When one gets hold of an involved contract such as this to worry out and find out exactly what is the meaning, the best plan is to go to the section or clause you want to deal with, and try to trace back, by question and answer, the meaning of the words of that clause. The first question I ask myself is: What are the conditions under which the company can claim or demand one moiety of the land? This is set out at clause 52: "On the completion and opening of each section, the Government will issue to the contractor deeds of grant of one moiety of their lands." Now, there is no question about that: the Government on the completion and opening, are bound to give these deeds of grant of one moiety. What is meant by the completion and opening of the line? It is on this point that the question turns. It is provided by clause 11 that certain portions of the railway "shall be completed, equipped,

"fit for public traffic, and opened" within certain specified times. Now there are two conjunctions—"shall be completed, equipped, and fit for public traffic." These three things all go together, and they go before the second conjunction—"and opened." So that each section of the railway is not to be opened until it is completed and equipped and fit for public traffic. The meaning is settled by clause 23, where we find that no portion of the railway shall be opened until after notice has been given by the contractor to the Commissioner of the time when the completed portion of the railway will be ready for inspection. So that a notice has to be given by the contractor to the Commissioner.

THE PREMIER (HON. SIR J. FORREST): If you read the whole clause you will find that the line has to be "sufficiently completed."

MR. DEHAMEL: Undoubtedly, the words are there. I am giving the gist, to make it plain, but I will read the whole clause: "No portion of the railway shall be opened until after notice has been given by the contractor to the Commissioner of the time when the railway or completed portion of railway will be, in the opinion of the contractor, sufficiently completed for the safe conveyance of traffic, and ready for inspection." Then we want to find what is to be done on this notice being given, and clause 25 says: "The Commissioner, upon receiving such notice, shall then examine and inspect the section of railway proposed to be opened, and all works and appliances connected therewith, and all engines and rolling stock to be used thereon; and if the Commissioner be of opinion that the opening of any such section would be attended with danger, by reason of the incompleteness of the works or permanent way, or the insufficiency of the equipment for working the railway, the Commissioner may postpone the opening." Now that is the whole thing. The Commissioner may do that on finding any of this incompleteness, provided always that, if he shall see no ground to postpone the opening, he shall be bound to issue his certificate for the opening. Now, there is no get-away from that—he must either postpone the opening, if he does not consider the

railway sufficiently complete, or he shall be bound to issue his certificate for the opening. The next thing is: What takes place upon the issuing by the Commissioner of such certificate? We come to clause 39, which says that as soon as any section of the railway shall be completed and certified to be fit for traffic, the contractor shall forthwith open and work the same. Therefore, the Commissioner having given this certificate, and certified, under clause 26 of the Railways Act, that the railway is fit for public traffic, the contractor is then bound to open and work it. As soon as he opens and works it he is entitled to the reward, in the one case, and is subject to certain penalties in the other case. The reward is that on the completion and opening of each section, the Governor will issue to him the deeds of grant of one moiety of the lands, and section 58 provides that: "If he fails to open and work the railway, the Government may enter upon and take possession of and use the said railway and all the rolling stock, and the contractor shall pay to the Government all expenses, and the contractor shall be subject to pay and shall pay to the Government a daily fine of £100, so long as the Government shall remain in possession as aforesaid." I say it simply comes to this, that the railway must first be completed, equipped, and fit for public traffic before it can be opened at all; secondly, it cannot be opened until inspected and approved by the Commissioner of Railways; thirdly, that the moment it is approved, he is bound to give his certificate. The moment that certificate is given, the contractor is bound to work that railway; and the moment he opens and works it, the contractor is entitled to the deeds of grant of one moiety of the land. I say the fault of which the Government are guilty is not in giving this land now, but in being too cautious in the past and not having given it at the time the company were entitled to claim it. The Commissioner, by giving his certificate, entitled this company to the land; and therefore the motion of the hon. member for the Greenough does not meet the circumstances of this case in any way whatever. It would be impossible for us to pass a resolution such as this, censuring the

Government for doing a thing which they really ought to have done some time ago, instead of only at the present time.

