

LEGISLATIVE COUNCIL,

Friday, 20th July, 1877.

Railway from Guildford to Fremantle—Question of Privilege—Bridge over Margaret River—District Roads Audit Bill, 1877—Imported Stock Act, 1876, Amendment Bill.

The SPEAKER took the chair at seven o'clock.

PRAYERS.

RAILWAY FROM GUILDFORD TO FREMANTLE.

IN COMMITTEE.

MR. BROWN moved the following resolution: "That in the opinion of this committee the most desirable route for that portion of the Eastern Districts Railway, between Fremantle and Guildford, is that termed the 'alternative route' in the report of the Director of Public Works, dated 16th June, 1877." The hon. member said he thought it was desirable that the Council should express its opinion as to the best route to be adopted in connection with the proposed line. He was quite aware that under Responsible Government, with a ministry representing the people, a question like this would be left entirely in the hands of the Executive; but here, where the people were not represented by the Executive, it became the province of the Legislative Council to express an opinion upon such an important matter. He thought it probable the Government would entertain precisely the same view as the majority of the House, and that in all probability, if the matter were left to the Executive, they would finally decide upon the same route as the Legislative Council. Some hon. members might consider it somewhat premature to bring forward the resolution before the committee, but he did not think so. The Council had already decided to ask the Government to introduce a railway loan bill, and if the House now decided to give the Government its opinion as to the most desirable route, he could not conceive there would be anything further for the Council to do in the matter before the work was commenced. The Governor would probably reserve the Bill for the signification of Her Majesty's pleasure thereon, and as soon as the Secretary of

State decided to sanction the undertaking of the work he would have the loan bill in his hands, and being aware which route it had been determined the railway should take, there would be no necessity for calling the Council together again to deal with the matter. He need not travel over all the information furnished relative to the merits of the various routes proposed for adoption; hon. members were aware that three distinct routes were referred to in the report of the Director of Public Works, namely, the North line, the South line, and an alternative route, with the directions of which hon. members were conversant. As for himself, after a careful perusal of the able report of the Director of Public Works, he had come to the conclusion—his views might, of course, be modified by the arguments he might hear that night—that the most desirable route was that specified in the report as the "alternative" route. He would therefore ask the House to affirm the resolution which stood in his name. Probably the best course to adopt with reference to the question under consideration would be to appoint a select committee to examine and report upon the various plans laid before the House, but he was aware that the majority of hon. members were averse to that course being pursued, and he would, therefore, not press his views upon the Council.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said he had just had placed in his hands a letter from the Director of Public Works in connection with this very question of route, which that officer considered advisable to lay before the House before they came to any decision in the matter.

MR. STEERE moved, That the letter be read, which was done. It was as follows:—

Perth, 14th July.

*To His Excellency Governor Robinson,
K.C.M.G.*

SIR,—I understand that there is a strong feeling among many of the members of the Council that the line of railway from Fremantle to Guildford should be taken on the South side of the river, and cross at Mill Point into Perth. I therefore consider it my duty to point out that such a route would be the most

circuitous, longest, and by very far the most expensive both to construct and work, without any corresponding advantages; indeed, after well considering the matter I was so impressed that it was the worst line that I did not even have it surveyed, and I am quite sure if adopted it will prove a great mistake and be regretted. I am therefore anxious that my opinion to that effect should be placed on record.—I have, &c.,

JAS. H. THOMAS,
Director of Public Works.

MR. MARMION did not think the time of the House would be wasted in the discussion of this important question of route. But the few remarks put forward by the Director of Public Works were so terse and went so clearly to the point, that he (Mr. Marmion) did not feel inclined to make any lengthy observations with reference to the point at issue. It, however, appeared to him that there was a certain degree of inconsistency between the letter just read and the remarks embodied in the twenty-first paragraph of Mr. Thomas's report. If he had understood the letter rightly, the Director of Public Works now pointed out that it would be a mistake to adopt the alternative route—that it would be most circuitous and most expensive, without any corresponding advantages whatever.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy): The hon. member is mistaken altogether with reference to the route referred to in Mr. Thomas's letter. The 21st paragraph in the report refers to the "alternative" route; the letter had reference to another route altogether.

