

"as well in possession as in remainder
 "reversion or expectancy: Provided al-
 "ways, that it shall be in the discretion
 "of the Supreme Court or the said
 "Trustees, as the case may be, to allot
 "to any tenant for life or for any other
 "partial or qualified estate, for his own
 "use, a portion of the sum so paid to
 "the Master of the Supreme Court or
 "to such Trustees as aforesaid, as com-
 "pensation for any injury, inconvenience,
 "or annoyance, which he may be con-
 "sidered to sustain, independently of
 "the actual value of the lands to be
 "taken, and of the damage occasioned
 "to the lands held therewith, by reason
 "of the taking of such lands and the
 "making of the works." The hon.
 member said that in the clause of "The
 Railways Amendment Act, 1879," dealing
 with the application of money payable to
 parties under disability, a very material
 omission had been made, relating to
 money which the Commissioner might
 have to pay on account of a contract or
 agreement which he might make with
 any person under a disability to dispose
 of land required for the purposes of a
 railway, and the present clause was intro-
 duced with a view to remedy that omis-
 sion.

The clause was agreed to without com-
 ment, and ordered to stand part of the
 Bill.

MR. BURT moved, That the following
 new clause be added to the Bill:—"No
 "Justice of the Peace holding any ap-
 "pointment, or otherwise employed, in
 "connection with any railway shall have
 "or exercise any jurisdiction under 'The
 "Railways Act, 1878,' 'The Railways
 "Amendment Act, 1879,' or this Act." The
 hon. member said this clause was
 introduced in accordance with the under-
 standing arrived at when the Bill was
 previously under discussion in Com-
 mittee.

The clause was adopted *sub silentio*, and
 ordered to stand part of the Bill.

Preamble and title agreed to.

Bill reported.

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

LEGISLATIVE COUNCIL,

Thursday, 24th March, 1881.

The Address in Reply—Superintendent of Roads:
 Correspondence re Gingin Road—Tramway over
 Darling Range: Report by Mr. Cowle—Princess
 Royal Harbor and Concessions to Ballarat Timber
 Co.—Financial Condition of the Colony—Message
 No. 3 (Stirling Square): consideration of—Eastern
 Railway Extension Bill: second reading; in com-
 mittee—Message (No. 4): Further Communication
 re Stirling Square—Eastern Railway Extension Bill:
 in committee—Adjournment.

THE SPEAKER took the Chair at
 noon.

PRAYERS.

THE ADDRESS IN REPLY.

At twelve o'clock, noon, the Council
 adjourned during leisure, in order to
 present the Address in Reply to His
 Excellency's Speech. On re-assembling,

THE SPEAKER announced to the
 House that the Address had been pre-
 sented, and that His Excellency had been
 pleased to reply as follows:—

"MR. SPEAKER AND GENTLEMEN OF THE
 "LEGISLATIVE COUNCIL,—

"I receive with satisfaction your Ad-
 "dress in Reply to my Opening Speech.

"I must explain that in alluding to
 "the future of the Kimberley District I
 "did not mean to imply that the Govern-
 "ment had decided to adopt a system of
 "Coolie Immigration. No doubt the
 "settlers in that District will have to
 "look to the labor markets indicated for
 "their supplies of labor in the future,
 "but on what terms and conditions that
 "labor should be introduced—whether by
 "the settlers themselves, or under an
 "organised system of Government im-
 "portation—is a question which has not
 "yet been discussed.

"I shall be happy to place before you
 "all the information in my power relative
 "to the important questions which are
 "now under your consideration.

"Government House, Perth, 24th
 "March, 1881."

SUPERINTENDENT OF ROADS: CORRE-
 SPONDENCE RE GINGIN ROAD.

MR. BURT, in moving for the produc-
 tion of the correspondence that had

passed between the Swan Roads Board and the Government, on the subject of the work done by the Superintendent of Roads on the Gingin Road, and the report of those members of the Central Road Committee who had lately inspected such work, said: In moving for this correspondence I do not think it incumbent upon me to go into the question of roads and road-making at present, inasmuch as we are endeavouring, as far as possible, to narrow the questions to be considered this Session; at the same time I think it would be desirable that the public should be placed in possession of this correspondence, and also of the opinion formed by the Central Board of the work referred to, on the Gingin Road, with regard to which an impression had gone abroad that something very monstrous has been done there. I may state, as I have often thought, that, in my opinion, when this £50,000 borrowed for road purposes is expended, we shall have less good roads in the country than we had when we borrowed the money, and we shall have succeeded most effectually in disgusting every Road Board in the Colony with the work done—work which, under the former system in operation, was performed by these boards as a labour of love. In addition to this, we shall have ruined our system of road-making altogether. This opinion, I know, is shared in by many of the elected members of this House, and I believe is impressing itself upon the minds of the members of the Government. This Central Road Committee, it appears to me, is entirely under the thumb of the Governor, and any good which it might otherwise do is altogether nullified. The result is that our £50,000 is simply being frittered away, to no useful purpose. The roads of the Colony are now in a worse state than they have ever been since the Colony commenced road-making. I don't say whose fault this is, or how it has come about; but there is the fact before us, and, in my opinion, it affords a fair illustration of the manner in which our Government succeeds in transacting business, which, before they had anything to do with it, and when left in the hands of the various roads boards, was done properly. Our roads were certainly passable then, which is more than can be said of them now.