MR. R. F. SHOLL: When the hon. member brought forward this motion I did not like to allow it to pass without affording to the Government an opportunity of replying, and so I seconded the motion. But I must say it is rather strange and unique for a motion of this kind to be brought forward by a member who has always been a supporter of the Government. As to considering this a vote of no-confidence, though I may or may not disagree with the action of the Government in this matter, I would not be prepared to go so far as to censure the Government for any action they have taken in this matter. But it is a most extraordinary thing that in any motion brought forward from the other side, it is necessary to look to this side for help to get them over the stile. If they want a Colonial Secretary, they have to select him from the much-abused seven on this side; if they want a Chairman of Committees, they do ditto; and if a supporter of the Government moves a vote of censure, one of the noble seven again comes to the rescue. With regard to the action of the Government in this matter, I may say that I think the Government did perfectly right in resisting—I regret that the Government did not resist further—the clamor of the Midland Railway Company for that which, in my opinion, they were not entitled to. They agreed to do certain works, and on the completion of those works they were to be entitled to so many thousand acres of land per mile. According to the returns laid on the table of this House, and the reply given by the Director of Public Works, the Midland Railway Company have not complied with the conditions; therefore, I think it was a very great concession indeed for the Government to hand over the title deeds to so many thousand acres of land. I do not agree with the hon. member who has just sat down. I know he has got a fad into his head that the Government were bound to give these title deeds, upon the certificate of the Commissioner of Railways that each finished section of the railway was fit for traffic. I think that before they were entitled to the title deeds, the line should be sufficiently equipped, which is not the

case at present. I think the Government were perfectly right in resisting, and I think they have shown a good deal of good-natured weakness in allowing the title deeds of these Crown lands to be issued. If there is a weakness in the Government, it is their susceptibility to clamor. It is only necessary for a few individuals in a country town, if they want anything, to get together and kick up a "bobbery," and publish telegrams in the newspapers, and then the Ministers at once take alarm and put their tails between their legs like whipped curs—like the "noble seven," as mentioned by the Premier in his speech at Geraldton, when he described the Opposition as running away with their tails between their legs like whipped curs. Alas! one of those seven has got his tail erect, and deserted to the Government; but still there are six left, and I hope the hon. member (Mr. Traylen) will rest his tail between his legs and march to this side of the House. Rather than that the other six should be like so many "whipped curs" with their tails between their legs, I think that if the Government give them reason to speak openly, they will find the six with their tails erect, ready for action.

Motion—put and negatived.

TREASURY BILLS BILL.

Read a third time, and transmitted to the Legislative Council.

ADJOURNMENT.

The House adjourned at 8:40 p.m.

Legislative Council,

Tuesday, 15th November, 1892.

Small Arms and Ammunition: Return as to—Death of Sir T. C. Campbell: Reply from Lady Campbell to Resolution of Sympathy—Adjournment.

THE PRESIDENT (Hon. G. Shenton) took the chair at 3 o'clock.

PRAYERS.

SMALL ARMS AND AMMUNITION— RETURN AS TO.

THE HON. J. MORRISON moved, That a return be laid upon the table of the House showing—1. The total number of small arms (rifles) at the disposal of the Government, either in stock or in use throughout the colony. 2. The different patterns and numbers of each. 3. The amount of ammunition in stock for each pattern. He said: A similar motion to this was made by me last session, but owing to the prorogation taking place soon after it was quite reasonable to suppose that no answer could be then given, and even now I am aware that it may be said that such a motion as this might rather hamper the Government, inasmuch as they might not desire to expose the strength of the colony in this respect, or make us appear weak before the outside world. I can see that there may be considerable force in this, and I do not wish to place the colony or the Government in any awkward position. All I desire is that if the Government do not deem it advisable to supply this return, they will nevertheless look into the matter and see that the small arms and ammunition are in equal proportions, that is, the Government should see that what small arms we have are properly supplied with ammunition, so that if the colony were called upon to make use of them we should not find ourselves in the awkward predicament others have found themselves, having Martini-Henri rifles in great numbers and the cartridges for other rifles. My only desire is that the matter should be looked into, and proper ammunition kept in hand.

THE HON. R. W. HARDEY seconded the motion.

THE COLONIAL SECRETARY (Hon. S. H. Parker): I am glad to hear from