MR. MARMION said he had been rather hasty in his remark, and he regretted it. There could not, he thought, be a difference of opinion as to which side of the river the line should go, namely the south side. He had had a good deal of conversation with hon. members, and with other people, on this point, and the general feeling—more especially in Perth and Fremantle—seemed to be in favor of the "alternative" route. He quite acknowledged the desirability of having the terminus at Perth in as central a position as possible, for no doubt the principal portion of the

traffic would be passenger traffic rather than goods, and the convenience of passengers would have to be studied. Looking at the corresponding, or rather relative advantages, offered by the two sides of the river—the north and south—what did they find? On the north, nothing at all to create traffic—a barren, inhospitable country, possessing few inhabitants,—a number of limestone ranges, with no timber at all, and no firewood, and no good country to open up. Let them look on the other side of the river. He was not in a position to offer an opinion as to the relative engineering difficulties of the two sides of the river, but he did not think they were much greater on one side than on the other. Although there was no fertile land in great abundance on the southern side, still it was much better in this respect than the other side, and the country was more sheltered from the sea breezes, and the nor'-westerly winds in winter time. It would also open up the land in the Canning District, which was a district capable of adding considerably to the traffic of the line by its timber alone. Were this route adopted, it would further afford greater facilities to the existing timber company in the way of enabling them to forward their timber to Fremantle at a cheaper rate, and with a greater degree of certainty than at present. There was also a large extent of firewood country—banksia—which would add considerably to the traffic of the line. Beyond this, there was no reason why the passenger traffic should not be as great, or even greater, on the south side than on the north—more especially if the route pointed out for adoption by the Director of Public Works were fixed upon. As to the matter of cost, although it was their bounden duty to study economy in the construction of the line, he did not think economy should be sacrificed to the increased benefits to be derived from one route over the other. In a question like this, the matter of a few thousands was not to be considered, if the corresponding advantages outweighed the increased cost. They must not lose sight of the future when determining the route which the railway should take, and not deal with the matter as if it only affected the present time and our present requirements. Personally,

he would support the adoption—with a trifle alteration in detail—of the “alternative” route.

THE COMMISSIONER OF CROWN LANDS (Hon. M. Fraser) expressed himself in accord with the hon. member who had just sat down, and for other reasons than those pointed out by that hon. gentleman. He was in favor of this route, because it proposed to cross the river at Perth and not at Fremantle; they would thereby gain one very important advantage, namely, obviate the necessity of impeding the navigation of the river. Another argument in favor of the southern route was the fact that there already existed on the north side of the river an excellent macadamised road from Fremantle to Perth, and, on the other hand, an excellent road on the south side from Perth to Guildford. Hon. members would remember that a rough map of a somewhat similar route was prepared by Mr. Victor last year when he carried out a preliminary survey. This, he might say,—to use a schoolboy phrase—was a “crib” from his (the speaker’s) original plan, and it was satisfactory to find it now supported by the opinion and recommendation of the Director of Public Works. Looking at the fact that the contemplated railway would be the grand trunk line of the Colony, they must not stop to consider too closely the question of a few thousand pounds. With reference to the starting point at Fremantle, they could not well determine that question until the question of harbor works had been definitely settled. The hon. member for Perth (Mr. Randall) was in favor of Rous’ Head as the site for the proposed harbor works, and if this were determined upon as the most eligible spot for such works then, of course, the line should go on the North side of the river. This would be the only advantage which that side could possibly possess over the proposed “alternative” route.

MR. BURGESS said he also was decidedly in favor of the same route. No doubt the question of harbor works must affect the consideration of the question of route, but it appeared to him that to carry out harbor improvements on the North side of the river would involve an expenditure far beyond the means of the Colony. If they were ever to

have any harbor works at all, he believed the site selected would be on the South side—at Owen’s Anchorage, and for this reason, in addition to those already expressed by previous speakers, he would give his adherence to the “alternative” route. He thought that the line might be brought to Perth in the neighborhood of the Causeway, rather than across the river at Mill Point, which would involve a great expenditure. The question to be decided was at what point should the line enter Perth between the Causeway and Mill Point; and this was a question which he thought should be left to the engineer, the Director of Public Works.

MR. STEERE did not suppose it likely that hon. members would be unanimous on the question of route, any more than on any other question. He was opposed to the route spoken of by the hon. gentlemen who had so far addressed the House on the subject, and thought the line ought to go on the North side of the river. If it went on the opposite side, the interests of the city of Perth would be entirely sacrificed; for, if the “alternative” route were adopted the metropolitan station would be at the extreme end of the city, and the result would be that passengers would find some other means of communication than the railway. The hon. member for Fremantle recommended that the city station should be in some central position; but this could not be, if the line crossed the river at the Causeway; and, looking at the importance of having the metropolitan station in a central position, so as to command the passenger traffic, he would move as an amendment upon the motion of the hon. member for Geraldton, That this Council concurs in the opinion of the Director of Public Works that the most advisable route for a railway between Guildford and Fremantle would be on the North side of the river.