The motion was agreed to.

TRAMWAY OVER DARLING RANGE: REPORT BY MR. COWLE.

MR. BURT, in accordance with notice, moved, "That an Humble Address be presented to His Excellency the Governor, praying that he will be pleased to lay on the Table of the House a Report by Mr. Cowle, then of the Survey Department, in or about the year 1869, relative to a proposed tramway line over the Darling Range, East of Perth." The hon. member said he was informed that such a report was in existence, and that it went to show that an easy route was to be found over that Range.

Motion agreed to.

PRINCESS ROYAL HARBOR; AND CONCESSIONS TO BALLARAT CO.

SIR T. COCKBURN-CAMPBELL, in moving for the production of the correspondence which had lately passed between the Government and inhabitants of Albany, relative to buoys for use in Princess Royal Harbor; and also for the correspondence which has taken place between the Government and the Directors of the Western Australian Timber Company, relative to the transfer of the concessions held by that Company to an English syndicate, said, as regards the former correspondence, that until late years the P. & O. steamers which visited Albany were not very large, but latterly vessels of much heavier tonnage had been employed by the company, and, in consequence of the space in the deep part of the basin not being very extensive, accidents had occasionally happened, which, if buoys or moorings had been provided, might have been averted, and which if they occurred again were liable to bring the harbor into disrepute. Correspondence on the subject had been going on for a long time between the inhabitants and the Local Government, and he thought it would be desirable that the House should be placed in possession of it. He felt some reluctance, in the present financial condition of the Colony, to come forward to ask for a grant of money for what might appear to be merely a local requirement; but he considered that this question, and that to which he had referred the other day, relating to the siltage accumulating in the only really

good harbor which the Colony can boast of, was one which affected the interests of the Colony very largely. The reason why he had asked for the other correspondence was this: the House was aware that, some years ago, large concessions of land were granted, during Governor Weld's Administration, to the company referred to, and he thought he was right in stating that the privileges granted were not resulting in as much good as was originally anticipated. He believed the company had not much capital, and that, in fact, its operations were being carried on "from hand to mouth,"—merely in order to enable it to retain its concessions, and not to forfeit them. Lately, he understood, an English syndicate had been negotiating for taking over the concern, together with the company's concessions, and, if the transfer were made, he believed they were prepared to invest a large amount of capital in developing the timber industry. The syndicate, however, were anxious to secure for themselves the concessions granted to the present company, and he understood some correspondence on the subject had taken place between the promoters of the transfer, the directors of the company, and the local Government. He thought it very desirable that the House should have an opportunity of perusing this correspondence, so as to enable it to see how it would be most advisable for the Government to act in the matter. Our Government, unfortunately, had not earned for itself a very good name of late outside the Colony, as regards its business relations, and he thought it would be well that the House should know what had been done with reference to this matter, in order that it might express an opinion thereon. He was aware it might be said that that House had virtually nothing to do with concessions of land, but the Government had nearly always behaved very fairly indeed towards the Council and the country with regard to these land questions, and he did not anticipate there could be any possible objection to the production of the correspondence now asked for.

Mr. BURT, in seconding the motion, said he knew a great deal about the subject referred to by the hon. baronet, and he might state shortly what was

proposed to be done. Years ago the present company obtained certain valuable concessions from the local Government, and amongst them the right to so much land for every mile of railway which they constructed. For some time past the company had been languishing on, and having no capital of its own had been unable to claim its conditional rights and privileges in respect of these grants of land, and the business was merely carried on in such a way as to enable the company to retain hold of its concessions, and not to forfeit them by suspending operations entirely. This much it probably would always be able to do; but the company, being somewhat impoverished, was anxious for an infusion of fresh blood, and, on the other hand, several capitalists at home were ready to take over the business, and engage in the industry on a large scale, being prepared to invest £90,000 at once; to guarantee the extension of the railway line; to erect two or three additional sawmills, and to work the whole concern on a very extensive scale. But before doing all this, they naturally asked that the Government should recognise their rights to the concessions granted to the present company. The Government, however, declined to satisfy them on this point, unless the company is prepared to yield some of the concessions granted to it. Because the company which is now languishing for want of capital is sought to be revived and be made a going concern, and thus do much good to the district, the Government interposed this obstacle to the transfer, although they have no chance or prospect of ever forcing the company into a corner and depriving them of their concessions. He therefore failed to see why they should not recognise the very reasonable demands made by those capitalists. As had been said by the hon. member who moved for the correspondence, the name of our Government, in business matters, was not particularly well up outside the Colony. It had not been so for some time past, and he was afraid that what had occurred lately would very materially lower it in public estimation still more. He had no hesitation in saying that if the Government went now into the market at home seeking to negotiate a contract in respect of guano, it would not get a single

tender; and he sincerely hoped they would have no more deposits to invite tenders for. He believed that the name which the Government had got outside the Colony, with regard to its manner of doing business, had a great deal to do with the fact of these capitalists requiring that their rights should be protected. Unless the Government gave them a guarantee to that effect, they would not come here at all, and the result would be—the country would lose the benefit which the expenditure of so large a sum of money as they proposed to invest (£90,000) would confer, and the timber trade in that locality, which was now languishing for want of capital, would continue to drag on a miserable existence, while at the same time the company would keep a firm hold upon their concessions. He thought the Colony would gain very much by complying with the very reasonable request made by the syndicate referred to.