SIR L. S. LEAKE: I cannot help—though not exactly the question before the committee—I cannot help congratulating the country on the fact that there seems some chance of the commencement of public works, which, in the present state of the Colony, are much required. Possibly, no better work could be undertaken than a railway from Fremantle, not to Guildford but to the Eastern districts; and it is with that idea in

view that I now consent to give my vote that any large sum of money shall be expended in constructing a line from Fremantle to Guildford. We have had this question of a railway under consideration for many years, and we have had a good many surveys made—and possibly several more may be made; but, in a matter of this kind, I feel much inclined to be guided by the opinion of competent men such as the Director of Public Works. And after carefully weighing the reasons given by Mr. Thomas in his able report, in favor of the North side of the river, I am inclined to support the amendment of the hon. member for Wellington. I know there are a great many considerations to be thought of in dealing with a question of this kind, and we must not forget the obstruction to the river traffic which a railway bridge crossing at Fremantle would necessarily create. But possibly, there may be another part of the river which Mr. Thomas did not think of which would be available for a bridge: I allude to Preston Point. It may be said I have some personal interest in alluding to this spot, because I have some land in the neighborhood. But I do not think the fact of the railway crossing there would add much to the value of that property, and, so far as I am concerned, I am perfectly willing to make a present of it to the Government for railway purposes. As to the superiority of the land on the South side of the river as compared to that on the North, I do not think there is much stress to be laid on that: the greater portion of the country on the South side is very little better than that on the North shore. The only timber company which a line on the South side would benefit would be Messrs. Mason, Bird, & Co., who already have a tramway of their own; and I do not think the House has a right to make a railway for their convenience. There are two or three grave objections to the "alternative" route which the House should not lose sight of: one is, that to bridge over the river at the Causeway would be a very expensive work; and another is, that the city terminus would have to be somewhere in that direction, which would be very inconvenient for passengers, and would thus deprive the railway of a great deal of traffic. It appears to me most

essential that the station at Perth should be in as central a position as possible, so as to command the whole passenger traffic of the city. As to the question of cost, I do not lay much stress on a few thousand pounds in dealing with an important work like this. I do not think either route would, at present, be a reproductive work, or add anything to the revenue—we may possibly lose a few thousands a year. But I do not think this should be thought of in considering a work of national importance, such as a railway; the only thing to be thought of is, which is the best and most advantageous route to adopt. For my own part, after carefully considering the report of the Director of Public Works on the subject, I shall be inclined to vote in favor of the route on the North side of the river.

MR. SHENTON thought that if the railway was intended to pay, the city station must be in as central a position as possible. This was one serious drawback to the "alternative" route, which, passing through the extreme Eastern portion of the city, would be of very little benefit to the inhabitants of Perth. Indeed, Mr. Thomas drew attention to this in his report, and pointed out how inconvenient it would be, both for goods and passenger traffic, if the metropolitan station were at the extreme end of the city. At one time, he (Mr. Shenton) had been in favor of the railway coming on the South side, and crossing the river at Mill Point, but he now found that would be a most expensive line, and, after weighing the respective merits of each route, he had arrived at the conclusion that the North side would be preferable in every way. As to the quality of the land on either side of the river, he did not think there was much difference between one and the other; and the population of the Canning was not so very large as to become an important element in determining the merits of a railway route. As to timber, when the line extended to the Eastern districts it would pass through as good a timber country as the Canning. He would support the Northern route.

MR. RANDELL did not suppose he had a right to say a word on the subject under discussion; but he would ask permission to say a few words. If the line

were constructed at all, the most desirable route, in his opinion, would be that recommended in the amendment of the hon. member for Wellington. It had been said that if the railway bridge crossed the river at Fremantle, it would obstruct the navigation, but that, he thought, might easily be overcome. As to the quality of the land on the North and South side of the river, respectively, he thought the preponderance was in favor of the North side. He thought there was more property on that side than on the other. He was not aware of any property on the South side worth mentioning, but he knew of one or two good estates on the North. The quantity of firewood available on one side had been put against the quantity on the other; but he did not think there was much to be said on this point on either side. Stress had also been placed on the benefit which the railway would confer on the timber company at the Canning, if the line went on the South side; but the company's station was about as far distant from the Canning Bridge as from Perth Bridge, and, in the one case, there was a good block road, while the other was a heavy sandy road. Moreover, there might be other companies starting nearer to the line of railway. But there were other and more serious considerations, he thought, why the "alternative" route should not be for a moment entertained; as had been pointed out by previous speakers, it would enter the city somewhere in the vicinity of the Causeway, in which case it would shut out Perth almost altogether, unless they had a branch line to the city, which would entail the necessity of purchasing valuable land now in private hands, and which would of course considerably enhance the cost of the line. If the railway went on the South side, it would necessitate the erection of a station opposite the Causeway on that side, and a branch line would then have to be made to Perth across the river, the foundations of which would be laid in a bed of mud. The route on the North side was the shortest and the least expensive; it would enter the city in a direct line, and the station would be in a central situation, where it would be likely to attract the trade and commerce of the city. He certainly was in favor of the North side,

and he believed the general feeling of the country was in the same direction.

MR. BROWN pointed out that, if the Northern route were adopted, it was proposed to have the metropolitan station in Weld Square, somewhere at the back of the Gaol—a distance of quite half a mile from the Town Hall. This was nearly as far from the centre of the city as the Causeway, so that there was not much to be said in favor of the Northern route on that score, on which hon. members seemed to lay so much stress.

MR. PEARSE had not the least doubt he should be charged with self-interest in supporting the Southern route, because he had property on that side of the river; but, whichever way the line went, it would benefit him. He thought it would be a great mistake to take it on the North side. It had been said there was little or no land on the South shore fit for cultivation. He denied the statement. There was moreover plenty of timber, and plenty of firewood on the South side; and if the railway was expected to pay at all it must go on that side. He would support the hon. member for Geraldton, and vote for the alternate route.

MR. SHENTON said the line, if it went on the South side, would pass almost entirely through private lands, whereas, on the Northern route, the land which would be utilised for the railway belonged to the Government, having been reserved for that purpose pending the decision of the country as to which route should be adopted.

MR. HARDEY said that until he had read the able report of the Director of Public Works he had always been in favor of the Southern route, but he must confess that he was now entirely converted, and considered that the line on the North possessed superior advantages over either of the other proposed routes. He observed that on the South side there would be three bridges, whereas on the North there would be only two. He had thought they might have managed to bring the railway across the river at Mill Point, but he now found this would necessitate the construction of large embankments on either side of the river, unless they had a swing-bridge, which would be both dangerous and expensive. The hon. member for Geraldton had

stated that if they had the line on the North side, the city station would not be in a much more central position than if it were at the Causeway. He (Mr. Hardey) maintained it would. Perth was a growing city, and it was very evident it could not grow in a southerly direction, but to the North. He would vote for the amendment.

MR. CROWTHER said he had not made up his mind which way he should vote when he came into the House, but from what he heard in the course of the debate he was inclined to vote for the amendment of the hon. member for Wellington. If all the good land was to be found on one side of the river between Perth and Fremantle, and could be made available, that circumstance alone would not in his mind avail as an argument in favor of the line going on that particular side; he did not regard the line merely as a line to connect Fremantle with Guildford, but as the commencement of a line to the Eastern Districts, and ultimately to Albany. He would vote for the Northern route for the reason that the Director of Public Works stated in his report that it would be shorter, cheaper, and afford a direct through line which would equally accommodate the capital, the port of Fremantle, and Guildford.

MR. PADBURY thought it would be better to leave the question of route to be decided by the Government. They had had a Government man to survey the line, and they must admit that he knew more about it than they did. He would not hamper the hands of the Government, for the interest of the Government was, after all, the general interest of the country, and the opinion of a professional man like Mr. Thomas ought surely to have some weight. Like the hon. member for Greenough, he had come into the House regardless which side the line should go, but he now felt inclined to vote for the North. If the South side were agreed upon, he thought it would be a great improvement to take the line two or three miles higher up the Canning than was now proposed.

MR. MONGER said he intended to vote for the South side, on account of the timber. As for the quality of the land, he had been certainly amused to hear hon. members talk about the good land

on that side of the river. He would like to know where it was to be found.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said, no doubt there was a good deal to be said on both sides. The Southern route would certainly open up the Canning district, which they all knew contained a considerable amount of good land—far more, in his opinion, than was to be found on the North side of the river. At the same time there were other considerations besides the quality of land which ought to have weight in dealing with this question of route. The relative cost of the various lines should not be lost sight of, and according to the report of the Director of Public Works the North line would cost over £20,000 less than the line on the South side. This, of itself, would not induce him to vote in favor of the North, unless there were other advantages which that line, in his opinion, offered over the South side. One of the most important considerations in connection with the question of route was the amount of convenience and the facilities it would afford to the inhabitants of Perth, numbering, as they did, one-fifth of the whole population of the Colony. It appeared to him that to have the metropolitan station at the extreme end of the city, as contemplated if the Southern line were adopted, would be a great mistake, and very materially tend to diminish both passenger and goods traffic on the line. If the railway was ever expected to pay, it would never do to ignore the claims and requirements of the city. The question arose whether they might not be able to secure the advantages of a central station at Perth, even if the South side of the river were determined upon. He questioned whether the line might not be brought along the river bank from the Causeway to the centre of the city, and thus combine the advantages claimed for the two routes. He concurred with his friend, the hon. member for Swan, that it would be more advantageous if, instead of crossing at the Lower Canning the proposed line on the South went further into the district, so as to take advantage of the good land known to exist there. He thought it would be well, himself, if the matter were again referred to the Director of Public Works, so as to

ascertain if the line might not be extended from the Causeway along the river side to the centre of the city. He would suggest to hon. members the desirability of deferring the final consideration of the question until Mr. Thomas had another opportunity of reporting upon it.

MR. MARMION said he would be happy to fall in with the suggestion, and refer the matter again to the Director of Public Works. To that end, he would move that the debate be adjourned and that progress be reported.