MR. BROWN: I shall support the motion, because I think it desirable that the correspondence asked for as to the moorings at Albany should be before the House, and, more particularly so, the correspondence with regard to the timber company, and the transfer of their concessions. But in giving the motion my support I feel bound to say that I cannot at all do so on one of the grounds mentioned by the mover and seconder of the address. It is altogether too much the habit here, both on the part of the public and of the members of this House, to make what I may call attacks of a general character upon the Government, and particularly to allege that the Government is not in good odour, and is, in fact, distrusted, not only by our own community but by the outside public. I was astonished, however, to hear the hon. member for Plantagenet bringing forward such a charge against the Government. You will find in all communities, here as well as elsewhere, a class of persons whose idiosyncracies lead them to distrust the constituted authorities; but I do not think there exists that general feeling of distrust, either in the Colony or outside of it, as regards the Government of this Colony, which has been alleged by the hon. member for Albany and the hon. member for the Williams. If such a feeling does exist it is in no way due to

any action taken by the Government, who I think are to be credited, in whatever mistakes they may have made, in having at heart the interests of the Colony. And I think it is most damaging to those interests that hon. members in this House should come forward, and, in this broad and general way, bring accusations against the Government. From the remarks made by the hon. member for the Williams, it is probable that he knows much more than we do about this matter, and apparently is aware of the tenor of the correspondence referred to. It appears to me that the subject is one of very considerable importance, and one with regard to which the Government might well pause before acceding to the request of this syndicate. The rights and concessions granted to the present company were given to them in perpetuity, and, so far as I am aware, enables them to extend their railway, not fifteen or twenty miles, but fifteen hundred or two thousand miles. [MR. BURR: There is a limit.] I am glad to hear the hon. member say so. I do not know the conditions upon which the syndicate asks to have its rights protected, but, in the face of it, it appears to me highly desirable that the Government, if it can do so without sacrificing the interests of the Colony, should consent to give these capitalists the concessions now enjoyed by the local company. I am perfectly satisfied that the advantages which would accrue to the Colony from the transfer of the company's works to a wealthy and enterprising syndicate, prepared, as we are told, to expend nearly £100,000 in the development of an important industry, would be very material; and I cannot conceive, if the facts are merely those mentioned by the hon. member for the Murray, that the Government will refuse in any way to comply with their request. But my object in rising was to state that I, at any rate, have no sympathy with the remarks made by the mover and seconder of this address, as to the bad odour in which our Government is alleged to be held. I think a great deal of the feeling referred to is due to the action of the members of this Council, and I believe the feeling of distrust is very much more general with regard to this House than with regard

to the Government—that there is not so much dependence to be placed upon the actions of this Council as there is upon the actions of the Government—that we, the members of this House, are very much more inclined to retrace our steps and to alter our decisions than the Government is. I think it is a very wholesome check indeed upon this Council that it has not only a Government above it in this Colony, but a power again in England above our local Government, and exercising its influence over the actions of our local Legislature.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) said he must offer a few remarks as a protest against what had been alleged with regard to the Government and its contracts. Standing there, as he did, to represent the interests not only of the Government but of the Colony and of the public at large—interests which in reality were identical—he had only one consolation to bear him up under the severe castigation which they had received at the hands of the hon. members for Plantagenet and for the Murray and Williams; and that was, that those persons who might think it to their interests to enter into contracts or other business relations with the Government had such a staunch and chivalrous supporter of their interests as they had in the hon. member for Geraldton.

MR. CROWTHER said there was nothing which tended so much to foster a feeling of distrust in the Government of this Colony as the impenetrable mystery and exclusiveness which surrounded all their actions.

MR. CAREY hoped the correspondence moved for would show that the Government were prepared to agree to the proposed transfer, for it could not fail to materially benefit not only the district where the operations of the company were conducted, but the whole Colony. As to the exception taken by the hon. member for Geraldton to the remarks of the mover and seconder of the address under consideration, they all knew that the hon. member was the acknowledged champion of every attacked party; but he thought the remarks referred to merely echoed the opinions entertained by many other members in that House, and by a large number of people outside.

MR. MARMION hardly thought that

the present occasion was the proper or most advisable time for the subject matter of the correspondence moved for to be discussed. When it was placed on the Table of the House, as he trusted it would be, hon. members would then have an opportunity of expressing their opinion upon it.

THE COLONIAL SECRETARY (Lord Gifford) was glad to see the hon. member for Fremantle and the hon. member for Geraldton taking a far clearer and truer view of the position in which the Government was placed, than some hon. members did, for it would probably be found that the aspersions cast upon the Government by the mover and seconder of the address were to a great extent uncalled for. They would probably find that the Government in this, as in all other matters, had acted in what they conceived to be the best interests of the Colony, and acted in a most straightforward manner, and that possibly, in this instance at any rate, the boot would be found on the other leg. He thought it was unfair, and certainly uncalled for, that hon. members should, like the mover and seconder of this resolution had done, come forward and seek to throw discredit upon the Government, to attempt to lower it in public estimation not only here but abroad, and to weaken its hands in relation to any future transactions which it may feel called upon to enter into for the benefit of the Colony. It was a most marvellous thing, if there were any valid grounds for the aspersions cast upon the Government by the hon. member for the Murray and Williams, with regard to its guano contracts, that the very firm in whose interests the hon. member, in his professional capacity, had been lately acting, had sought to enter into further negotiations with the Government—a fact which did not tend to show that they regarded the Government with that feeling of distrust which the hon. member wished it to be believed generally prevailed.