MR. RANDELL said he would be sorry to see such a course adopted. The Director of Public Works had surely considered every argument *pro* and *con*, in connection with the various routes before he reported upon their relative advantages.

Question put, "That progress be reported and leave given to sit again," upon which a division was called for, with the following result:—

Ayes	9
Noes	8
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Majority for	...		1
AYES.			
NOES.			
The Hon. A. O'G. Lefroy	Mr. G. Randell		
Mr. Pearse	Mr. Crowther		
Mr. Glyde	Mr. Hardey		
Mr. Burges	Sir L. S. Leake		
Mr. Monger	Mr. Shenton		
Mr. Hamersley	Mr. Padbury		
Mr. Marmion	Mr. Gale		
Mr. Parker	Mr. Steere (Teller.)		
Mr. Brown (Teller.)			

Progress reported, and leave given to sit again.

QUESTION OF PRIVILEGE.

MR. STEERE said, in moving the resolution which stood in his name, he did not mean to reflect injuriously upon the police as a body. Ever since he had been in the Colony he had upheld the force, and would continue to do so; at the same time, if certain members of the force went so far as to make reflections injurious to the character of hon. members of that House, he thought it was the duty of the House to assert its dignity. It was with great reluctance that he brought forward the motion he was about to submit for the affirmation of the House; he had given the matter serious consideration, and consulted other hon. members with reference to it, and they

all agreed that the House would fail in its duty if it allowed the conduct of the police, in the case referred to, to pass over unnoticed. It was unnecessary that he should allude to the statements made in the reports presented to the Council by His Excellency; there was no doubt they directly, and in a very unbecoming manner, impugned the veracity of observations made in the course of debate by hon. members in the House. It might be said that these were privileged communications, but he could not agree with that statement, for every letter from a public officer to another public servant was a public communication, and could not be considered at all as privileged. These letters having been placed on the table of the House became public documents and public records. He had nothing whatever to say against the character of the police officers referred to, one of whom was well known to him, and he entertained much respect for him. The other was an entire stranger to him. But he did not think it would become the House to allow their conduct to pass without comment. He would therefore move the following resolution: "That the Council has observed with regret, in papers presented by command of His Excellency the Governor, containing reports from the police officers in charge of various districts of the Colony, on the operation of the 41st section of the Wines, Beer, and Spirit Sales Act, statements made by the Inspector of Police at Geraldton, and by the Sub-Inspector at Northam, directly impugning the veracity of observations made by honorable members during the course of debate in this House, and reflecting upon their conduct in a highly unbecoming manner: that the Council is of opinion, that it would fail in its duty if it permitted such remarks to remain unnoticed, and it desires to record its extreme displeasure at their conduct, in so far forgetting what was due to the dignity of this House: and that an humble address be presented to His Excellency the Governor, calling his attention to the foregoing resolutions, and requesting him to take such steps as to him may seem adequate to prevent remarks of such a character being made by these officers, and put forward as public records."

MR. SHENTON seconded the resolu-

tion. In doing so he would merely echo the remarks which had fallen from the hon. member for Wellington. He did not wish to disparage the officers in question, but he did think that their remarks were such that the House ought not to allow to pass without taking some notice thereof. Certain statements made in the House by hon. members had been flatly denied, and their conduct commented upon by these constables—a piece of impertinence which the House should resent.

MR. BROWN intended to vote for the resolution, but felt that in doing so he was bound to make one or two remarks. He felt certain, notwithstanding this resolution, that hon. members would always be delighted to allow the police an opportunity to refute any statements reflecting upon their conduct, so long as it was done in a proper and respectful manner. He thought it was quite right that the police should be allowed to do so, if they honestly believed the statements to be unfounded. But the remarks made in the cases under consideration were couched in most improper language. It was, however, a somewhat delicate point whether they amounted to a breach of privilege on the part of the police, or not. It may have been so; but his own impression was that they were not, and that they were privileged communications to their superior officer. Be that as it may; highly improper remarks had been placed on the Table of the House, reflecting in a most unbecoming manner upon certain hon. members—remarks which, in themselves, he considered an insult to the House. What was more, their attention had been called to these papers by His Excellency in the speech with which he opened the Session; and if the police were in fault in the matter, he (Mr. Brown) did not think blame attached to them alone. He thought if the House had any occasion to comment upon the conduct of the police, it should at the same time remark upon the conduct of the Governor in causing these letters to be laid on the table of the House. He exceedingly regretted that His Excellency should have adopted such a course.

MR. BURGESS did not think the remarks of the Inspector at Geraldton reflected injuriously upon the House;

but certainly, so far as the remarks of the other officer were concerned, they were most unjustifiable. He quite agreed that the House should take some action in the matter, and that the offending officers should be cautioned not to offend in like manner again.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said he felt on the present occasion that he held a somewhat anomalous position in the House. In the first place he was a member of the Government, and in the next place a member of the Council. In his former capacity, he would say nothing about the resolution before the House; he did not oppose it, nor anything of the kind; and, sitting as an individual member of the Council, he trusted he should be found as ready to uphold the dignity of the House as any one else. But he must say he regretted, in the first place, that such a motion had been brought forward at all, and, in the next place, that no hon. member had thought fit to move the previous question, or taken some other course to avoid coming to a decision upon the question before the House. If hon. members would carefully consider these letters, they would find that after all there was really nothing in them deserving to be noticed in this way. The charge against the two sub-inspectors in question was that they had made statements directly impugning the veracity of observations made by hon. members during the course of debate in the House. Now it was one thing to tell a man that what he said was incorrect, and quite another thing to tell him that he told a lie. With regard to the letters of the police officers, he thought, if hon. members would read them, they would find that after all they went no further than to assert that statements made in the House were incorrect. If they had gone so far as to accuse hon. members of making observations which they knew to be false, he would have perfectly agreed with the resolution before the House. But they did nothing of the sort. What did Mr. Piesse say? "The police do not feel satisfied with the remarks of the hon. member for York, in Council." There was nothing in that, of course. He did not suppose they would "feel satisfied;" he did not suppose the hon. member for York thought they

would "feel satisfied." The sub-inspector then went on to discuss two cases, referred to by the hon. member in the course of his speech. Further on, he said: "The hon. member's speech in the *W. A. Times* of the 15th inst. states, 'in another instance a hotel was closed at 10 p.m., and the landlord and family went to bed. At half-past ten, in walked two policemen, lighted a candle, coolly walked into a back bedroom, and took three men out of bed.' I beg to state that I do not know of any such case." Now there was no harm in saying that; he had been asked to make a report, and he had done so. Then came a paragraph which was certainly amusing on account of the cool assumption of the Sub-Inspector's superiority over the members of that House, and which—if he might use a popular phrase—was certainly a piece of "cheek." But he would ask the House whether it really was worth taking any notice of. There was nothing in the whole letter which might be regarded as directly impugning the veracity of any hon. member; it merely challenged the correctness of certain statements made in the House, which he alleged were not founded on fact. And this was done in answer to a memorandum from the Superintendent of Police calling for a report upon the cases referred to. As for the memorandum of the Inspector at Geraldton, there really did not seem to be anything in it deserving notice. What did he say? "There is not the slightest foundation for the statements that have been put forward in Council, having reference to this district." That might, or might not, be true; he (the Attorney General) did not know; but he would ask the House to consider whether that sentence "directly impugned the veracity" of the hon. member for Greenough. The hon. member had not spoken from his own personal experience; he had never pretended to speak from his own knowledge. The Inspector merely said there was no foundation for the statements made; he did not pretend to say that they were made with a knowledge that they were untrue. As he (the Attorney General) had said before, he was as anxious as anyone to uphold the dignity of the House, but hon. members should ask themselves, when these men were asked by their superior officer to report whether

certain statements made in the House were correct, what other course could they take, if they believed them to be untrue, than to say so? He was very sorry that the resolution had been brought forward, and, as he had said before, he regretted some hon. member had not taken some step to prevent the House coming to a decision upon the subject.

MR. RANDELL supported the resolution, upon somewhat different grounds to some hon. members. He always liked to go straight to the mark, if possible, and not by a circuitous route; and if this were a question respecting the Sub-Inspectors of Police at Geraldton and Northam, he would have said nothing about it. But he did think that His Excellency should have had more regard for the members of the House than to cause these letters to be printed and embodied in a Council Paper, and laid on the Table of the House. His Excellency had gone further than this, and directed the attention of hon. members to the report, in his Opening Speech. He felt quite sure the House would mark its sense of disapproval, and would at least let it be known that, no matter from what source it came, hon. members would not allow to pass unnoticed anything calculated to lower the dignity of the House.

Motion agreed to.

BRIDGE ACROSS MARGARET RIVER.

MR. GALE moved, That an Humble Address be presented to His Excellency the Governor, praying that the sum of £200 be put on the Estimates to erect a bridge across the Margaret River.

MR. STEERE seconded and supported the motion, which was affirmed.

DISTRICT ROADS AUDIT BILL.

IN COMMITTEE:

MR. STEERE moved, That the Committee be instructed to insert provisions in the Bill restraining Local Roads Boards from entering into contracts requiring an expenditure of money beyond the income accruing to such Boards for the year in which such contracts are made.

Motion adopted.

Clause 1—Short Title—agreed to.

Clause 2.—“Principle upon which accounts are to be audited; auditors to sue for balance found against Board:”

MR. MARMION objected to the words “lawfully expended.” He thought it was inadvisable to constitute auditors judges as to whether money had been expended lawfully or otherwise.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said the Government would not at all object to a proviso that it should be competent for the person or persons sued to set up a defence that the money had been improperly disallowed by the auditors.