The motion for the production of the correspondence was then agreed to.

FINANCIAL CONDITION OF THE COLONY.

SIR T. COCKBURN-CAMPBELL, in accordance with notice, asked the Honorable the Colonial Secretary, "Whether

"the Government has calculated the financial position of the Colony on the 31st December, 1880, according to the method adopted for the years 1879 and 1878, as well as according to the new method employed for preparing the return now in the hands of members. And, if so, whether there is any, and if any, what discrepancy between the two calculations."

THE COLONIAL SECRETARY (Lord Gifford) replied as follows:—"If the Accounts for 1880 were made up for publication according to the method adopted for 1879 and 1878, there would appear to be some discrepancy between the result and the figures shown in His Excellency's Speech. This, in the Governor's opinion, proves, not that the statement according to the new method is incorrect, but that an error now almost impossible to trace exists in the debit balance brought forward in former years. The discrepancy is not yet ascertained."

CONSIDERATION OF MESSAGE No. 3: RE EXTENSION OF EASTERN RAIL- WAY THROUGH STIRLING SQUARE, GUILDFORD.

MR. STEERE, in moving, pursuant to notice, that the Message received from His Excellency the Governor, enclosing two reports from the Commissioner of Railways (*vide* p. 45, *ante*), condemning the proposed deviation of the surveyed line through Stirling Square, Guildford, be taken into consideration—said he could not help characterising the Commissioner's reports as childish and absurd. One would think that, if the deviation which the Council recommended were carried out, it would involve some very serious engineering difficulties, and entail an enormous outlay, whereas, in reality, there was every reason to believe that, if the line deviated as indicated, it would be less expensive than if it went through the square, as much land which would have to be purchased if the line went as surveyed by the Commissioner would not have to be purchased if the line deviated. As to there being any engineering difficulties involved in carrying the railway along a perfectly level street, it seemed to him almost laughable to find such an objection put forward. He was sure the House would agree with

the terms of the resolution which he would now submit, in reply to His Excellency's Message, namely:—"That the Council has considered Message No. 3 from His Excellency the Governor, forwarding two Reports from the Commissioner of Railways, and desires to adhere to the Resolution adopted by this House on the 23rd of March: "That, in the opinion of this House, "the extension of the Eastern Railway "should not be carried through Stirling "Square in the Town of Guildford, as "at present contemplated by the Com- "missioner of Works.'"

MR. CROWTHER seconded the motion. He could not conceive that there were any difficulties, engineering or otherwise, which the Commissioner could not get over, in regard to this deviation; and, if he could not, the Government could.

MR. BROWN thought he had understood the Colonial Secretary the other evening, on behalf of the Government, to state that it was not the intention of the Government to carry the railway through the square, and, judging from his experience of Governments in this Colony, a statement like that was not made without giving the matter every consideration, and he thought, in this instance, that the Government when making that admission were quite satisfied that the proposed deviation involved no serious difficulties or dangers—that, in fact, a satisfactory route could be found through the town of Guildford without going through this square. That being the case, and seeing also that the hon. member for Swan, who represented the district, had likewise come to the same conclusion, he did not feel it incumbent upon himself to ask that the data upon which they had arrived at that conclusion should be laid before the House. At the same time, he would submit that hon. members were placed in rather a delicate position, with regard to this matter. They had the report of the Commissioner, who was supposed to be a competent engineer—and he had no reason to think that he was not so—and it was he (the Commissioner) who was responsible to the country for carrying our railways along safe and proper routes. They had just heard his opinion, and what he said was that to deviate

from the line as laid down through the square would be attended with serious difficulties and dangers; indeed he might say that the Commissioner, in effect, staked his professional reputation upon the allegation that the proposed deviation could not be made without introducing an element of danger. Such being the case, it did strike him (Mr. Brown) that the House was placed, as he had already said, in a somewhat delicate position. On the one hand they had the responsible adviser of the Government cautioning them from adopting a step fraught with difficulties and dangers, and, on the other hand, they had the Governor himself, and also the member for the town most deeply concerned in the question, stating, the one that it was not the intention of the Government to carry the line through the square, and, the other, that there were no engineering difficulties whatever involved in the adoption of that step, notwithstanding the reports of the Commissioner to the contrary.

MR. BURT thought the reports of the Commissioner were simply levelled at people whom he regarded as mere children, and it was for that reason he supposed they were so very puerile. He had some difficulty in thinking that His Excellency the Governor was justified in sending such reports for the consideration of that House. He thought His Excellency would have acted quite justifiably if he had requested the Commissioner to withdraw such reports from his notice.