MR. MARMION thought that all moneys expended by a vote of the majority of the members, and entered on the minutes, should be regarded as money lawfully expended.

MR. CROWTHER was opposed to such powers as were here contemplated being placed in the hands of auditors. If the Board did not strictly adhere to the estimates, the auditors might say the expenditure was unlawful, and the unfortunate members would be liable to be sued.

MR. BURGESS objected to the provision which rendered all the members of the Board liable to be sued. Generally speaking, the funds were placed in the hands of the Chairman, and he thought that was the person who ought to be held responsible. He would move, as an amendment, That all the words after the words “Local Board” in the eleventh line, and before the word “of” in the twelfth line, be struck out, and the words “Chairman of the said Board,” be inserted in lieu thereof. This would remove the responsibility from the shoulders of the members of the Board and shift it on to the Chairman, who was really the person who ought to be liable if the funds of the Board were misappropriated.

MR. STEERE thought, if the amendment was carried, they would never get a man who would undertake to fill the office of Chairman; for, after all, the Chairman of a Board was not invested with any greater power than the other members, and, if the majority voted away money for any purpose, the Chairman would be powerless to prevent the expenditure. Surely, the hon. member would not have the Chairman held responsible in such a case as that.

MR. BURGESS said all moneys were generally paid away on the authority of the Chairman: certainly none could be lawfully expended without his authority.

Amendment put and negatived.

Progress reported, and leave obtained to sit again on Tuesday, 24th July.

IMPORTED STOCK ACT—AMENDMENT BILL.

IN COMMITTEE.

Clause 1, was adopted *sub silentio*.

Clause 2 repeals the third section of the Imported Stock Act of last year, and substitutes the following provision in lieu thereof: “No stock shall be imported into the Colony unless accompanied by “a certificate from a duly qualified veterinary surgeon, who shall be approved of “by some person authorised in that behalf by the Governor, that the stock “when placed on board the vessel conveying them were in a sound and “healthy condition, entirely free from any “contagious or infectious disease, or any “indications of it; or, in the absence of “such certificate, until such stock shall “have performed quarantine (as herein “after provided) and shall be certified by “some person in the Colony duly appointed in that behalf by the Governor “to be entirely free from any contagious “or infectious disease, or any indication “thereof.”

MR. MARMION thought it was unwise to limit the granting of the necessary certificate to “duly qualified veterinary surgeons approved of by some person authorised in that behalf by the Governor.” This would necessitate the appointment of such persons in every part of the world whence stock was likely to be imported into the Colony.

MR. STEERE said they must have some guarantee of the qualification of the person granting the certificate, otherwise it would be worthless.

MR. MARMION said the Act had been in force for about twelve months, and he did not suppose that any such appointment had been made by the Governor, which was a strong proof of the inutility of the proviso. He understood that, in some of the neighboring colonies, intending stock exporters had been unable to avail themselves of the provisions of the Act simply because the Government had

not provided the necessary machinery to carry it out. He happened to be in Melbourne when a very indignant article appeared in the *Argus*, commenting upon the provisions of the Act, and reflecting very injuriously upon the Government and the people of this Colony. He did his utmost to remove the false and injurious impression which the letter in question was calculated to create; at the same time he had no doubt the Government was to blame in the matter, in not having made the requisite provision for carrying out the Act. He did not mean to say that all the strictures contained in the letter which appeared in the *Argus* were well founded or just, but he thought it was a pity to interpose any unnecessary obstacles in the way of the introduction of stock, more particularly when there was every reason to suppose, as in the case of the neighbouring colonies, that such stock was clean.

MR. PADBURY, alluding to the charges made against the Government by the writer of the letter which appeared in the *Argus*, said the sheep imported by certain young Victorians in the *Lucy S. Wills* were not fit to travel when they reached Champion Bay, and it was owing to their impoverished condition that they were compelled to remain at Geraldton prior to proceeding to the interior. There was no necessity to put them in quarantine, for scabby sheep were almost unknown in Victoria, and the sheep in question were not diseased, but so impoverished as to be unfit to travel.

MR. MATTLAND BROWN considered the precaution as to certificates from duly qualified veterinary surgeons very necessary, and he thought the Government should have taken steps to appoint inspectors in the various countries whence we are likely to import stock. But the fact of the matter was, the Imported Stock Act was never in favor with the Government; indeed, it was passed by the House in direct opposition to the Government, and he regretted to think that the steps contemplated by the Act were not taken by the Government, so far as appointing persons to certify the condition of stock when placed on board ship for importation to this Colony. Possibly they had done so recently, but he believed he was correct in saying that no such steps had been taken six months after the