THE COLONIAL SECRETARY (Lord Gifford) said it was due to the Commissioner of Railways to state that he strictly adhered to all that he had said in his reports; he had been asked to give way, but would not do so. But regard being had to the feeling expressed on the subject by the inhabitants of Guildford, and the value which they set upon this piece of ground, and regard being also had to the fact that the Commissioner had the right to deviate on either side of the surveyed line, the Government had, in view of the outside pressure brought to bear upon them, resolved that another route should be found. But he was bound to say that the Commissioner strongly objected to any deviation. His Excellency, however, having regard to the strong feeling ex-

pressed on the subject by the people of Guildford, and being anxious as far as possible to meet their wishes, had come to the conclusion that the square might be saved without at the same time sacrificing the value or utility of the line. Of course, in adopting a deviation from the surveyed route, they must not shut their eyes to the fact that it was possible that the deviation might entail additional expense, and the public must be prepared for bearing the additional burden, if such should be the case.

The resolution was then carried *nem. con.*

EASTERN RAILWAY EXTENSION BILL.

THE COLONIAL SECRETARY (Lord Gifford), in accordance with notice, moved the second reading of a Bill to provide for the extension of the Eastern Railway to a point in the neighborhood of Chidlow's Well. The right hon. gentleman said he thought hon. members had lately been so satiated with the discussions that had taken place on the subject which the Bill dealt with, and the House having agreed as to the route which the line should take, that he need not trespass any further on the time of the Council beyond formally moving the motion standing in his name.

Motion agreed to, and Bill read a second time *sub silentio*.

THE COLONIAL SECRETARY (Lord Gifford) moved, That the Bill be now considered in Committee of the whole.

Agreed to.

IN COMMITTEE.

Clause 1.—Short title:

Agreed to.

Clause 2.—“It shall be lawful to extend “and maintain the railway from Guildford to a point in the neighborhood of “Chidlow's Well (designated in the “schedule annexed to the Bill), with all “necessary, proper, and usual works and “conveniences in connection therewith:”

Agreed to without discussion.

MR. BURT moved, That the following new clause be added:—“It shall not be “lawful in extending the said railway, “or for any purpose whatever, for the “Commissioner of Railways to enter upon, “resume, or take any portion of that “piece of land in the Town of Guildford

"known as 'Stirling Square,' any Act, "law, or authority to the contrary notwithstanding."

THE ATTORNEY GENERAL (Hon. A. C. Onslow) asked why the words "for any purposes whatever" were introduced into the clause?

MR. BURT said the Commissioner might fill up the square with rubbish, and create such a nuisance as to make the inhabitants of the town only too glad to treat with him for the resumption of the square for the purposes of the railway.

MR. BROWN said he would not have agreed to this clause but for the fact that he found the Government seemed prepared to assent to its introduction, and he must say he was surprised that they did so, seeing that there was no necessity for it, as it was perfectly possible, under the Act which provided for railway construction, to have made the proposed deviation without any further legislation. For his own part, the assurance given the other evening by the right hon. gentleman the leader of the Government, on the part of His Excellency, would have been quite enough for him to satisfy him that the square would not be molested. The hon. member for Murray, however, did not appear to be satisfied with that assurance. The action of the hon. member appeared to him (Mr. Brown) to be tantamount to saying, in effect, "We have had so many assurances from the Government, that it is incumbent upon the House to secure their fulfilment by legislative enactment; and hence this clause."

MR. BURT: Exactly.

MR. BROWN did not think that was a fair way, or a proper spirit, for the Legislature to meet the Government. He did not mean to say, on the one hand, that the Government were guilty of no mistake, nor, on the other, that that they had never failed to carry out their promise—in this instance, he had no distinct promise before him; but he did mean to say that, if they did err, they erred conscientiously. The action of the Government as regards the "Green" at Fremantle had been referred to by the hon. member for Murray the other evening, in support of the view which that hon. member seemed to take of the value of the promises made by the Gov-

ernment; but, so far as he (Mr. Brown) was aware, the Government never promised the inhabitants of Fremantle that their "Green" would not be taken away from them. He should vote for the clause now before the Committee, simply because there was, apparently, a unanimity of opinion with regard to its desirability, and because he could see no objection to the clause, taken on its merits, although he could see great objection to it if introduced in order to show the Government that the House placed no reliance upon its verbal assurances, unless strengthened by legislative enactment. He thought, if the Government were to meet that Council in the same spirit in which the hon. member for Murray met the Government in this matter, hon. members would feel themselves excessively aggrieved, and would consider that the Government was taking a course which it was in no way warranted in adopting—a course which would not tend towards the advancement of the Colony, but towards the breaking up of the existing relations between the Legislature and the Government, and the introduction of they wot not what. For himself, he would, as he had already said, be perfectly prepared to accept the simple assurance of the Government as to their intention with regard to leaving the square at Guildford intact, and he was sorry to think there were hon. members who were not prepared to do so.

THE ATTORNEY GENERAL (Hon. A. C. Onslow) while thanking the hon. member for Geraldton for the generous tone of the remarks which had just fallen from him with reference to the Government, and for the very courteous manner in which he had expressed those remarks, felt bound at the same time to say that he (the Attorney General) felt himself in no way bound, by anything that had passed officially, to accept the clause before the Committee. He used the word "officially" expressly, because of something which had happened of a private character between himself and the hon. member for Williams. He did express to that hon. member that he was ready, and that as a body they (the Government) were ready, to accept an amendment of such a character, but upon certain grounds which the hon. member had expressed to him, and

which had now been thoroughly cast to the winds by the explanation of the hon. member for Geraldton. He thought that the allegation made by the hon. member for Murray with regard to the Government and the Fremantle "Green" was the result of a misapprehension of what had fallen from his predecessor (Mr. Hocking), and that, as such, it should not have been made a ground for the serious charge against the Government, which the hon. member had made, with regard to the fulfilment by the Government of its promises.

MESSAGE (No. 4): STIRLING SQUARE,
GUILDFORD.

A messenger from His Excellency the Governor being announced,

THE SPEAKER took the Chair, and reported the receipt of the following Message:

"The Governor forwards to the "Honorable the Legislative Council a "further communication which he has "this moment received from the Director "of Public Works on the subject of the "Railway route through Guildford.

"Your Honorable Council should take "this representation into consideration "before finally embodying in the Ordinance the deviation of route proposed. "If your Honorable Council should desire "Mr. Thomas's evidence before a Select "Committee, that officer will be directed "accordingly.

"Government House, Perth, 24th "March, 1881.

[Enclosure.]

'WESTERN AUSTRALIA.

'Department of Public Works,
'Perth, 24th March, 1881.

'SIR,—I feel so strongly that a great "blunder is about to be committed in the "progress of the most important Public "Work of this Colony, and its efficiency "thereby impaired by the action of the "Legislative Council, that I would again "urge upon Your Excellency the necessity "of using every means to prevent the "deplorable result that will inevitably "arise if the proposed deviation of the "Eastern Railway at Guildford is ever "carried into effect.

I would point out that the members "having but little professional knowledge "of Railway construction, or of their "working, are taking a step in ignorance "of the results, and in direct opposition "to the professional adviser of the Crown; "the responsibility I feel also will not

'hereafter rest with them, but upon the "Government.

'I would further beg of Your Excellency, "in the event of its being determined that "this change should be carried out, to "intercede with the Right Honorable the "Secretary of State, to give me another "appointment elsewhere; as having successfully brought to a close the First "Section of this Line, I have no desire to "be connected with the failure of the "second.

'I have, &c.,

'JAS. H. THOMAS,
'Commissioner of Railways.'"

The House having again gone into Committee,

MR. BROWN moved that Message No. 4 be taken into consideration at once.

MR. STEERE: So far as I am concerned, I think it is beneath the dignity of the House to take this further report of the Commissioner's into consideration. We have already decided the point, and it would be most childish to further discuss it in the face of a communication that contains no additional arguments whatever in support of the position taken up by the Commissioner.

MR. BROWN thought that any Message sent to that House by the Governor was deserving of consideration, more especially when, as in this instance, the House was expressly requested to take the communication into its consideration. Apart from this, there were grave reasons why they should seriously consider the subject referred to, and, with a view of affording an opportunity of doing so, he would suggest that the matter be referred to a Select Committee. (Cries of "No, no.") At any rate, he thought it very desirable that they should pause a little before committing themselves to a course of action, the wisdom of which was at any rate questionable. He would move, as an amendment, that the Message just received be taken into consideration to-morrow.

MR. SHENTON thought the best way would be to summon the Commissioner to the bar of the House, and let him be examined on the point at issue. Personally, he had always considered it very undesirable to enter upon this square for railway purposes, but after the very pronounced opinion expressed on the subject by the Commissioner, he thought it would be as well that he should be called upon to explain to the House

what in reality were the difficulties and dangers which would be entailed by the proposed deviation.

MR. BURT could not refrain from pointing out to the hon. member for Geraldton how very inconsistent that hon. member was acting in this matter. It was only a few minutes ago that the hon. member said he would support the proposed deviation, because the Government had expressed themselves ready and willing to go with the House in this matter, and because the Government would never have so expressed their readiness had they not given the subject the most careful consideration, and believed it was a proper course to adopt. Yet, now, the hon. member urged the House to pause before committing itself to the very course which a few minutes ago he was prepared to support, although nothing whatever in the shape of additional argument had been brought forward.

MR. RANDELL was bound to say that he was quite in accord with the hon. member for Geraldton in this matter. He could easily understand that the Director of Public Works felt very strongly on the subject, and even if his communication had been addressed to the House, he thought they would, under the circumstances, be inclined to make some allowance for his warmth of language; but the report, it would be observed, was not addressed to the House, but to His Excellency the Governor, who very courteously had forwarded it for the consideration of the House before finally embodying in the Bill the proposed deviation. He thought it would be unbecoming on the part of the House to take no notice of such a communication, and that, whatever decision they arrived at, they were in duty bound to make a respectful reply to His Excellency's Message.

MR. STEERE said he had never suggested that the House should make no reply to the Message, but that it was beneath their dignity to take the enclosure into their consideration, as it did not advance a single argument in favor of the course insisted upon by the Commissioner, in spite of appeal or remonstrance.

MR. BROWN begged to amend his motion, and proposed that the Message be taken into consideration now.

MR. SHENTON again suggested that the Commissioner should be called to the bar of the House.

THE SPEAKER pointed out that His Excellency in his Message suggested that Mr. Thomas should be examined before a Select Committee, if the House thought it desirable to take his evidence.

THE COLONIAL SECRETARY (Lord Gifford) thought the House should bear in mind that the Commissioner pointed out the responsibility which rested upon him in this matter as the professional adviser of the Crown, thereby implying that the proposed deviation would be attended with danger. He had already informed the House that the Government were anxious to meet its wishes so far as it reasonably could, but it appeared to him that the fact of His Excellency commending this further communication of the Commissioner's to the serious consideration of the House went to show that something had since occurred to warrant His Excellency in asking the House to re-consider the subject. He thought that, out of respect for His Excellency's expressed wish, a Select Committee should be appointed to deal with the matter at once.