Act became law, and it was much to be regretted that such delay had taken place. With reference to the article in the *Argus*—although somewhat foreign to the question before the House—he might say that he had read it, and all he had to say with reference to it was that it afforded another illustration of the bounce—the word was not an elegant one, but he would ask the House to let it pass—of the people of Victoria, taking advantage of the fact that Western Australia happened to be a comparatively poor and insignificant Colony. There were exceptions of course—there were plenty of really fine fellows in Victoria—but there appeared to be a disposition on the part of our neighbours in that go-a-head Colony to lord it over Swan River very much after the manner in which Yankees swaggered over the mother country. There was not the slightest foundation for the remarks contained in the letter which appeared in the *Argus*. The real fact of the matter was, if the Local Government had not broken the law of the Colony, the sheep per *Lucy S. Wills* would not have been landed at all—they would all have been thrown overboard. He was glad to think that the Governor, in the exercise of his discretion, had displayed so much common sense as to act in contravention of the particular piece of legislation affecting the case in question, confident that the Legislature would ratify so sensible a line of conduct. He considered it was most outrageous on the part of the writer of the article in the *Argus* to stigmatise as he had done the action of the Local Government. A delay in the landing of the sheep, he admitted, did occur; but the only delay was that they could not be landed on Sunday. The Imported Stock Act was never intended to apply to the sister Colonies, and he hoped some hon. member, before the session closed, would bring in a motion excluding those Colonies from its operation.

THE SURVEYOR GENERAL (Hon. M. Fraser) read a letter which he had received from the writer of the article in the *Argus*, supporting the views therein set forth, but acknowledging the considerate treatment which the "young Victorians" had received at the hands of some of the Champion Bay settlers, and especially Mr. Thomas Burges.

MR. BROWN said he had been disappointed in listening to the letter just read by the hon. the Commissioner of Crown Lands. He had expected a recantation of the untruthful statements put forward in the *Aryus*, in which the Local Government was accused of a course of action directly contrary to that which it had pursued. When the Government deserved censure or blame, he was always prepared—possibly, too readily—to attach blame to them; but in the case referred to he felt bound to defend the course adopted by the authorities.

THE ATTORNEY GENERAL (Hon. H. H. Hocking) said it was never contemplated that the Government should appoint inspectors of stock in every part of the world; the intention was that persons desirous of importing stock to the Colony should apply for the nomination of a person authorised to act on behalf of the Government in granting the necessary certificate. Any such application would be entertained at once.

THE ACTING COLONIAL SECRETARY (Hon. A. O'Grady Lefroy) said he happened to be at Champion Bay with the Governor when the imported sheep per *Lucy S. Wills* arrived. His Excellency was most desirous that the stock should be landed without any unnecessary delay, but he naturally felt some hesitation in infringing the provisions of the law. The sheep in question came without a certificate from a veterinary surgeon, as required by the Imported Stock Act, and it was the duty of the "young Victorians" to have ascertained what the law was with respect to the introduction of stock, before bringing their sheep to the Colony. Every possible facility was afforded them on their arrival at Geraldton; the best place available for the sheep was placed at their disposal on landing; but owing to the extreme dryness of the season the country was parched up, and, owing to the lack of feed and water, it was impossible for the sheep to travel at once to their destination. When they came to anchor at Champion Bay, it was found that they had been so closely packed on board ship that many of them had died on the voyage. It was a bad time of the year to arrange for the landing of sheep in the Colony intended to travel overland to the interior, and he was sorry that the im-

porters had not exercised a wiser discretion, both as regards the season and making themselves acquainted with the provisions of the law bearing upon the importation of stock. Several letters had been received by the Government with reference to this matter, and care had been taken to reply to them, and to point out that more blame was attached to the importers than to the Government. He thought the strictures of the Victorian press on the action of the Government quite uncalled for. He had recently seen Mr. Butcher—one of the Victorians concerned—who had told him he was now quite satisfied it was not the Western Australian Government that ought to be blamed in the matter, but the importers themselves, who should have ascertained what the law of the Colony was in regard to the introduction of stock. The sheep introduced were now doing well, and Mr. Butcher had expressed himself exceedingly grateful to Mr. Burges for the great help which he had given the new comers in placing the sheep on as good pasture as the character of the season admitted, so as to strengthen them after their confinement on board ship, and enable them to travel to their destination.

Progress was then reported, and leave obtained to sit again on Monday.

The House adjourned at 11 o'clock, p.m.

LEGISLATIVE COUNCIL,

Monday, 23rd July, 1877.

Yatheroo Road: clearing surveyed line—Geraldton and Northampton Railway: expenditure in connection therewith—Swan River: improvement of navigation of, at Fremantle—Polling places—Money Grants—Pensions Bill: second reading: in committee—Ballot Bill: in committee—Imported Stock Act, 1876, Amendment Bill, 1877: in committee—Industrial Schools Act, 1874, Amendment Bill, 1877: in committee—Extradition Bill: third reading.

The SPEAKER took the chair at seven o'clock.

PRAYERS.