MR. CROWTHER said that, to his mind, it was simply monstrous to say that the "deplorable results" apprehended by the Commissioner could not be averted. He would suggest that a Select Committee be appointed to inspect the locality in question.

MR. BURT asked hon. members to have some regard to their own dignity and to the dignity of that House. They had already resolved that this square should be preserved, and in that resolve they were told that the Government acquiesced. It appeared to him that the House had nothing to do with this last communication from the Commissioner, which, in effect, was an application for another appointment. They were told the other day by the Colonial Secretary that the Government intended to amend the schedule of the Bill, so as to provide for the proposed deviation, and it seemed to him very strange and very inconsistent that the Governor should now ask the House to take this representation of the Commissioner's into its consideration. It was very evident that the Commissioner and the Government were at

variance on the subject, and it seemed to him that His Excellency wanted to throw upon that House the onus of disregarding the representations of its own officer, instead of himself doing so. He (Mr. Burt) was perfectly willing to accept the responsibility, and let the Governor deal with the Commissioner's resignation as he thought fit. As to having a Select Committee to inspect the locality, he should not object to that at all, on the understanding that if the Committee find that, in their opinion, the proposed deviation affords a practicable route, they are not to listen to the Commissioner and his nonsense about "deplorable results" and "insurmountable difficulties." Let them exercise their own common sense and sound judgment, and he had no fear of the result. After all, this square belonged to the public, whose representatives they (hon. members) were, and not to the Commissioner, and if that House said to the Commissioner "You must not go through that square," no power on earth could authorise him to do so. He begged to move the following resolution in reply to Message No. 4: "That this House 'having considered His Excellency's Message desires to express its opinion 'that the subject is now before the 'House on the consideration of the 'Eastern Railway Extension Bill.' If they carried the new clause, which was under the consideration of the Committee when His Excellency's Message was received, there would be an end to the question at once. The House had already agreed to a resolution to the same effect, that evening, and if His Excellency had been aware of that fact, the probability was that he would never have troubled the House with this last Message.

MR. MARMION said that there could be no doubt that it was the opinion of a great many people that the proposed deviation could be made without incurring much danger or difficulty, still, at the same time, the House had a very decided opinion to the contrary expressed by the professional adviser of the Government, who was responsible to that House for the value of such an opinion. It appeared to him that if, in the face of that opinion, the House decided, without giving the matter any further consideration, to act

in direct defiance of the representations of the Commissioner, it would be tantamount to passing a vote of censure upon the Commissioner—that, although he occupies the position of Engineer-in-Chief to the Government, he, in reality, knew nothing at all about what he was writing about. Unless the House was prepared to tell the Commissioner that, he thought the matter should receive some further consideration. The Commissioner in his last communication talked about resigning, and he (Mr. Marmion) thought the sooner the better he did resign if the House and the Government were not prepared to be guided by his opinion, in a professional matter like this. He thought it was due to the Governor and to his responsible adviser that the representations made by the latter should receive due consideration, and, in order that this should be done, he would move, as an amendment upon the resolution submitted by the hon. member for the Murray,—“That ‘the debate on His Excellency’s Message be postponed until to-morrow, ‘and that a Select Committee be appointed ‘to proceed to-morrow, with the Director ‘of Public Works, to the locality of the ‘proposed deviation and examine the ‘same, with a view to giving further ‘information to this Council as to the ‘report of the Director of Public Works ‘that grave and all but insurmountable ‘difficulties exist to making the deviation ‘suggested by this Council; such Committee to consist of the Honorable the ‘Commissioner of Crown Lands, Mr. Steere, Mr. Brown, Mr. Burt, Mr. Carey, ‘and, with the leave of the House, Mr. Randell; and also the Committee to ‘have the power to call for persons and ‘papers.’”

SIR T. COCKBURN-CAMPBELL said it appeared to him most extraordinary that the hon. member did not think of making this suggestion before the House affirmed the resolution that, in the opinion of the House, the railway should not be carried through the square in question. There was nothing before the House now that was not before it then, in support of the Commissioner's representations.

MR. MARMION: The Commissioner says he considers his reputation is at stake.

SIR T. COCKBURN-CAMPBELL did not suppose that the Commissioner considered that anything said or done by the members of that House could damage his reputation. Whatever could be urged in support of the Commissioner's views had been put forward in his former communications, and nothing had been submitted since to cause the House to alter its mind, or to back out of the resolution adopted an hour or two ago. Everybody acquainted with the locality in point must know perfectly well that this was not a question of engineering at all, but simply a question of obstinacy on the part of the Commissioner.

MR. BROWN said he intended to oppose the resolution submitted by the hon. member for the Murray, upon this ground, among others,—that it was not a reply, in any sense, to the Governor's Message, and he thought that, under the circumstances, the House should, even as a mere matter of courtesy, adopt some reply to His Excellency's Message, a reply that was something more than a meaningless response, such as that proposed by the hon. member for Murray. He hoped hon. members would rather support the amendment, in order to admit of a further consideration of what appeared to him a very serious question. The hon. member for Albany had stated that there were no fresh circumstances before the House now beyond what was before it when the resolution was affirmed, and that therefore the House would be stultifying itself if it now reversed the decision arrived at a few hours previously. But there appeared to him to be this much more before the House than there was then, namely, that the Governor, who was said to have been in accord with the House when that resolution was affirmed, had so far modified his views that he now asked the House to take the matter into further consideration, in view of the very strong opinions expressed on the subject by the Commissioner of Railways.

MR. STEERE did not think that the Governor had modified his opinion in any way, since the promise was given to the House that the line should not go through Stirling Square. He could quite understand a pertinacious officer like the Commissioner of Railways endeavouring to induce His Excellency to support his

views, but he did not think for a moment—it might appear presumptuous on his part to say so—he did not believe for one moment that the Governor or the members of the Executive had changed or modified their opinions on this matter one iota. And he failed to see that anything had occurred to induce hon. members of that House to change their opinions. If the Commissioner were not acting under statutory powers, no doubt a simple promise on the part of the Government that the railway should not go through this square would have been all that the House would desire; but it must be borne in mind that the Commissioner could not be ordered by the Governor to take the railway where His Excellency liked. The House had invested the Commissioner with certain statutory powers, under which it was within his province to take the railway where he pleased—unless otherwise enacted; and that being the case, it was not likely the Commissioner, who seemed prepared to stake his reputation upon this question of route, would be likely to be induced by the Governor's representations to change his opinions. Therefore, the only course open to the House to ensue the carrying out of its wishes in respect of this square was to enact that the Commissioner shall not enter upon it for any purpose connected with the railway extension.

The amendment submitted by Mr. Marmion was then put, and a division called for, when there appeared

Ayes	9
Noes	7
Majority for			2

AYES.	NOES.
Lord Gifford	Sir T. C. Campbell
The Hon. A. C. Onslow	Mr. Crowther
The Hon. M. Fraser	Mr. Higham
Mr. Brown	Mr. S. H. Parker
Mr. Burges	Mr. Steere
Mr. Hamersley	Mr. Venn
Mr. Randall	Mr. Burt (Teller.)
Mr. Shenton	
Mr. Marmion (Teller.)	

The amendment was therefore adopted.

MR. BURT objected to serve on the proposed Select Committee, and also moved, as a further amendment, That the words "with the Director of Public Works" be struck out. He failed to see the necessity of hampering the actions of the Committee by the presence of the

Commissioner. The question was not one of engineering skill at all, but simply of common sense.

The amendment was agreed to, and the original amendment, as amended—put and passed.

MR. MARMION moved, That the Select Committee should report to the House next day.

Agreed to.

EASTERN RAILWAY EXTENSION BILL.

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

MR. SHENTON moved, That Progress be reported, and leave given to sit again on the following day.

The motion was affirmed, and Progress reported accordingly.

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

LEGISLATIVE COUNCIL,

Friday, 25th March, 1881.

Eastern Railway: Route through Stirling Square, Guildford: Report of Select Committee—Alienation of Waste Lands of the Crown for the purposes of Railway Construction—Eastern Railway Extension: Survey from Chidlow's Well—Concessions to Bunbury Jarrah Timber Co.—Closure of Street in Guildford Bill: second reading; in committee—Messages (Nos. 5, 6, 7, and 8)—Stamp Duties Bill: second reading—Jury Act Amendment Bill: second reading; in committee—Railways Act Amendment Bill: recommitted—Adjournment.

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

PRAYERS.

EASTERN RAILWAY: ROUTE THROUGH STIRLING SQUARE.

MR. STEERE brought up the following report of the Select Committee appointed on the 24th March to proceed to

the locality of the proposed deviation of the Eastern Railway at Guildford, and examine the same, with a view of giving further information to the House as to the report of the Director of Public Works, that "grave and all but insurmountable difficulties exist" to making the deviation suggested by the Council: "Your Committee, in accordance with the instructions of Your Honorable House, proceeded to Guildford this day, accompanied by the Commissioner of Railways and the Resident Engineer of the Eastern Railway. We inspected the surveyed route through Stirling Square, and we think the practical value of the square would be destroyed in that portion through which it is proposed to carry the line of railway, as well as that part lying to the South. We also found that this route passes within three feet of the building known as the Colonial Hospital.

"We also carefully inspected an alternative line going through James Street and Mangles Street, a plan of which is attached to this Report, which will, without very materially increasing the cost, inconvenience, or danger, obviate the necessity of going through Stirling Square, whilst, at the same time, compensation will not have to be paid to the owners of Guildford Town Lots 39, 40, 41, 42, and 43, through which the surveyed line now passes, and which would amount to a considerable sum. If the Council adheres to its resolution to deviate from the surveyed line, Your Committee have prepared an amendment to be inserted in the Schedule attached to the Railway Extension Bill.

"The evidence of Mr. Thomas and Mr. Mason is attached herewith. (*Vide* Sessional Paper A 1.)

"Mr. Brown and Mr. Fraser, although agreeing in some portions of the above Report, do not feel justified in stating that grave and insurmountable difficulties do not exist to making the deviation suggested by a majority of the Select Committee,—and are of opinion that the value of Stirling Square, as a recreation ground, would not be 'practically destroyed' by the railway being carried along the line at present surveyed, because a considerable space would still be left on the North side of the railway, as well as one of moderate